



Department
for Environment
Food & Rural Affairs

Call for evidence on booking systems at household waste recycling centres

Technical consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres

April 2022

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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recycling@defra.gov.uk

www.gov.uk/defra

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Introduction

The government believes that local taxpayers deserve a comprehensive waste and recycling service in return for the council tax they pay for local services.

Household Waste Recycling Centres (HWRCs) play an important role in helping people manage the waste they produce in a convenient and sustainable way. They play a key role in supporting kerbside collections and in boosting recycling. They need to be accessible to all residents – both in when they are available, and by not charging fees that some may be unable to afford. They help ensure waste is disposed of in a responsible way, rather than being fly-tipped.

Our Resources and Waste Strategy 2018 commits us to ensuring charging regimes are clear, and to ensuring that householders are not charged for depositing small-scale construction waste (“DIY waste”) at HWRCs.

Position today

Section 51 of the Environment Protection Act 1990 requires councils who are Waste Disposal Authorities to provide residents with a place to dispose of their household waste (usually HWRCs).

The Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 and **The Local Authorities (Prohibition of Charging Residents to Deposit Household Waste) Order 2015** prevent councils in England from charging residents to deposit household waste at HWRCs. Both Orders state that “household waste” has the same meaning as in section 75 of the 1990 Act as read with regulation 3 of, and Schedule 1 to, the **Controlled Waste (England and Wales) Regulations 2012** (‘2012 regulations’). The 2015 Orders were passed to clarify the legal position that householders should be able to dispose of their household waste for free.¹

In the 2012 regulations, “Waste from construction or demolition works, including preparatory works” is classified as industrial waste. Despite WRAP guidance to the contrary, some local authorities have continued to interpret this as including not only waste from the professional construction of buildings and their demolition, but also waste from DIY works a householder might undertake to maintain and enhance their property. As a result, in some areas, householders face charges to dispose of DIY waste at HWRCs. This is clearly against long-standing government policy, re-affirmed in 2016² after the passage of the 2015 Orders.

¹ DCLG, *Preventing ‘backdoor’ charging at household waste recycling centres*, March 2015.

² <https://questions-statements.parliament.uk/written-questions/detail/2016-11-23/54659>

In the 2018 Resources & Waste Strategy, the government stated: "It's important that local residents are able to dispose of their rubbish in a responsible and convenient manner. We will therefore ensure that charging arrangements in the Controlled Waste Regulations are clear, especially in relation to waste arising from small scale DIY construction activities carried out by ordinary householders with no specialist skills, which government has been clear should not be charged for. We will review Household Waste Recycling Centre services and the Controlled Waste Regulations and, subject to consultation, will amend them to ensure they remain fit for purpose, charges are fairly applied, and that services are accessible, support high levels of recycling, and deliver value for money" (p.75).

We are therefore consulting on the technical detail of our proposal to amend legislation so that local residents cannot be charged for disposing of DIY waste at their local HWRCs.

New Burdens

The New Burdens Doctrine (NBD) aims to make sure the local government sector gets the support they need.

DLUHC Ministers have decided to waive the NBD in relation to the DIY waste disposal proposal because this policy will ensure householders can dispose of DIY waste free of charge. This supports the government's wider strategy on environmental protection as it will remove a financial disincentive to dispose of waste properly. DLUHC has therefore decided that LAs, which currently charge householders to dispose of DIY waste, will be required to absorb any associated costs.

The NBD is government guidance. DLUHC Ministers have the right to deviate from government guidance if there is a good reason.

Amending the legislation will help ensure DIY waste is disposed of properly, reducing the risk of waste, such as plaster board, being placed in residual waste bins. It will also reduce the potential risk of fly-tipping, littering and backyard burning, creating additional costs for local authorities and causes environmental issues.

Audience

We welcome views from all relevant stakeholders including local authorities and other waste collectors, householders, representatives from the waste and recycling industry, trade bodies, businesses, non-governmental organisations, voluntary sector organisations, and others.

