

		AGENDA ITEM 7
		PSEG/18/16
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	12 September 2016	
REPORT OF CALL IN: DECISION FP/566/08/16 TACKLING THE ILLEGAL DISPOSAL OF WASTE AT RCHW CENTRES		
Enquiries to:	Christine Sharland, Scrutiny Officer Christine.sharland@essex.gov.uk	

On 6 August 2016 Councillor Chris Pond called in FP/566/08/16 Tackling the illegal disposal of waste at RCHW centres (Recycling Centres for Household Waste).

A copy of the decision can be found on CMIS by entering the full FP reference number on the following page:

<http://cmis.essexcc.gov.uk/essexcmis5/Decisions.aspx>

In line with the procedure for handling the call in of a decision, an informal meeting was held on 16 August 2016. A copy of the Notification of Call-In form and the formal note of that meeting are attached at Appendices A and B.

On the basis of discussion at the informal meeting Councillor Pond indicated that he would contact his County Councillor colleagues before coming to a conclusion on whether or not to withdraw his call in of decision FP/566/08/16 subject to a letter from Councillor Walsh, the Cabinet Member responsible for the decision confirming what action he proposed to take in respect of Epping Forest District.

Following an exchange of correspondence between Councillors Pond and Walsh, which is attached at Appendix C, the call in was withdrawn on 23 August 2016.

Action required by the Committee:

The Committee is invited to note the action taken in this matter.

Appendix A

Notification of Call-in

Decision title and reference number FP 566 08 16 Tackling the illegal disposal of waste at RCHW centres	
Cabinet Member responsible Simon Walsh	Date decision published 3/8
Last day of call in period 8/8	Last day of 10-day period to resolve the call-in
Reasons for Making the call in <ol style="list-style-type: none"> 1. The purpose of preventing illegal disposal of business waste is a good one, and we have no argument with that 2. The distance from the southern part of Epping Forest (“SEF”: Chigwell, Buckhurst Hill, Loughton, Waltham Abbey) to the RCHW site in north Harlow is approx 12.5 miles 3. The inconvenience and waste of resources caused to residents in SEF, and to a lesser extent, also to those in Epping, Abridge, Stapleford Abbots etc, is unacceptable, when small amounts of self-generated DIY waste is concerned. 4. We note that the site at Rayleigh has been subject to a hybrid procedure, in that residents in cars (as opposed to open trucks, tippers, pickups etc) will be able to deposit DIY waste there, though business waste and larger vehicles will be directed to Basildon. 5. The further parts of Rochford district are the same sort of distance from Basildon as SEF are from Harlow, but have perhaps 5% of the population SEF does, which is approx 70000. We cannot see that any large population comparable with SEF elsewhere in Essex has been subjected to such long journeys 6. The no vans, trailers etc rule has recently been adopted by our neighbours in Waltham Forest LBC and seems to have caused no issues 7. <u>Therefore we request that the Rayleigh model be applied to one of the sites in Epping Forest District.</u> Waste officers will have a good idea as to which one should be selected NB – this was discussed over the telephone with the decision-maker on 6.8.16. Cllrs Metcalfe and Whitehouse are aware of these issues and in general terms associate themselves with this call in subject to sight of the document. It has not been possible to contact Cllrs Knapman and Gadsby because of holidays 	

Signed: [C C POND]	Dated: 6.8.16
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Appendix B

Note of Informal meeting held on 16 August 2016 regarding the Call In of the Cabinet Member decision on FP/566/08/16 Tackling the illegal disposal of business waste at Recycling Centres for Household Waste (RCHW)

In attendance:

Councillor Chris Pond (Councillor responsible for calling the decision in)
Councillor Andy Wood, Vice Chairman of Place Services and Economic Growth
Scrutiny Committee
Councillor Simon Walsh, Cabinet Member for Environment and Waste

Jason Searles, Head of Commissioning, Sustainable Essex Integration
and Waste

Dan Baker, Cabinet Advisor

Christine Sharland, Scrutiny Officer

Councillor Wood welcomed everyone to the informal meeting that had been convened in line with the County Council's Call In procedure to consider the above decision.

