

MINUTES of the meeting of the **ENVIRONMENT AND INFRASTRUCTURE SELECT COMMITTEE** held at 9.00 am on 11 October 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 29 November 2017.

Elected Members:

(* = present)

- * Mr Bob Gardner (Chairman)
- * Mr Wyatt Ramsdale (Vice-Chairman)
- Mrs Mary Angell
- Mr Bill Chapman
- * Mr Stephen Cooksey
- Mr Paul Deach
- * Mr Jonathan Essex
- * Mr Matt Furniss
- * Mr Eber A Kington
- * Mrs Bernie Muir
- * Mr John O'Reilly
- * Mr Stephen Spence
- Mrs Lesley Steeds
- Mr Richard Walsh
- * Mr Richard Wilson

Substitute Members:

Dr Peter Szanto

In attendance

Mike Goodman, Cabinet Member for Environment

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Mary Angell, Bill Chapman, Lesley Steeds, and Richard Walsh.

Peter Szanto acted as a substitute for Mary Angell.

27 DECLARATIONS OF INTEREST [Item 2]

There were no declarations of interest.

28 QUESTIONS AND PETITIONS [Item 3]

None received.

29 CALL IN: CONSULTATION ON PROPOSED CHANGES TO SURREY'S COMMUNITY RECYCLING CENTRES (COST REDUCTIONS) [Item 4]

Declarations of interest:

None.

Witnesses:

Richard Parkinson, Waste Operations Group Manager

Mike Goodman, Cabinet Member for Environment

Key points raised during the discussion:

1. The Committee was provided by a number of papers by officers and Members of the Committee. These are included as an annex to the minutes.
2. The Members that called in the process were invited to put forward their views and ask questions. The Committee was informed that the call in process had not been used lightly, and that the concerns set out in the papers would be addressed in turn:

Accuracy of fly-tipping data

3. Members confirmed that the council did not collect data for fly-tipping incidents on private land. It was raised that any policy should not adversely affect private land owners, as Surrey taxpayers. It was also noted that the Committee was being presented with additional fly-tipping data that had not been available for Cabinet at the time the decision had been taken.
4. Officers commented that fly-tipping data had been presented to the Committee on two recent occasions. The Committee was informed that the data in question demonstrated there had been reduction in fly-tipping in respect to chargeable waste, such as construction and demolition waste, and that this evidence would support the Cabinet decision.
5. The Committee sought clarity on the detail of the fly-tipping figures. It was confirmed that the tonnage was that collected by district and boroughs and disposed of by the Council. Officers acknowledged that it was difficult to confirm the accuracy of this data, and different methodologies were applied by the different district and boroughs. It was on this basis that the data needed to be considered with a number of caveats, and had not been included in the Cabinet report.
6. The Committee was informed that district and boroughs had been consulted regarding the proposals, and that there had been concerns about the impact of the decision. The Cabinet Member acknowledged that the decision had been a difficult one for Cabinet, although it reflected the financial position of the Council and need to identify savings.

[Bernie Muir joined the meeting at 9.22am]

7. The Committee observed that household waste fly-tipping had increased, and queried whether the change in policy would see a further increase. Officers commented that modelling for any proposal had to be based on past trends, and that evidence demonstrated that

an introduction of charges had not led to an increase in fly-tipping. It was noted that construction waste had reduced by 75% since an introduction of charges and there was no comparative increase in reported fly-tipping.

8. The Committee was informed that the contractor had been commissioned to review where other local authorities had introduced charging. Officers commented that there were issues in making clear comparisons due to the different methodologies for collating fly-tipping data in different authorities.
9. The Cabinet Member acknowledged that a recommendation had been made by the Committee in respect to improving data for fly-tipping on private land. It was proposed that work would commence with larger private land owners, such as the National Trust and Surrey Wildlife Trust, to capture any reported concerns and resolve issues. The Cabinet Member anticipated a future update to the Committee and the Surrey Waste Partnership to update on how this had progressed.

Opening times

10. Committee Members commented that the opening times had been tabled at the Cabinet meeting with no assessment on how this would impact on traffic or accessibility. The Cabinet Member expressed the view that the Committee had been engaged following the public consultation, and the new opening times had been developed following the recommendation it had made. It was noted that work had been undertaken to ensure that there were community recycling centres open seven days a week in order to take the Committee's views into account. Officers highlighted that there had been work undertaken to ensure that disruption to residents was minimised by the proposals that had been drawn up.
11. Committee Members commented that the principles behind the proposed opening times had been covered when the item had been considered on 7 September 2017. Members expressed the view that communicating the changes to residents should be a priority.