The government is not consulting on the principle of the reforms, which have already been set out in the Resources and Waste Strategy.

Responding to this consultation

Please respond to this consultation in the following ways:

Online using the citizen space consultation at <https://consult.defra.gov.uk/waste-and-recycling/consultation-on-diy-waste-and-call-for-evidence>

By email: recycling@defra.gov.uk

Or in writing to:

DIY waste consultation,
Consultation Coordinator,
Defra 2nd Floor,
Foss House,
Kings Pool,
1-2 Peasholme Green,
York,
YO1 7PX.

Duration

This technical consultation will run for 12 weeks. This is in line with the Cabinet Office's 'Consultation Principles' which advises government departments to adopt proportionate consultation procedures. The consultation opens on 11 April 2022 and closes on 4 July 2022.

Handling comments after the consultation

A summary of the responses to this consultation will be published at www.gov.uk/defra

The summary will include a list of names and organisations that responded, but not personal names, addresses or other contact details. However, information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties, or disclosure in accordance with access to information regimes, such as the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

If you want information, including personal data that you provide to be treated as confidential, please say so clearly in writing when you send your response to the consultation (if responding via mail or email) and explain why you need these details to be kept confidential. If responding via Citizen Space, you will be asked whether you would like your response to be treated as confidential or not. If we receive a request for a disclosure under the FOIA, we will take full account of your explanation, but due to the law we cannot provide any assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, gives details of your rights in respect of the handling of personal data.

Compliance with the consultation principles

This consultation is being conducted in line with Consultation Principles set out in the Cabinet Office guidance, which can be found at: <https://www.gov.uk/Government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

By email: consultation.coordinator@defra.gov.uk

Or in writing to:

Consultation Co-ordinator
Defra 2nd Floor,
Foss House,
Kings Pool,
1-2 Peasholme Green,
York,
YO1 7PX.

About you

Q1. Would you like your response to be confidential?

Yes

No

If you answered 'Yes' above, please give your reason.

Q2. What is your name? Paul Nelson

Q3. What is your email address?

This is optional, but if you enter your email address you will be able to return to edit

Paul.Nelson@northtyneside.gov.uk

your consultation response on Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Q4. Which of the options below best describes you?

Please tick only one option. If multiple categories apply to you, please choose the one which **best describes you** and which you are representing in your response.

- Local authority
- Local householder
- Waste management company
- Business representative organisation/trade body
- Product designer
- Manufacturer
- Distributor
- Retailer
- Operator
- Reprocessor
- Community group
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other (please provide details)

Q5. If you are responding on behalf of an organisation, what is its name?

North Tyneside Council

Proposal

To clarify in legislation when construction waste should be treated as DIY waste and should therefore be classified as household waste. We have set out in Appendix A the types of waste materials that might be included in DIY waste, however, this is a non-exhaustive list.

We consider DIY activities to include any construction work, such as building, decorating, or repairing activities, carried out by householders by themselves in their own homes. This would not include, for example, a whole house renovation, or any work done by a tradesperson, but it might include the householder tiling a kitchen, plumbing in a sink, plastering a room, building and installing shelving, building a raised bed for a garden etc.

The government's policy is clear that householders should not be charged to dispose of DIY waste at HWRCs. We propose that construction waste should be considered DIY Waste and classified as household waste in the 2012 Regulations when it meets certain criteria. We propose that these criteria are:

- The construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the 2012 Regulations as including improvement, repair or alteration.
- The construction waste is not produced as a result of commercial activities or by a commercial contractor charging for work in a domestic premises.
- The construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car).
- The construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

The proposed criteria are intended to allow householders to deposit DIY waste for free (as it should be treated as household waste) but for local authorities to still be able to charge for other construction waste, which is classified as industrial waste. For example, if a householder brought more than 300L of construction waste to the HWRC or brought 300L of construction waste to the HWRC on a regular basis, it would not be DIY waste and could be charged for. Equally, if a tradesperson brought any amount of construction waste, it would still be industrial waste.