Councillor Pond was then invited to explain the seven reasons he had given in his Notification of Call In. While he understood the reasons for the decision, he considered that conditions in Epping Forest District were such that the hybrid model proposed for the Rayleigh RCHW site should also be applied in his District. He confirmed that Councillors Metcalfe and Whitehouse were in support of his call in.

Councillor Walsh, the Cabinet Member, confirmed that the proposed operational changes across Essex had been carefully considered. He had taken governance advice on the decision, and confirmed that any change to those proposals affecting sites in Epping Forest would require a new decision to be promoted for the whole of the county.

Whilst he acknowledged Councillor Pond's concern about the decision's impact on Epping Forest District in particular, the higher density of the population and the logistics for residents having to travel longer distances to sites to deposit domestic DIY waste outside the district, he went on to emphasise that once the decision is implemented its impact would be carefully monitored and, if necessary, any operational variations could be introduced. He referred to the

evidence that had been used in the formulation of the proposals for example the number of people visiting each site, volume of DIY waste deposited, the low frequency of associated visits; and factors affecting the choice of sites that would no longer accept DIY household waste.

Jason Searles, Head of Commissioning, Sustainable Essex Integration and Waste, described the monitoring that was planned to take place following the planned changes in October 2016. It would include additional staff on those sites where DIY waste would continue to be accepted, as well as other staff moving between sites to measure the impact of the operational changes including public reaction. Traffic monitoring would also take place. The information gathered from monitoring the changes would enable any changes to be made on the basis of evidence rather than assumptions. He pointed out that there are already some restrictions on different types of waste accepted at RCHW in Essex.

With reference to Epping Forest District, he highlighted some of the issues and remedies that had been taken into the proposal to restrict DIY waste at its sites. There are constraints that affect the operation of individual sites. Physically some sites are small and managing any changes could present some difficulties locally eg congestion and traffic queuing as a result of increased checks on waste being deposited. The Epping Forest sites are close to the border with neighbouring London Boroughs where restrictions on household waste are more onerous and an increasing number of people are 'crossing the border' to use Essex County Council facilities. The borders with other County Councils have presented fewer problems.

The new operational arrangements proposed for the Rayleigh RCHW were designed to address local conditions, and took account of the strategic partnership working that is in place with Southend on Sea Borough Council.

There has been an increase in commercial waste and at the same time there is relatively infrequent use of RCHWs by residents for the disposal of domestic DIY waste. There is no statutory obligation on Waste Disposal Authorities to accept such waste. Suffolk County Council has introduced charges for residents depositing this waste, but this Council has sought to keep the service free.

Consultation had taken place with Epping Forest District Council, and no adverse feedback received.

In conclusion Councillor Walsh confirmed that he was unwilling to change the existing decision. However, he reassured Councillor Pond that he would revisit the situation in Epping Forest after six months once the impact of the changes could be properly assessed. If there is proof that there was major inconvenience being caused in that District, he would consider making a new decision to adjust the operation of sites in that locality.

On the basis of discussion Councillor Pond indicated that he would contact his County Councillor colleagues before coming to a conclusion on whether or not to withdraw his call in of decision FP/566/08/16 subject to a letter from the Cabinet Member confirming what action he proposed to take in respect of Epping Forest District.

In the meantime the Cabinet Member undertook to provide Councillor Pond with further information on RCHW travel patterns.

Appendix C

Essex County Council
Cabinet Office
PO Box 11
County Hall

Chelmsford
Essex
CM1 1LX



Cllr Chris Pond
Sent by email

Our Ref: FP/566/08/16
Your Ref:

Date: 19 August 2016

Dear Cllr Pond,

Call in FP/566/08/16: Tackling the illegal disposal of business waste at Recycling Centres for Household Waste

Following our informal call in meeting on 16th August, to discuss my decision to implement policy changes at the Recycling Centres for Household Waste (RCHW) as a way of tackling the illegal disposal of business waste, I committed to providing you with a written response to the points raised within your call in notification. This letter also provides further information on the rationale adopted and confirms my position, as discussed, with regard to monitoring the impact of the changes and making operational changes following implementation of the decision if undesirable impacts arise.