Legal position on charging

12. The Committee reviewed the documentation from the Department for Environment, Food & Rural Affairs (DEFRA). It was confirmed that legal advice had been sought by officers and the Cabinet Member, and that there was no legislative grounds on which to challenge the charging proposals.

Other options for consideration

13. Committee Members shared proposals they had prepared to deliver the required savings through other mechanisms, such as increasing the quality of recycling collected. The Cabinet Member acknowledged that these were for a consideration by the Surrey Waste Partnership, and would not be within the power of the Council alone to implement. It was acknowledged that there was a need to consider the capital and revenue costs of implementing any new proposals, and that this require some negotiation between the various waste partners. The

Committee was informed that the changes to community recycling centres would deliver savings from December 2017, where these proposals would require more time. The Cabinet Member agreed to review the feasibility of the tabled proposals with officers and the Surrey Waste Partnership.

14. The Committee voted on whether the Cabinet decision should stand. Seven Members voted to support the decision, and four against. There were no abstentions.

Recommendations:

The Committee recommends:

- That the Cabinet decision regarding community recycling centres on 26 September is implemented
- That the Committee receives a report on the actions taken to improve data capture of fly-tipping on private land (in three months)
- That the Surrey Waste Partnership consider the options presented to the Committee and report back at a future date.
- That services share an update detailing plans to communicate changes to residents with the committee

30 DATE OF THE NEXT MEETING [Item 5]

The Committee noted the next meeting would be held on 29 November 2017 at 10.30am.

Meeting ended at: 10.25 am

Chairman

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Environment and Infrastructure Select Committee

11 October 2017

Call In response

1) Cabinet's data on fly-tipping is inaccurate and should not inform decision making as to the potential effects of increasing charges

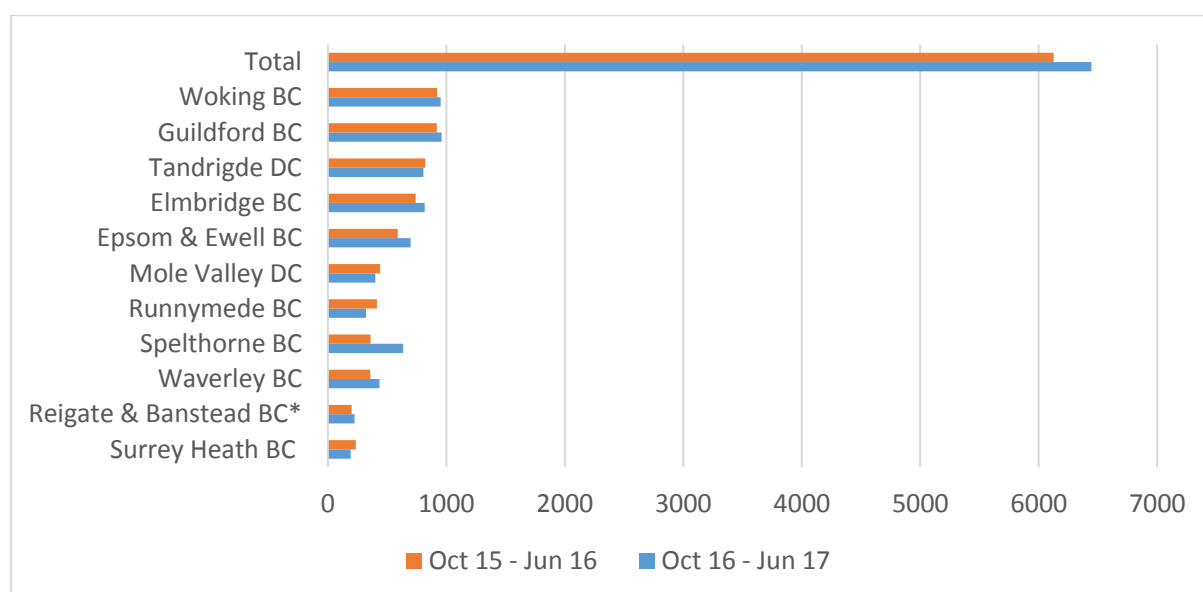
The data on fly-tipping that Cabinet considered originates from fly-tips that are collected by district and borough councils, and are taken to Surrey's waste transfer stations where they are weighed and disposed of. In 2016/17, since changes have been made at the CRCs including the introduction of the chargeable non-household waste scheme for some types of non-household waste, the amount of fly-tipped waste taken to Surrey's waste transfer stations by district & borough councils has gone down by more than 1,000 tonnes.

