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| <b>Mrs Deborah Urquhart, Cabinet Member for Environment</b>                                       | <b>Ref No: ENV05 (19/20)</b>      |
| <b>October 2019</b>   | <b>Key Decision: Yes</b>          |
| <b>Limit use of Household Waste Recycling Sites to West Sussex residents</b>                      | <b>Part I</b>                     |
| <b>Report by the Acting Chief Executive and the Director of Environment and Public Protection</b> | <b>Electoral Division(s): N/A</b> |

### **Summary**

Strong evidence suggests that West Sussex residents are bearing a significant cost of people from outside the county using the West Sussex Household Waste Recycling Sites (HWRSSs). Cross-boundary usage is naturally greatest at sites closest to the county boundaries.

Whilst some West Sussex residents may use sites outside West Sussex, the net flow is likely to be into West Sussex. This balance of movement has tipped further toward West Sussex as adjoining councils have implemented more restrictive access policies for their own sites.

The policy changes recommended in this report aim to limit the use of HWRSSs to West Sussex residents.

### **West Sussex Plan**

The measure will reduce the amount to landfill currently attributed to West Sussex residents

### **Financial Impact**

Based on the most recent usage surveys it is estimated that a saving of approximately £250k per annum could be achieved through reduced site usage leading to lower disposal costs. Early implementation from 1st December 2019 will ease the council's current in-year overspend pressures by an estimated £80k

### **Recommendation**

That the Cabinet Member for Environment approves the proposal to restrict non-West Sussex residents from using the Household Waste Recycling sites within West Sussex, by adopting a policy which uses the measures set out in section 2 of the report, effective from 1 December 2019.

## **Proposal**

### **1. Background and Context**

- 1.1 The Waste Team has been actively monitoring the use of the (11) household waste recycling sites (HWRS) in West Sussex and the actions and initiatives of the neighbouring local authorities.
- 1.2 Several West Sussex Household Waste Recycling Sites (HWRS) are located close to county boundaries these being: East Grinstead; Shoreham; Crawley; Burgess Hill and Billingshurst. Site user postcode surveys carried out over the past 24 months indicate significant proportions (in the region of 10%) of all users at these sites are from out of county (non-West Sussex County Council tax payers).
- 1.3 In October 2017, Surrey County Council announced changes to their policies for the use of their community recycling centres (CRCs). From 4 December 2017 they removed the free daily allowance for chargeable non-household waste, as well as introducing an ID scheme, asking residents visiting their Camberley CRC to prove they live in Surrey or Hampshire before they can use the site.
- 1.4 Surrey County Council, from 8 January 2018, also changed their opening hours and days and imposed restrictions on which sites in Surrey allow vans, pick-ups or trailers. Household waste brought in these types of vehicles to permissible sites must have a permit, which allows them only 12 visits per calendar year.
- 1.5 On 28 June 2018 East Sussex County Council agreed to introduce charges for rubble and soil, plasterboard, asbestos and tyres at all HWRS and to close sites at Forest Row and Wadhurst. Opening hours have also been reduced at Lewes and Mountfield to 9am to 4pm daily. These came into effect on 1 October 2018.
- 1.6 West Sussex County Council introduced a permit scheme in October 2018 that required vans, pick-ups and trailers to register for a permit using an address in West Sussex. Whilst this has been successful in excluding non-West Sussex County Council tax payers who use commercial type vehicles from sites, it has not tackled out of county use by people who drive a vehicle which is not required to use a permit to access a site in West Sussex for example a car.
- 1.7 As a result, the County Council has been reviewing its position in relation to cross-boundary activity. There are three main reasons for this:
  - West Sussex sites are more proximate or accessible to many Surrey, East Sussex or Brighton residents than sites provided by their own local authority;
  - Residents from out of county come into West Sussex to work and drop off material close to their workplace. The Crawley HWRS provides a convenient facility for thousands of workers commuting into the Manor Royal Industrial Estate;