For ease of reference I will address my comments to each of the points raised within your notification of call in in turn.

- 1) *The purpose of preventing illegal disposal of business waste is a good one, and we have no argument with that*

I thank you for your support with the principle of what this policy change is looking to achieve.

I am proud that we will continue to maintain a level of service which exceeds our statutory obligation for the benefit of Essex Households and unlike many neighbouring counties one that is free at point of use. In addition to driving the illegal disposal of business waste out of the RCHW sites this change will benefit the majority of users by reducing congestion at the sites and maximising capacity

for the materials most residents dispose of most often; ensuring we can minimise unscheduled closure of sites for servicing.

- 2) *The distance from the southern part of Epping Forest ("SEF": Chigwell, Buckhurst Hill, Loughton, Waltham Abbey) to the RCHW site in north Harlow is approx 12.5 miles*

Whilst I accept that, in tackling the illegal use of the site by businesses, some legitimate users of the RCHW service will need to travel further than is currently the case to access the service this will only affect a small percentage of users. Those impacted by this change will only be those using a commercial type vehicle as their personal transport or those wishing to dispose of heavy DIY and construction wastes as detailed in the decision. These materials, due to the nature of the DIY projects which generate them, are disposed of infrequently by householders, whilst commercial vehicle use by householders is low. The impact of this change will therefore affect a very small minority of genuine visits whilst delivering benefits for the majority of users by reducing congestion and increasing capacity for the most commonly disposed of waste materials whilst reducing the burden from business use.

In addition to the site in north Harlow that you have identified, residents in the areas you have highlighted will also be able to access the Coxtie Green RCHW which for many will be closer. Whilst there is no statutory obligation on Essex with regard to the proximity of recycling centres to residents, national guidance suggests the majority of residents should be within a 30 minute drive. Essex will maintain this level of service for the vast majority of Essex residents whilst also providing an enhanced level of service by continuing to accept the DIY and construction waste types.

With regard to the south Epping Forest district areas identified within the call in notification (Chigwell, Buckhurst Hill, Loughton and Waltham Abbey), it is important to recognise that the RCHW sites at Chigwell and Waltham Abbey will continue to operate and provide a very convenient and local point to dispose of most household waste for the vast majority of users. For those small number of service users wishing to use a commercial type vehicle or dispose of heavy DIY and construction waste the RCHW at Coxtie Green and Harlow still provide a convenient disposal point. The south Epping Forest areas identified are still within a 22-30 minute drive of either Harlow or Coxtie Green representing an additional journey time of 15-20 minutes on current travel times when disposing of heavy DIY and construction waste or using a commercial type vehicle.

- 3) *The inconvenience and waste of resources caused to residents in SEF, and to a lesser extent, also to those in Epping, Abridge, Stapleford Abbots etc, is unacceptable, when small amounts of self-generated DIY waste is concerned.*

Whilst I am committed to maintaining access to facilities for householders disposing of DIY and construction waste, it is important to note that, as the waste disposal authority, Essex is under no legal requirement to provide such disposal points.

The changes will continue to allow light DIY waste at all 21 sites, whilst restricting only the heavy DIY/construction waste, such as structural waste and waste from fitted elements of people's houses, to nine sites which are better able to cope with (small amounts) of this waste. This is a waste type few residents need to dispose of and, of those that do, on an infrequent basis; the impact is therefore minimal. At the nine sites continuing to accept these materials strict limits will be implemented which will prevent disposals from major projects, this is essential if we are to tackle the illegal disposal of business waste.