This information won't include any fly-tips that occur on private land, as district and borough councils are not responsible for clearing this. Private landowners, occupiers and managers have a responsibility to clear waste that is illegally dumped on their land and ensure that it is disposed of responsibly.

Separately, as waste collection authorities, district and borough councils have a statutory duty to submit waste data returns including fly-tipping incidents to the national waste reporting system – Waste Data Flow. This data can be downloaded from Waste Data Flow once it has been validated by DEFRA. In some cases there can be a 3-6 month lag in obtaining this information because of how the data is submitted and the validation that is required.

The county council has obtained data for the latest available period since the CRC charging waste scheme came into operation in September 2016, which is the period October 2016 to June 2017. **Graph 1** below shows an overall increase in fly-tipping incidents reported by district and borough councils.

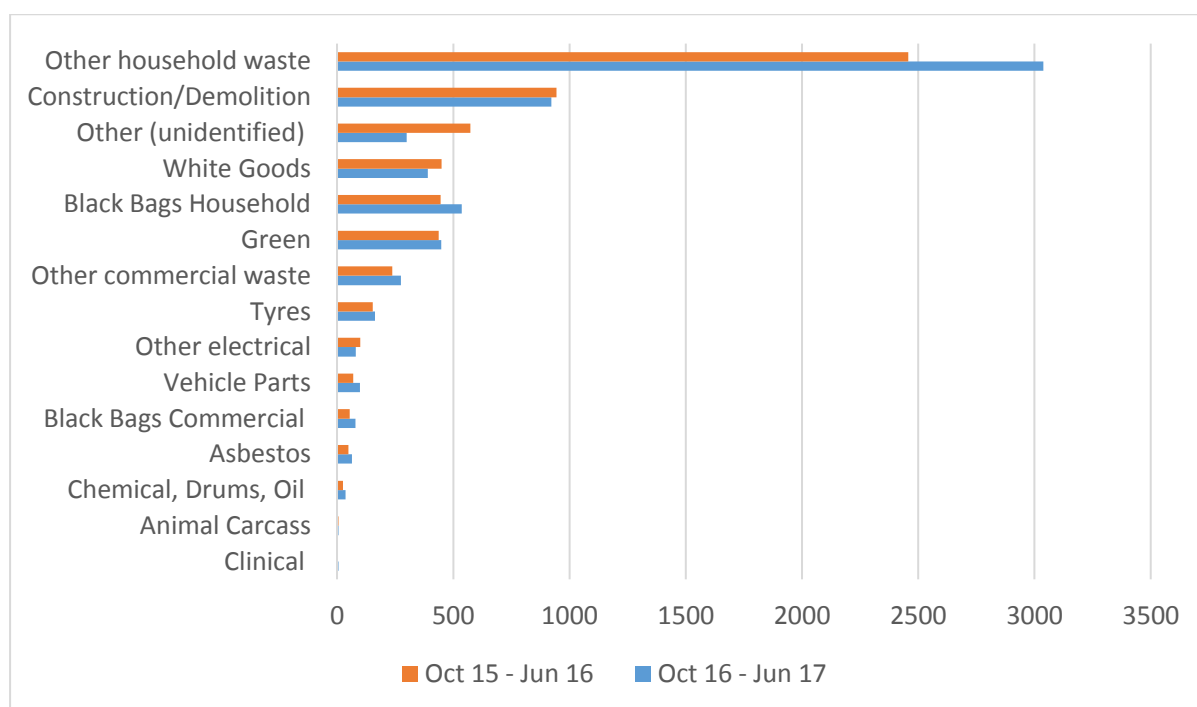
Graph 1: Fly-tipping incidents reported by district and borough councils Oct 15 – Jun 16 to Oct 16 – Jun 17



* Reigate and Banstead data return is Oct – Mar, as Apr – Jun 17 has not been submitted to Waste Data Flow

The county council have looked into the type of incidents reported in this period, and construction/demolition related incidents have dropped, as shown in **Graph 2** below. The increase in incidents seem to be linked to household waste, which could have been taken to a CRC free of charge.