- Neighbouring local authorities have more restrictions on the type of material that is accepted, without charge, than at West Sussex sites.
- 1.8 Neighbouring local authorities do not tend to have sites located as close to the West Sussex borders, or sites that provide a superior user experience. As a result, reciprocal cross boundary visits are minimal and West Sussex is a net importer of household waste.
- ## 2. **Proposal Details**
- 2.1 An occupier of a domestic property has a duty of care to take all reasonable measures available to ensure household waste produced on their property is only transferred to an authorised person.
- Section 34, clause (2A) of the Environmental Protection Act 1990 states - *"It shall be the duty of the occupier of any domestic property in England to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes".*
- 2.2 If a resident has household waste which cannot be appropriately disposed of through the normal local authority waste collection service, they can:
- check if the preferred Household Waste and Recycling Site accepts the waste and take it themselves
  - check if the local authority offers special collection services
  - use a private business that provides a waste collection service
  - take waste to a site run by a private business with the appropriate authorisations
- 2.3 The County Council proposes to limit the use at all 11 of its Household Waste Recycling Sites to West Sussex residents only. The proposed measures will:
- Avoid increased cross-boundary traffic and associated costs and congestion as a result of tighter restrictions introduced elsewhere;
  - Encourage residents in other counties to use sites provided within their respective county-boundary by their local authority;
  - Reduce congestion generally at sites to improve the experience for West Sussex council tax payers.
- 2.4 The new policy will be enforced through identification checks at the HWRSs to confirm residency in West Sussex. Non-residents will be advised to use the HWRS in their own county and will be provided with details of these sites.
- 2.5 A non-resident is defined as living at a property that does not pay council tax to West Sussex County Council which is collected by one of the seven District and Borough Councils in West Sussex.
- 2.6 Upon visiting a site, proof of address will be required to gain access, this can be provided by showing one of the following forms of identification:

- Driving licence (a photocard or paper licence will be accepted)
  - Council Tax bill from the current Council Tax financial year
  - Utility bill (gas, electric or water) less than a year old
  - TV licence less than a year old
  - Letter from HMRC or the home office less than a year old
- 2.7 A few West Sussex Council taxpayers have postal addresses that indicate they live in a different county. In such cases, a quick check can be made using [www.gov.uk/find-local-council](http://www.gov.uk/find-local-council) - this website allows a postcode to be entered and will inform site staff if the resident is allowed to enter the site. This check takes around 30 seconds to undertake but, in practice, site staff will be, or will quickly become, aware of the exceptions within their catchment area.
- 2.7 If the resident does not live in one of the seven West Sussex districts or boroughs, or if they do not have proof of address with them, they will not be allowed to use the site.
- 2.8 If a friend or relative is transporting waste on behalf of a resident who, for example, cannot drive or does not own a car, the owner of the waste should travel to the site in the same vehicle and show the required ID.
- 2.9 Notice of the change of policy will commence for a six-week period prior to the implementation date. The West Sussex website will detail the change and publicity will be in place at all West Sussex HWRSs with the use of banners and leaflets and a sign stating that the site is for the use of West Sussex residents only will be placed at each site. A social media campaign will also be undertaken along with press releases.
- 2.10 Full "lines to take" and "frequently asked questions" will be compiled for use by the contractor site staff, the West Sussex Call Centre and the enquiry response team. Residents will also have access to the frequently asked questions.
- 2.11 Viridor, the contractor managing the HWRS on behalf of West Sussex, will be charged with enforcing the new policy. This will be carried out with existing staff without requirement for additional resource or extra funding from the County Council.

### **Factors taken into account**

### **3. Analysis**

- 3.1 Viridor carried out on site surveys between 1 and 7 December 2017, asking all customers entering the seven HWRSs that are closest to the county boundary for a postcode. These postcodes have been analysed and mapped, to enable analysis of cross-border usage. See Appendix A for cross-border usage of West Sussex sites. This analysis shows that, on average, 10% of customers visiting HWRSs in West Sussex are travelling across the county boundary. The most affected sites are East Grinstead with 21% and Shoreham at 17% living outside West Sussex.
- 3.2 Viridor has also collected postcodes from visitors disposing of soil and hardcore waste. See Appendix B for cross-boundary usages of West Sussex sites when

disposing of soil and hard core. This analysis shows that 9% of customers disposing of soil and hardcore at the West Sussex HWRSs do not live within the county. As anticipated, the HWRSs closest to the boundaries are the most affected, with 29% of customers who visit East Grinstead HWRS living outside of the county.

