

Minutes of Portfolio Holder (Environment and Economy) Decision Making Session held on 11 January 2011

Present:

Decision Maker

Councillor Alan Cockburn (Portfolio Holder for Environment and Economy)

Officers

Glenn Fleet – Manager Waste Management.

Janet Purcell, Executive and Member Support Manager

1. General

(1) Member Declarations of Personal and Prejudicial Interests

None.

(2) Minutes of meeting held on 16 December 2010.

Resolved

That the minutes of the meeting held on 16 December 2010 be approved as a correct record.

2. DEFRA Waste Management Consultation Responses

Councillor Alan Cockburn, Cabinet Portfolio Holder for Environment and Economy, considered a report from the Strategic Director of Environment and Economy proposing a response to the Department for Environment, Food and Rural Affairs (DEFRA) consultation on controlled waste regulations.

Councillor Cockburn considered and agreed the draft response for submission to DEFRA.

Resolved

That the Cabinet Portfolio Holder (Environment and Economy) approves the response to DEFRA's consultation on the *'Review of Schedule 2 of the Controlled Waste Regulations (1992) – Proposal for amending and updating the legislation'*, as set out in the appendix to these minutes.

3. Any Other Urgent Business

None.

The meeting rose at 12.18 p.m.

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Portfolio Holder (Environment and
Economy)

Cabinet Portfolio Holder for Environment & Economy Decision Making Session
11 January 2011 – Minute 2 - Appendix

Warwickshire County Council

Consultation Response to Defra for

"Review of Schedule 2 of the Controlled Waste
Regulations (1992) - Proposal for amending and
updating the legislation"



Option 1 - Do you agree with our assessment that publishing guidance on the current Controlled Waste Regulations (CWR) rather than amending the regulations would not be an effective means of tackling the problems with the legislation? If not, please set out why you would prefer guidance.

WCC Response

Yes, WCC agrees. In the past guidance has often lead to more confusion, and solve few of the real problems with the Controlled Waste Regulations. The key issue of the disposal cost needs to covered through changes in legislation.

Introduction of new charges as laid out in the draft legislation, should be available to be introduce from 1 April 2011.

Option 2

Question 1. Do you agree that waste from tents should be classified as commercial waste?

WCC Response

Yes, WCC agrees. Tents do not produce day to day domestic waste, but are instead part of a commercially sold holiday experience.

Question 2. Do you agree that waste from caravan sites or parts of caravan sites, not licensed for permanent domestic accommodation, should be classified as commercial waste?

WCC Response

Yes, WCC agrees. Non permanent domestic caravans do not produce day to day domestic waste, but are instead part of a commercially sold holiday experience.

Question 3. Do you agree that waste from properties used for the provision of self-catering accommodation and registered for business rates should be classed as commercial waste?

WCC Response

Yes, WCC agrees. Holiday rental accommodations do not produce day to day domestic waste, but are instead part of a commercially sold holiday experience. They should be classed the same as caravans and tents.

Question 4. Do you agree that local authorities should be entitled to charge charities for disposal of the waste they produce?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. Local authorities should not be expected to blanket fund charities by providing free disposal. This does not encourage waste minimisation, reuse or recycling.

Question 5. Do you agree that waste from premises used for public meetings should be classified as commercial waste?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. Local authorities should not be expected to blanket fund public meeting places, especially when they are used for social and entertainment purposes. This does not encourage waste minimisation, reuse or recycling.

Question 6. Do you agree that waste from Royal Palaces should be classified as commercial waste?

WCC Response

Yes, WCC agrees. A palace is not a day to day domestic property.

Question 7. Do you agree with the reclassification of non-clinical waste from GP surgeries?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. The current system does not encourage waste minimisation, reuse or recycling. WCC also agrees that local authorities should not have a duty to collect Clinical Waste from medical establishments.

Question 8. Do you agree that local authorities should have the power to charge educational institutions for disposal of their waste?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. The current system does not encourage waste minimisation, reuse or recycling.