The correct method of disposing of business waste or large scale home construction waste projects is via the commercial sector, e.g. mini-skips. Most people know to use such a service when doing major projects. The cohort of residents who wish to continue to use a RCHW to dispose of heavy DIY waste will, under these changes, still be able to do so within the prescribed limits at nine sites spread throughout Essex. These sites have been selected to ensure good coverage across the County whilst recognising the constraints of the sites and the likely impact on the overall aim of minimising illegal use of the sites.

I recognise that some users will be inconvenienced by this change, but I do not believe that an additional drive of approximately 15-20 minutes for materials disposed of on an infrequent basis is unreasonable given the wider benefits that the policy will deliver. Under these changes ECC will continue to offer a service well in excess of the legislation, unlike other county councils, many of whom have closed their smaller sites and are also charging for all DIY waste at point of disposal.

- 4) *We note that the site at Rayleigh has been subject to a hybrid procedure, in that residents in cars (as opposed to open trucks, tippers, pickups etc.) will be able to deposit DIY waste there, though business waste and larger vehicles will be directed to Basildon.*

A hybrid procedure is being implemented at the Rayleigh site the rationale for which is detailed further below. It is however important to note that the assertion that business waste will be directed to the Basildon RCHW is incorrect. Business waste will be refused entry at all ECC recycling centres. It is illegal to dispose of business waste at any Essex RCHW and these policy changes will allow this to be better enforced.

- 5) *The further parts of Rochford district are the same sort of distance from Basildon as SEF are from Harlow, but have perhaps 5% of the population*

SEF does, which is approx 70000. We cannot see that any large population comparable with SEF elsewhere in Essex has been subjected to such long journeys

The hybrid status of the Rayleigh site was not introduced for the reasons suggested. It, like Waltham Abbey and Chigwell, is a site in a compromised location and needs all the help it can get to maintain a basic service level for residents throwing away the most frequently disposed of waste types.

The offer at Rayleigh was changed following consultation with our strategic partner waste disposal authority Southend-on-Sea Borough Council. The adoption of rules at Rayleigh that match those at Chigwell and Waltham Abbey would have caused a service conflict with their own sites nearby, which would likely have resulted in an unfair outcome.

6) The no vans, trailers etc rule has recently been adopted by our neighbours in Waltham Forest LBC and seems to have caused no issues

The changes made by the East London Waste Authority are similar to those I have proposed. As you state this may have caused no issue for Waltham Forest residents however there is a potential impact on the Essex resident and taxpayer, with increased numbers of businesses suspected to be visiting our sites to evade rules relating to vehicle type and restrictions on disposal of certain materials, especially construction waste. This, in part, is why it is important to mirror the rules at the Essex sites bordering these areas to ensure Essex is not disadvantaged.

7) Therefore we request that the Rayleigh model be applied to one of the sites in Epping Forest District. Waste officers will have a good idea as to which one should be selected

It is essential that as many sites as possible introduce a regime which prevents the entry of business waste and limits the exposure of Essex taxpayers to the disposal of construction waste for which we have no statutory responsibility. These changes will have positive impact for the majority of users by ensuring compromised sites are able to operate efficiently, whilst maintaining a disposal route for DIY and construction waste at sites within a reasonable distance of both Waltham Abbey and Chigwell; when considering the infrequent need of householders to dispose of these waste types.

As outlined above there are a very specific set of circumstances that have necessitated the compromise for the Rayleigh site. Whilst I am not able to endorse your request to mirror this arrangement at the sites in Epping Forest District at the current time I do commit to keeping the situation under review and working with you to assess whether additional changes to the policy are required based on the evidence we gather over the coming months.

A monitoring and evaluation programme has been agreed with the site operator to enable the impact of these changes to be assessed. This programme will consider the impact of these changes on a site by site basis with respect to tonnage changes, vehicle movements, turned away vehicles and user comments. This will enable the service, in real time, to undertake early identification of any unexpected or undesired impacts as a result of this decision. Where the service changes have an undesired significant impact on individual sites I can confirm that operational changes to amend the restrictions at these sites will be implemented.

I can also confirm my intention to bring a full impact report back to the Scrutiny Committee six months after implementation for debate. The purpose of this will be to evaluate the impact of this decision enable any further refinements or amendments to the policy to take place if necessary.