- 3.3 A resident ID scheme is already in operation at a number of authorities in England including Surrey, Wiltshire, Bracknell Forest, Harrow and Medway who have reported no problems with the introduction of the scheme.

#### **4. Consultation**

- 4.1 As the policy change does not impact on either West Sussex residents or District/ Borough Councils there is no requirement for formal consultations to be undertaken.
- 4.2 Neighbouring local authorities have been advised of the proposal and invited to comment on the proposals.
- 4.3 A reply was received from Hampshire County Council on 4 September and is summarised below:
- Hampshire faces the same pressures and continues to lobby government to reconsider their position on universal access charges
  - Hampshire is in the process of introducing a residents' e-permit that will come into force on 1 January 2020 and will then require non-residents to pay a £5 charge per visit to access a Hampshire HRWC
  - Any West Sussex resident who wishes to use a Hampshire site after this time will need to pay the £5 charge
  - Hampshire is disappointed that the County Council has not been able to agree a united approach to this matter but has no issue with the proposal. Asked to be kept updated with the proposals as they develop, so they can ensure communications to their residents are clear and timely
- 4.4 A reply was received from East Sussex County Council on 29 August and is summarised below:
- Appreciate that being bordered by authorities with charging schemes in place may encourage the movement of some waste types
  - Monitoring the progress of the Government's Environment Bill to see how it addresses, if at all, charges at Household Waste Recycling sites
  - Currently not considering further measures that will impact on West Sussex residents using sites in East Sussex.
- 4.5 On 20 September 2019, the Environment, Communities and Fire Select Committee considered this decision report and the following points were raised by members:
- the requirement to provide more than one type of ID could cause difficulties for many residents
  - was there sufficient advance notice to advertise the changes?
  - how would family/friends of residents who are not able travel to the HWRCs be able to dispose of their waste?

- 4.6 The Cabinet Member for Environment considered all of the Select Committee's comments and amended her decision accordingly.

## **5. Financial (revenue and capital) and Resource Implications**

- 5.1 The data informs that, on average, 10% of site usage at sites located at East Grinstead, Shoreham, Crawley, Burgess Hill and Billingshurst is from cross boundary users so a reduction in tonnage is anticipated at these sites. This will save both Contract Handling Fees at the sites in question along with transport and end disposal costs. Based on the current throughput at the sites in question it is estimated that a saving of £250,000 can be made in a full year.

|                        | 2019/20 | 2020/21 | 2021/22 |
|------------------------|---------|---------|---------|
|                        | £'000s  | £'000s  | £'000s  |
| Revenue budget         | 47,191  | 47,191  | 46,941  |
| Change due to proposal |         | -250    | 0       |
| Remaining budget       | 47,191  | 46,941  | 46,941  |

- 5.2 There are no capital implications arising from this decision.

## **6. Legal Implications**

There is a statutory requirement to provide facilities to dispose of household waste collected from the county's residents. There is no statutory requirement to provide such services to non-residents of West Sussex.

## **7. Risk Implications and Mitigations**

| Risk   | Mitigating Action<br>(in place or planned)   |
|--|--|
| As the changes are introduced, sites are likely to see queues at peak times due to the checking process. | Residents will become familiar with the changes and have the required information ready. As users from outside of the county are denied access, they will no longer visit and the process will speed up.<br>The changes are planned to start in December when site visits are low.   |
| The measures could increase fly tipping on either side of county boundaries.                             | Fly-tipping is a national problem, particularly with the increasing costs of legitimate waste disposal. Legitimate householders in the county are very unlikely to fly tip waste, the majority of waste is deposited by rogue traders charging to take waste away illegally and then fly tipping it.<br><br>District and Borough Councils can prosecute offenders where they have the evidence to do so. |

## **8. Other Options Considered** (and reasons for not proposing)

Several options have been considered. These included sending a permit to all residents via the council tax billing process, requesting all site users to obtain a permit by registering via an online system and the introduction of a charge for non-West Sussex residents. All these options were discounted as being too costly to implement and administer. The proposal set out in this report seeks to optimise the benefits and outcomes without being too costly or onerous for the County Council and its residents.