Question 9. Do you agree that litter collected on premises occupied by educational establishments should be charged for in the same way as other non-hazardous waste generated on the site?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. And will encourage waste minimisation, reuse and recycling.

Question 10. Do you agree that local authorities should have the power to charge hospitals and nursing homes for disposal of their waste?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. The current system does not encourage waste minimisation, reuse or recycling.

Question 11. Do you agree that the term 'care home' is equivalent to 'residential home', and that 'nursing home' is equivalent to care home with nursing?

WCC Response

Yes, WCC agrees.

Question 12. Do you agree that local authorities should have the power to charge residential homes for disposal of their waste?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. The current system does not encourage waste minimisation, reuse or recycling.

Question 13. Do you agree that local authorities should have the power to charge penal institutions for disposal of their waste?

WCC Response

Yes, WCC agrees. This is in accordance with the polluter pays principle. The current system does not encourage waste minimisation, reuse or recycling.

Question 14. Do you agree that decisions of collection and disposal charging are best made by individual local authorities, and therefore the discretion on whether to charge or not should be retained for collection and extended to the proposed new power to charge for disposal?

WCC Response

No, WCC does not agree. The current system that exists in England and Wales regarding the plethora of different collection and recycling systems is much hated by the public. To give the option of further disparity on disposal charging would not be desirable. Making charging discretionary may even lead to some authority's being pressured into not charging by some national organisations.

WCC strongly believes in the polluter pays principle, as a tool for sustainable waste management. Making disposal charges discretionary undermines these core values.

Question 15. Is there any reason why the duty to make arrangements, if asked, to collect waste from institutions listed in the table at paragraph 4 of the schedule should not be retained?

WCC Response

No. This is an important duty, especially for those organisations in rural and marginally areas, that commercial companies are not interested in. It is essential however, that local authorities cover there costs from such collections, and they do not end up being subsidised by the council tax payer.

Question 16. Do you agree with the principle of postponing the introduction of disposal charging? If so, do you consider twelve months to be an appropriate period of time?

WCC Response

No, WCC does not agree. The current legislation has already been in place for too long resulting in Waste Disposal Authorities covering cost for other organisations. WCC strongly believes in the polluter pays principle, as a tool for sustainable waste management. Delaying any introduction of this legislation undermines these core values. As such WCC believes that any new legislation should take effect from 6th April 2011.

Organisations who in future will be charge disposal cost should face the increase in costs head on and i) work to reduce their waste production, and ii) maximise recycling on the remaining waste.

Question 17. Do you think that the current definition of clinical waste in the regulations is useful? If not, what would you consider to be a better definition?

WCC Response

Yes WCC believes that this is clear.

Question 18. Is the new definition of a 'residential hostel' clearer? Does it exclude any types of hostel which you consider should be included?

WCC Response

Yes WCC believes that this is clear.

Question 19. Do the new regulations make it clear that waste arising from domestic caravans and vehicles at a transit site is household waste?

WCC Response

Yes WCC believes that this is mainly clear. WCC would, however, like clarification as to whether i) the legislations is only referring to official sanctioned transits sites and ii) that transit sites can be subject to all the policies that councils have put in place regarding other domestic properties, such as no side waste, alternate week collections, limited residual waste capacity.

Question 20. Do you agree that charity shops and re-use organisations should benefit from free waste disposal?

WCC Response

No, WCC does not agree. WCC is strongly opposed to any such measures being introduced.

Charity Shops

Currently the majority of charity shops in Warwickshire do not receive free disposal. There are in the region of 100 charity shops in Warwickshire. Even if each of these shops only had a 240L bin of waste collected each week, this would cost WCC an additional £61,000 a year to dispose off. At the same time Warwickshire would see not tangible benefit for this increase in costs. While the government would see £54 from each tonne of this “free” disposal directly paid back to it from local authorities as landfill tax.