Graph 2: Fly-tipping incidents by waste type reported by district and borough councils Oct 15 – Jun 16 to Oct 16 – Jun 17



Nationally DEFRA have reported that overall fly-tipping incidents have been on the increase since 2012/13 with 711,000 incidents reported in England in that year compared to 938,000 incidents in 2015/16 (32% increase). In that same period, Surrey's reported position has fallen below the national increase level with 6,450 incidents in 2012/13 compared to 7,567 incidents in 2015/16 (17% increase).

DEFRA have indicated that the national increase could be related to improvements in reporting and more public awareness of fly-tipping. The county council believe since the Surrey fly-tipping prevention strategy launched in June 2016 with district and borough councils and other agencies, there has been more awareness of fly-tipping and how the public can report this, which could be a contributor to the increase in incidents being reported. The partnership has worked hard to prevent fly-tipping in the county and the main highlights of this work so far include:

- Educating residents and businesses in two countywide campaigns in the summer of 2016 and 2017. More information can be found on www.recycleforsurrey.org.uk/fly-tipping
- Stronger working relationships developed with a variety of key stakeholders including private landowners.
- Better intelligence gathering and sharing amongst partners in the strategy.

- Trialling of new technology including forensic coding solutions and high definition CCTV.
- A number of successful prosecutions against fly-tippers including fines, community service orders, vehicle seizures and custodial sentences.
- Use of recently enhanced enforcement powers such as Fixed Penalty Notices for low level fly-tipping with the one of the highest issue rates in country.

The prosecution outcomes since the strategy launched in June 2016 can be found in **Table 1** below.

Table 1: Prosecution outcomes in Surrey since June 2016

Prosecution Type	Number
Paid FPN's	30
Fines	19
Absolute/Conditional Discharge	4
Community Service Order	3
Custodial sentence	1

2) No chance for committee to scrutinise the new opening arrangements for CRCs as these were tabled at the meeting

The Environment and Infrastructure Select Committee agreed to the proposal that CRCs are closed on quieter days of the week, and recommended that a strategic network of sites remain open for 7 days week. The day closure plan that was presented to Cabinet is in alignment with the request from the committee.

3) Government advice on charging for DIY waste contradicts Cabinet decision and could lead to loss of income if charges are ruled to be illegal

In April 2017, government launched the litter strategy for England. In the strategy they said they would work with WRAP and local authorities to review current guidance to make clear what we can and cannot be charged for at recycling centres.

In providing community recycling centres, the Council is required to comply with the law , which in this case is the Environmental Protection Act 1990 (EPA 1990) and the Controlled waste Regulations 2012 (CWR 2012). Both EPA 1990 and the CWR 2012 define controlled waste as either household, industrial or commercial. The CWR 2012 makes it clear that waste arising from construction or demolition works including preparatory works is defined as industrial waste, and therefore the county council does not have any obligation to accept this waste free of charge at its community recycling centres. The CWR 2012 also states that the term 'construction' includes improvement, repair or alteration. The term 'DIY' is not defined in the EPA 1990 or CWR 2012, and therefore has no legal meaning.

Therefore, the county council can choose not to accept these materials, put limits on the amount we accept and/ or charge to accept it at its CRCs

Neither the Litter Strategy or the WRAP guidance have any legal status and whilst the government may have a view that DIY waste is household waste, this has no basis in law.

The county council will review any guidance that government issues on this, however they will have to change the relevant legislation, which they have so far indicated that they will not be doing.

4) No evidence that invest to save opportunities to accelerate rise in recycling rate to deliver savings have been considered as an alternative

Over the last few years the Surrey Waste Partnership have delivered a programme of work targeted to improve the rate of recycling at the kerbside. The key achievements from this work include:

Textile campaigns

- This campaign led to a 25% increase in textiles collected in 2015, and further 7% of textiles collected in 2016.
- This campaign also received recognition in the form of the LGC campaign of the year award and CIWM Effective Marketing and Communications Campaign Award.