## **9. Equality and Human Rights Assessment**

- 9.1 West Sussex County Council understands that in certain situations such as the death of a relative, disability, the elderly and infirm it will not always be possible for the person to travel to the site along with the waste. If this is the case, the person transporting the waste will be asked to complete a household waste declaration form which can either be downloaded, completed and taken to the site or completed at the site and show the required ID of the person unable to travel to the site or the person transporting the waste.
- 9.2 The protected characteristics as defined in the Equality Act were duly considered in the course of the development and design of this proposal which will not disproportionately impact on any specific identifiable groups.

## **10. Social Value and Sustainability Assessment**

- 10.1 There are no significant social value issues arising from the proposals.
- 10.2 Due to the expected reduction in waste and visitors at the County Council's HWRSs, the outcome should be a positive impact on the carbon footprint and energy consumption attributed to West Sussex residents and a reduction of the transport of waste to its treatment facility.
- 10.3 The proposal will mean that some non-West Sussex residents will need to travel further to a site in their own area. It is hoped that this may be mitigated by those residents making fewer trips and/or selecting alternative and more sustainable routes for managing their waste such as home composting and use of kerbside services.

## **11. Crime and Disorder Reduction Assessment**

There are no known Crime and Disorder Act implications. There have been suggestions that additional management controls could lead to anti-social or illegal behaviour in respect of fly-tipping. It is not possible to guarantee that changes will not have an impact; however, experience here and elsewhere suggests the impact, if any, will be very small.

**Lee Harris**  
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**Appendices:**

Appendix A – Cross-Border Usage of West Sussex HWRSSs

Appendix B - Cross-Border Usage of West Sussex HWRSSs for the disposal of soil and hardcore