Q6. Do you agree or disagree with these technical principles when the government amends the 2012 regulations?

- Agree
 Disagree

If you answered 'Disagree' above, please give your reason.

The Authority currently charges residents to dispose of non-household waste and believes the system is clear, consistently applied and understood by residents.

The Authority has concerns that should the criteria be implemented it would be very difficult to apply. For example, there is no way of knowing if a tradesperson created the waste on behalf of a householder, or indeed which home the waste originates from.

Additionally, in practice it would be very difficult on site to apply a size test to the waste brought to site, e.g. 300 litres, and there is no practical way for site staff to monitor frequency of visits alongside consistency of materials brought to site. This would of course be made even more difficult for Authorities who operate multiple sites.

Furthermore, if future legislation requires the removal of a booking system there is no practical way to measure and monitor visits by individual residents.

Q7. Given the government’s stated policy, do you agree or disagree with these tests on whether construction waste should be treated as DIY waste and classified as household waste, and should not be charged for when disposed of at a HWRC, when:

	Agree – this should be included	Disagree – this should be excluded	Not sure / don’t have an opinion / not applicable
The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home	<input type="checkbox"/>	X	<input type="checkbox"/>
The waste does not arise from activities that generate an income for the person who carried them out	<input type="checkbox"/>	X	

<p>The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week</p>	<input type="checkbox"/>	X	<input type="checkbox"/>
<p>The volume of waste is no greater than 300L (based on the approximate boot size of a family car)</p>	<input type="checkbox"/>	X	<input type="checkbox"/>

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Q8: If you have disagreed with the inclusion of any of the above criteria, please state why, indicating which part of the criteria you are referring to in your response.

Point 1 – The Authority has concerns that should the criteria be implemented it would be very difficult to apply. For example, there is no way of knowing if a tradesperson created the waste on behalf of a householder, or indeed which home the waste originates from.

Point 2 – As above.

Point 3 – There is no practical way for site staff to monitor frequency of visits alongside consistency of materials brought to site. This would of course be made even more difficult for Authorities who operate multiple sites. This in effect means that the HWRC would experience visits from residents disposing of this type of waste more frequently than once a week and could be left open to abuse from commercial contractors.

The Authority currently records the number of visits residents make to the HWRC using a booking system. We are aware that Government is monitoring this situation and is seeking evidence for rationale and future plans. In practice such a system provides great benefit in balancing demand with available site capacity and does provide an audit trail of who has visited the site, however on site it is extremely difficult to consistently monitor the type of waste being brought to site by individual residents.

Point 4 – The volumes of acceptable waste could be confusing for residents, e.g. a bath and shower screen are on the list of in-scope products. The Authority feels that these examples are likely in many cases to fail the “300l or average family car boot test” and could cause dissatisfaction on site and potential conflict. The criteria would make it difficult for site staff to assess and enforce these rules.

Q9: Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as household waste?

n/a

Call for evidence on booking systems at HWRCs

Government believes that it is important that local residents are able to dispose of their waste in a responsible and convenient manner. As we move away from restrictions caused by the pandemic, it is now important we move back to normality. There is increasing concern that in some cases booking systems are discouraging HWRC use, with a risk of both increased residual waste and fly-tipping as a result.

Our [Resources and Waste Strategy \(2018\)](#) commits to review HWRC guidance. The Environmental Protection Act 1990 requires Waste Disposal Authorities to provide HWRCs which are “available for the deposit of waste at all reasonable times”. This is potentially hard to reconcile with many booking systems, particularly those with a limited supply of appointments, or which seek to place additional burdens on local residents using them.

We are interested to understand the approach your authority intends to take in this respect, any rationale you have for maintaining the use of booking systems in place and any evidence you may have on the impacts on recycling levels in your area. We plan to review the number of booking systems which remain in place later in the year.