Food waste intervention

- More than 294,000 bins were stickered and 255,000 households received leaflets or liners and leaflets.
- It also led to a 19% increase in food waste being collected.

Contamination campaign

- Service guides delivered in eight authorities.
- Search tool launched - nearly 40,000 searches and over 3,000 app downloads in first six months.
- Doorstep engagement campaign engaged with 11,000 residents.

Waste buster

- Online education programme provided to all Surrey state primary schools.
- 60% of schools now using the programme.
- Homework challenge engaged 43 schools and over 7,000 children to get their families involved in recycling too.

Policy changes

Healthcare waste: Policy to only collect hazardous healthcare waste in separate collection agreed and implemented by the partnership.

Non-domestic waste Policy to charge disposal costs for waste not classified as domestic by the Controlled Waste Regulations agreed by the partnership. Exercise carried out to update average weights of this waste

There is also a whole programme of activity already underway and planned for the year ahead via the Surrey Waste Partnership to improve the rate of recycling at the kerbside. This work includes:

- Flats improvement programme – delivering tailored service improvements and communications.
- Food waste and Dry Mixed Recyclables campaigns
- Service guide distribution - A mailing of localised leaflets to all households

- Vehicle livery - Long term set of consistent livery is created for authorities who wish to use it, to promote a high level positive message about recycling.
- Wastebuster schools programme – building on the success of the programme.
- Template waste collection policy
- New property planning guidance

Also Joint Waste Solutions (JWS) formed this year to manage waste collection for four Surrey councils, Elmbridge Borough Council, Mole Valley District Council, Surrey Heath Borough Council and Woking Borough Council. The four authorities currently recycle an average of 55% of waste, and believe that access to new technologies will help them to improve services and communicate consistently with residents, enabling them to recycle more.

Separately, and as stated in the Cabinet report, the county council are also working on initiatives at CRCs such as the reuse shops and black bag sorting, which look to divert materials from landfill, and therefore improve the rate of recycling at CRCs.

The changes recommended in the cabinet report are also required on top of these initiatives to deliver the medium term financial plan.

Richard Parkinson
Waste Operations Group Manager

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Short Discussion Paper – Alternative Options to bridge funding gap through increasing recycling revenue. 11 October 2017.

Increasing the quality and quantity of recycling as an approach to reducing the waste budget has three advantages:

- Increasing revenue through improving and extending service which is well loved by Surrey residents;
- Increasing revenue contributes directly to meeting SCC recycling targets; and
- Greater long-term revenue potential than CRC proposals and reduction of recycling credits, both of which could stall recycling rates and make this harder to realise going forward.

The government's waste agency, WRAP, made the case for improved household recycling collection in its Recycling Consistency Report in 2016¹. This highlighted how to increase the quality and quantity of recycling. Key proposals in it are set out under option 1 (increasing recycling quality) and option 2 (increasing amount of recycling) below:

Option 1 – Quality of recycling: raised revenue through better kerbside separation.

Recycling revenue can be increased through two or three streams of recycling: paper and mixed recycling or paper, glass and mixed recycling all separate (with food and garden waste also collected separately). This will make more money because a) contamination rates are typically lower and b) recycling value is higher. There is a current trend towards this type of recycling collection. For example, the South London Waste Partnership has switched. This would, in effect, mean rolling out the Reigate and Banstead recycling format across Surrey. This requires:

- single paper 'black box' per household (limited cost)
- restructuring recycling rounds and collections (impact varies)

The capital roll-out cost of this would need to be estimated.

The revenue budget financial impact can be estimated by contrasting Surrey Waste Partnership and Reigate and Banstead per tonne average recycling revenues, as follows:

Area	Paper revenue	Glass, plastic and glass revenue	Average (based on 60% paper by weight)
Reigate and Banstead(1)	£75	£0 tonne	£45
Most Surrey Boroughs (2)	-£40/tonne		£-40

Note 1. Source of costs: WRAP Material Pricing Report, RBBC 2016 budget scrutiny – conservative figures. (Total revenue for Reigate and Banstead/household from recycling in 2016 noted as £750,000, which over 14,000 tonnes of dry mix recycling is £53/tonne, or £13.50/household).