Charity shops primarily exist to raise money for charities, not to save waste from landfill. As such these shops should work independently from local authority support. If they are given “free” disposal due to the reuse element of there work, then why should second hand book shops, antiques shops, vintage clothing store or pawn shops not have the same service?.

Although WCC recognises the intention behind this proposal, it believes that if central government wishes to implement this scheme then it should be funded centrally, or at the very least be exempt from landfill tax.

Reuse Organisations

WCC believes that reuses organisations should not benefit from “free” disposal. Instead WCC believes that the system of reuse credits should be made more universal for profit organisations which run schemes which directly divert waste from landfill for the benefit of the local authority, i.e. third sector furniture reuse schemes’. WCC does not believe that reuses credits shops be paid to charity shops, as these primarily exist to raise money for charities, not to save waste from landfill.

If “free” disposal is offered to all reuses organisations then would it also be available for second hand book shops, antiques shops, vintage clothing store or pawn shops, that do a small amount of refurbishing?

Question 21. Do you consider that the restriction of free waste disposal to waste originating from a domestic property is practical?

WCC Response

No WCC does not. It would be an unenforceable logistical nightmare.

As outlined in the response to question 20 (above) WCC is strongly opposed to “free” disposal being introduced for charity shops or reuse organisations.

Question 22. If you are a waste disposal authority, would you be willing to accept all goods from charity shops for free disposal in order to reduce the administration burden? If so, do you think the legislation should refer to all goods, rather than specifying goods originating from domestic properties?

WCC Response

No, WCC would not be. As outlined in the response to question 20 (above) WCC is strongly opposed to “free” disposal being introduced for charity shops or reuse organisations. As such it would not want to take any of these disposal costs on, especially those originating from non domestic properties.

It is also unclear to WCC if new goods which many charity shops sell such as crafts, cards, jewellery, and the associated packaging would be eligible for free disposal.

Question 23. Are any safeguards necessary to ensure that commercial waste is not channelled through charity shops and reuse organisations in order to avoid disposal charging?

WCC Response

As stated in the response to question 21 this proposed scheme would be an unenforceable logistical nightmare. WCC can not see what safeguards could be put in place which would have any real effect.

Question 24. Do you agree that the new structure is clearer? Please identify any wastes which are missing from the new Schedule which you believe should be listed in these Regulations

WCC Response

Yes WCC agrees that the new structure is clearer. There are, however, some areas which WCC believes need to be considered further.

- If establishments such as transit sites, charity shops and reuse organisations, storage units etc are to be treated as “household” waste, then may the councils use the same policies and collection methods, as it does for its standard domestic collections. i.e.

- i. Alternate Week Collection
 - ii. Limited size of bin and introducing no side waste policies
- Does waste arising from properties vacated by tenants which landlords clear, class as domestic or commercial waste? If said landlord has withheld the security deposit for such clearance and thus effectively taken payment, does this change its status? In this regard if the local authority is acting as a landlord do the same rules apply?

Question 25. Is the proposed hierarchy clear and easy to follow? Please highlight any conflicts between the tables, or perverse consequences of the proposed hierarchy.

WCC Response

Yes, WCC agrees. There are, however, some areas which WCC believes need to be considered further.

- Why does the proposed new legislation allow a collection charge for green waste but no disposal charge? - In two tier areas this could create conflict as a break even service for a WCA could result in an increase in cost to a WDA. If this collection service can be charged for then why not disposal? The ability to charge for both elements of this service may prove more encouraging for home composting.
- Why does the proposed new legislation allow a collection charge for clinical waste but no disposal charge? – In two tier areas this could create conflict as a break even service for a WCA could result in an increase in cost to a WDA. If this collection service can be charged for then why not disposal?
- Why have storage units been included as household waste? – WCC does not fully understand what waste this would affect, and what the term “private storage premises” covers. The ambiguity could lead to conflict.