Q0: Do you currently have a HWRC booking system in place?

- Yes
- No

Q1: What type of booking system do you operate?

- Residents contact us to book a specific slot
- Residents use sites at certain times based on address, number plate, etc.
- Other (please specify)

Q2: Please outline the key reasons why you have a booking system in place.

The booking system was introduced to enable the Authority to re-open the site in a socially distanced and ‘covid secure’ manner during the pandemic. This is a very popular site and the Authority’s only HWRC, serving 100,000 households. The booking system has helped to manage demand to site and minimise long queues which have previously affected the flow of traffic around the entrance to the site. It has enabled us to keep a record of who has visited the site and monitor usage. It has reduced the number of people misusing the site and ensured there is space on site for residents to move around freely. It has made it easier for site staff to spot any residents that may need assistance to dispose of their waste and gives visitors time to pick the right window or bay to place their waste into. Feedback from residents about the booking system has been, and continues to be, positive. The latest resident survey showed satisfaction with our household waste recycling centre site has increased by 3% since the introduction of the booking system.

Q3: Please outline the key reasons why you do not have a booking system in place. N/A

Q4: What are your future plans for the booking system?

Retain indefinitely

Retain until some point in 2022

Unsure

In the process of removing

Will remove by a certain date

Other (please specify)

Q5: Please outline any evidence you have on the impacts of booking systems on recycling levels in your area.

Data shows that since the introduction of the booking system, when people were working from home, recycling at the kerbside increased by 18%, meanwhile contamination levels fell to just over 12%. The number of appointments made at the HWRC since the introduction of the system is approaching 500,000, demonstrating significant use by residents. The booking system has enabled us to control the flow of traffic on site at any one time and help, where needed, to ensure that the correct materials are recycled. Since the introduction of the permit scheme, we have seen an increase in recycling of 5.3%.

Q6: Please outline what other restrictions, if any, you impose on residents bringing waste to your HWRC? For example, limits on size, or on vehicles type can use.

For safety and operational reasons the following vehicles are prohibited from entering the Household Waste Recycling Centre:

- Vehicles over 2m high
- Vehicles over 6m Long
- Vehicles exceeding 3.5 tonne weight
- Trailers exceeding 3m in length, including the tow bar.

Q7: Do you use measures such as ANPR or similar approaches at your HWRCs?

N/A

On both issues, the government is of the view that there are no likely significant impacts of the proposals on those who may have protected characteristics under the Public Sector Equality Duty. Any changes will improve the provision of waste and recycling services to the general public.

Appendices

Appendix A - Materials in scope

The materials listed in the table below are the kinds of materials that would be in scope for DIY waste and therefore, where the criteria for DIY waste has been met, should be accepted at HWRCs free of charge from households in the area.

Waste types in scope	Products in scope
Plastic or fibreglass	Shower trays
	Bath – plastic
	Shower screen
	Guttering
	Drainage and sewer pipes
Other	Insulation material
	Roofing felt
	Carpet & linoleum
Rubble	
Bricks	
Hardcore	
Concrete	Breeze blocks
	Paving slabs
	Lintels
	Mortar and rendering
	Cement board

	Mixed or powder
Glass	Plate/sheet glass
	Shower screen
	Tiles
	Furniture shelving, table tops
Gravel	Construction or landscaping gravel or pebbles
Pottery, ceramic and porcelain	Bath
	Bidet
	Shower tray
	Sink or wash hand basin with pedestal
	Tiles (floor, wall)
	Toilet with cistern
	Drainage and sewer pipes
Sand	Sharp
	Play pit
	Sandbags (used flood defence by householders)
Slate	Roof/slate
Soil	Soil and clay
Stone	Flagstones
Tarmac	
Turf	

Tile	Floor/wall/roof
Plaster and gypsum-based items	