Note 2: Source of rates: Surrey paper to last E+I Select Committee

¹ See WRAP (2016) Supporting evidence and analysis: The case for greater consistency in household recycling. URL: http://static.wrap.org.uk/consistency/Read_more_about_the_framework.pdf

Applying this across the rest of Surrey (based on 115,000 tonnes of dry mix recycling across Surrey – 101,000 excluding Reigate and Banstead) = 101,000 x £85 (differential/tonne) = **£8.6 million**

The WRAP containment report notes that this should reduce contamination rates, but this will already be reflected in the different recyclate revenues set out above.

Option 2. Quantity of recycling: increase recycling rate

This focuses on opportunities for doorstep recycling that are not currently raised in the CRC options report. Other opportunities to increase recycling rates at CRCs (in line with best practice not set out):

- **Communication campaigns and standardisation** to increase the recycling rate (as noted in WRAP Consistency report by up to 7%) by increasing participation and separation rates.
- **Limiting effective weekly containment** to 120 litres increases recycling (not clear to what extent this applies). WRAP Consistency report estimates that limiting effective weekly containment to 120 litres increases recycling by 7.2+/- 2.9 percentage points, at a cost of £9-£27/household/year.
- **Completing roll-out of better recycling scheme to flats and communal properties.** The Anthesis Hard to Reach Property Review (August 2016) estimates that around 19,000 flat/communal properties could have better dry mixed recycling collections and 35,000 do not yet have food waste collections.

Overall increase in financial value depends on whether or not option 1 is implemented:

Recycling Rate increase (1)	Without Option 1 (2)	Without Option 1 (3)
+ 5%	£1.9 million	£11.6 million
+ 10%	£3.7 million	£14.5 million

Note 1: Based on 530,000 tonnes total annual waste.

Note 2: Based on £110 disposal cost and average £40/tonne dry recyclate gate fee as noted in report to last E+I select committee meeting.

Note 3: Based on additional £85/tonne from option 1 above for 50% of recycling. This includes the benefit of option 1 above for all existing waste across Surrey.



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Councillor Stephen Cooksey
Room 210
County Hall
Penrhyn Road
Kingston upon Thames
Surrey
SW1A 0AA

Our ref: DWO427125/MP

5 May 2017

Dear Councillor Cooksey,

Thank you for your letter of 10 April to the Secretary of State about charging for DIY waste at household waste recycling centres (HWRC). I have been asked to reply.

It is for local authorities to determine what is practical and affordable in their areas when considering their waste management policies, taking into account local circumstances, and for local people to hold their council to account.

A number of councils have introduced additional charges for the deposit of waste that they categorise as 'waste other than household waste'. However, this can inconvenience residents and make disposing of their waste more difficult. There is also a risk these charges can be counterproductive and simply transfer costs to dealing with additional fly-tipping and littering.

It is therefore important that, where charges are proposed, they are proportionate and transparent and are made in consultation with residents, so that local services meet local needs. In the case of DIY waste, it is for each council to determine in accordance with the relevant legislation whether charges should be applied on a case by case basis.

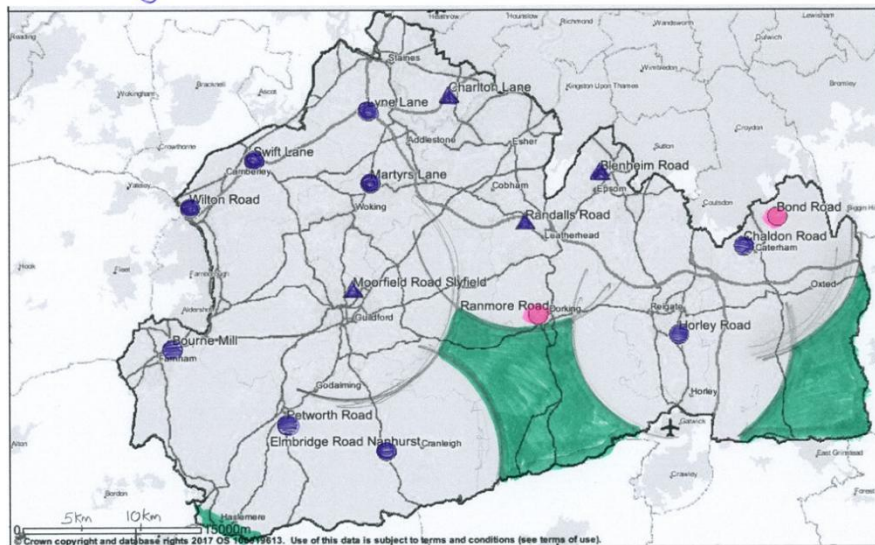
The Litter Strategy for England states that Defra has agreed to work with local authorities and the Waste and Resources Action Programme (WRAP) to review WRAP's current non-statutory guidance to councils on operating HWRCs in order to clarify advice on charging in relation to DIY waste disposal in particular.