**Appendix A – Cross-Border Usage of West Sussex HWRSSs**  
**(1 – 7 December 2017)**

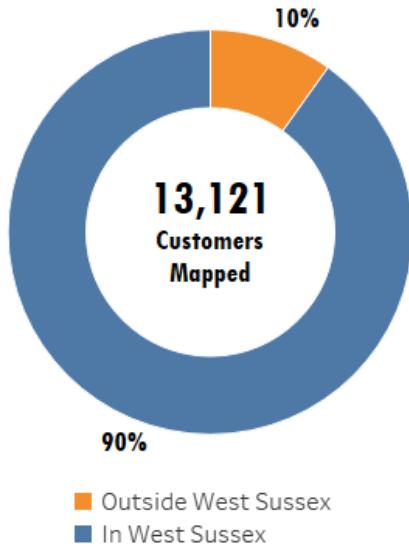
**13,344 customers**

surveyed in the Customer Postcode Survey, of which

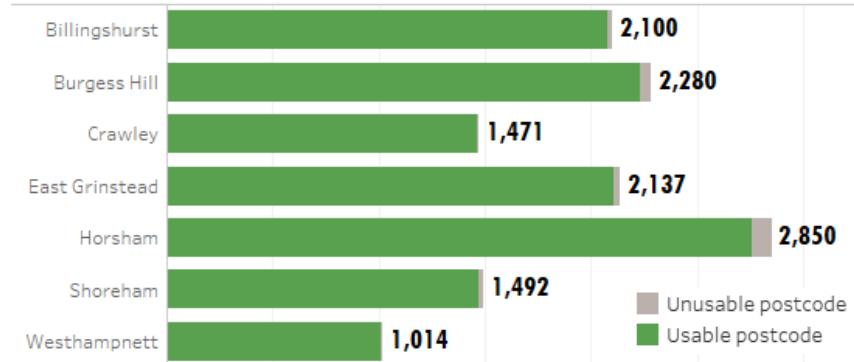
**13,121 (98.3%)**

gave a usable postcode

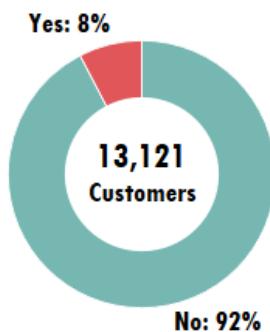
Postcode Sector Location



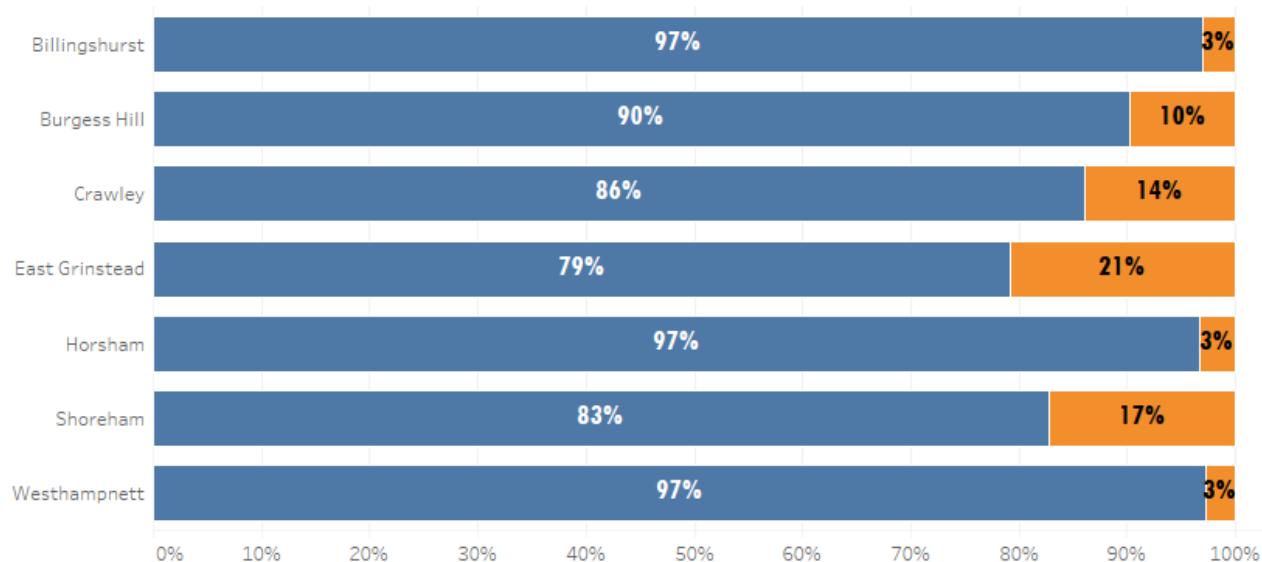
Survey Responses by Site



Soil & Hardcore?



Postcode Sector Location by Site



## Appendix B – Cross-Border Usage of West Sussex HWRSs for the disposal of soil and hardcore

### Household Waste Recycling Sites (HWRS) - Soil and Hardcore Survey

November 2017

#### Location of Soil and Hardcore Customers

| Site           | West<br>Sussex | Out<br>of<br>County | Total       |
|----------------|----------------|---------------------|-------------|
| Billingshurst  | 53             | 2                   | 55          |
| Bognor Regis   | 67             | 3                   | 70          |
| Burgess Hill   | 55             | 7                   | 62          |
| Crawley        | 141            | 20                  | 161         |
| East Grinstead | 66             | 27                  | 93          |
| Horsham        | 205            | 4                   | 209         |
| Littlehampton  | 70             | 0                   | 70          |
| Shoreham       | 84             | 23                  | 107         |
| Westhampnett   | 302            | 26                  | 328         |
| Worthing       | 85             | 1                   | 86          |
| <b>Total</b>   | <b>1128</b>    | <b>113</b>          | <b>1241</b> |

#### Percentage of Soil & Hardcore Customers Located Within West Sussex