Yours sincerely,

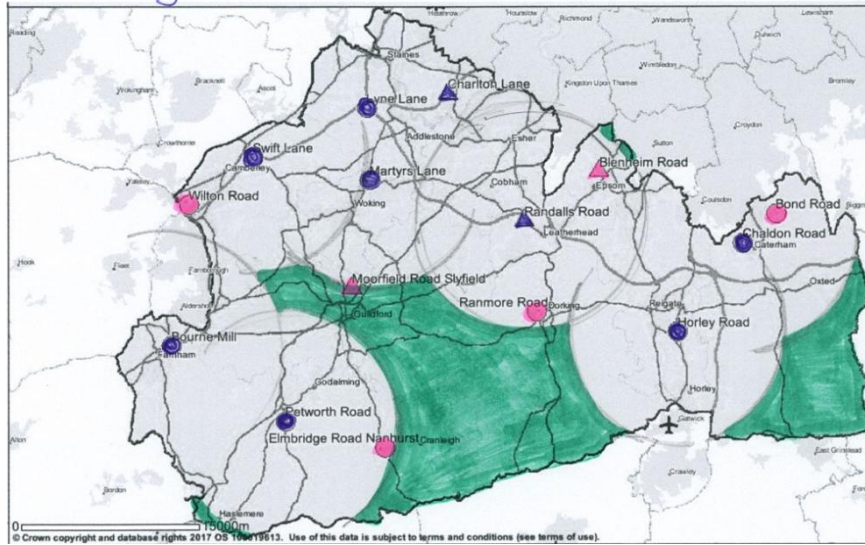
Mark Plowright
Defra – Ministerial Correspondence Unit

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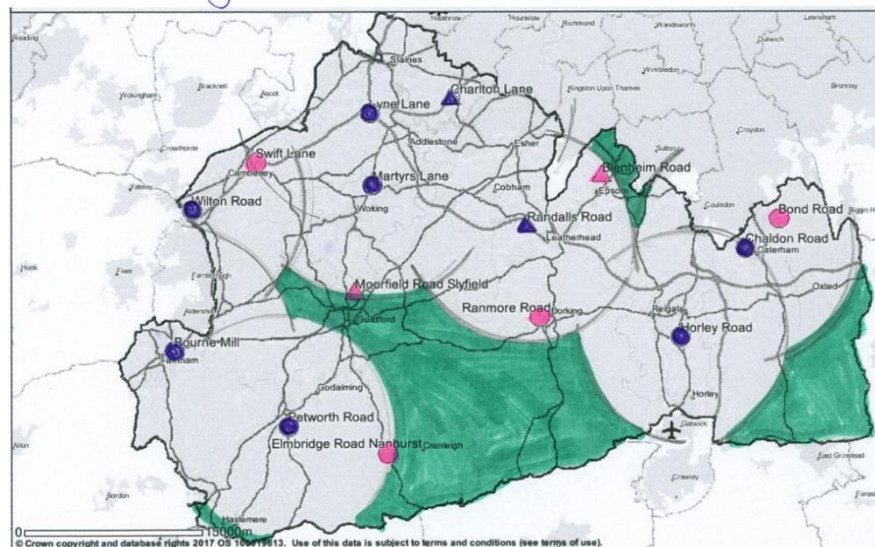
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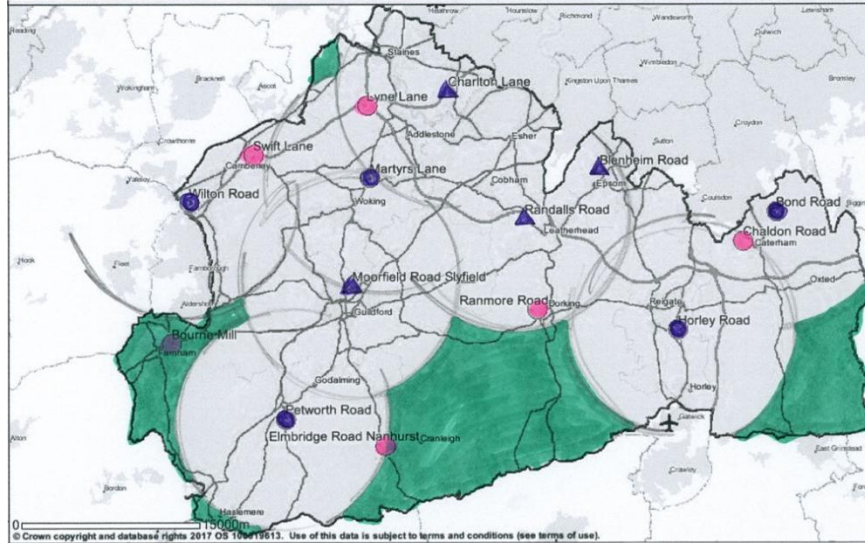
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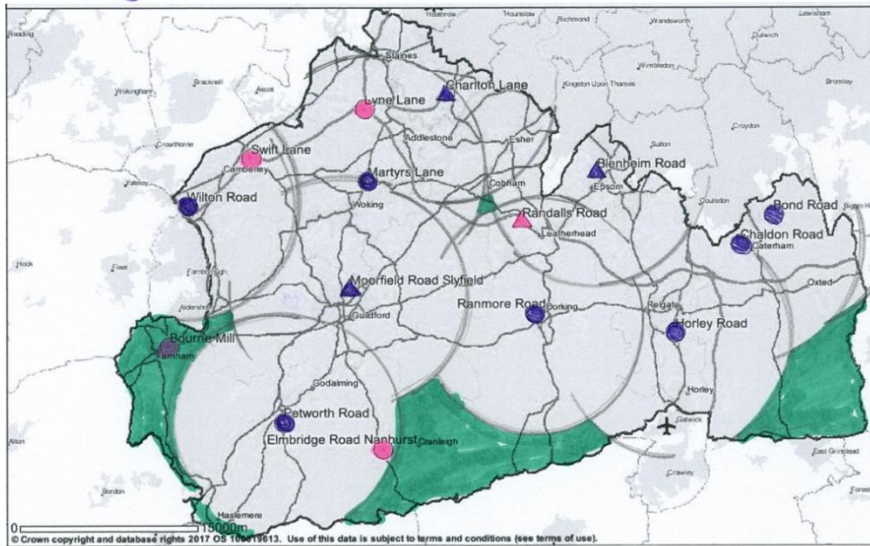
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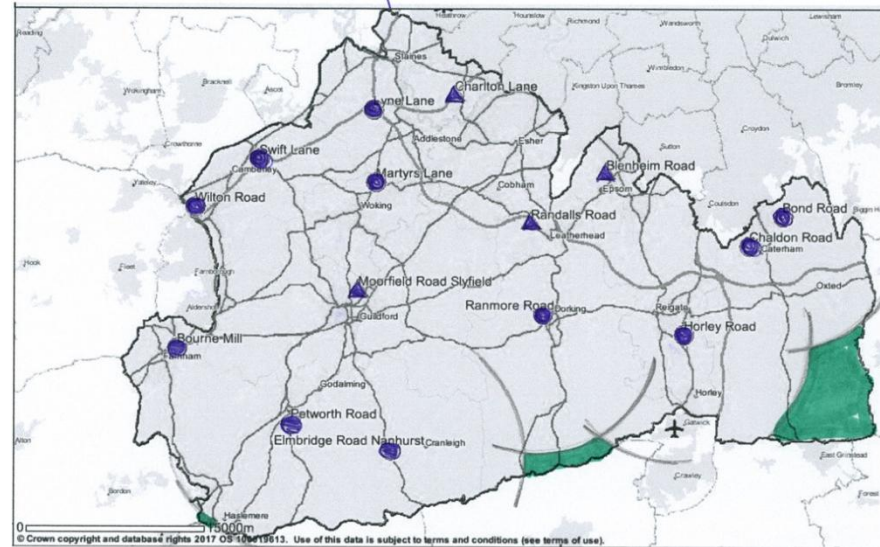
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Friday



Saturday - All open.



Sunday - Most open.