In addition, and in recognition of your specific concerns of the effect of the changes to sites in Epping Forest District, I am proposing that an evidence-based review be undertaken to assess the impact of the changes in this locality no later than three months after the policy is implemented. I commit to sharing this review with you and meeting to discuss the outcomes including lessons learnt and any operational, or policy changes deemed necessary.

In summary whilst I understand your concern regarding these changes, this needs to be considered in the context of the low frequency with which users dispose of these material types and the low number of householders using commercial type vehicles. It is therefore my view that the additional journey time for a small number of users is justified and reasonable when considered against the benefits this will deliver for the service and the vast majority of users disposing of the most common types of waste at the RCHW.

In summary and as outlined above I commit to the following actions:

- a) monitor the impact of these changes on a site by site basis;
- b) make operational changes to site policies within the first six months of the change where unintended significant impacts are identified at individual sites;
- c) bring an impact report after six months of operation to the Scrutiny Committee for discussion; and
- d) carry out a specific review of the impact of the changes in Epping Forest District after the first three months of the change and meet with you to discuss the findings .

I hope that the response to your queries and the commitments I have made provide you with enough information to consider the withdrawal of this call in notification. Please do get in touch if you would like to discuss further.

Yours sincerely

Cllr Simon Walsh
Cabinet Member for Environment and Waste

Further correspondence:

Email dated 22 August from Councillor Walsh to Councillor Pond

'Dear Chris,

Officers have pulled together information on mileage and drive times as requested, included in the attached spreadsheet for your information. As we do not have the ability to plot this for every possible starting point we have taken locations in the 4 key population centres in SEF.

Whilst these changes will increase the travel distance for some, it is important to remember that this will effect a very small minority of users on an infrequent basis. Only those using commercial vehicles or disposing of the infrequently produced heavy construction waste, which Essex CC has no statutory duty to dispose of, will be impacted by these changes. Following these changes Essex CC will continue to provide a, free at point of use, facility for the disposal of small quantities of heavy construction waste for householders at those facilities best able to manage this material.

The proposed changes were presented to the Essex Waste Partnership Member Board in April, minutes of this meeting are attached. All partnership members received copies of the agenda, minutes and the presentation and received feedback immediately following the April meeting. The scheduled member meeting of the 17th May did not take place and the ECC decision was therefore reported back to the August meeting. However, the changes have been discussed at every officer meeting (these take place every 4-6weeks) between the April member meeting and the August Member meeting and these sessions helped refine the proposal – ECC requested that district officers kept their own members briefed on progress.

Regards

Simon'

NB The attachments have not been reproduced with this committee report

Email response from Councillor Pond to Councillor Walsh dated 22 August 2016

'Thank you for this.

I now understand that Epping Forest DC are now saying they had no preknowledge of this proposal. I see they were not at the meeting you kindly supplied the minutes of I also see that at the meeting a point was made of the desirability of providing a site on Dengie, and from the conversations I have had, I believe EFDC would have made a similar bid had they been present.

As I think I have said before, I think an understanding that would lead to the withdrawal of the call in would have to include a guarantee (no just a promise of a review) that conversion of the Chigwell site to the Rayleigh hybrid model should be announced in due course, and certainly before Christmas.

I gather one other affected member from SEF is now back, and I shall attempt to make contact this afternoon.

Regards
CP'

Email dated 23 August from Councillor Walsh to Councillor Pond

'Dear Chris,

As with all of our District, Borough and City partners Epping Forest DC have had a number of opportunities to review and comment on the proposals as they were being developed. Information on the changes were presented to all Waste Partnership officers in March 2016 and have been revisited at each subsequent meeting to date, I understand that the Epping Forest District Council officer representative was present at all of these meetings. Whilst the Member representative for Epping Forest DC tabled his apologies for the 4th April meeting he would have received a copy of the presentation (which was also sent to the lead waste officer at Epping Forest DC) and was also sent a copy of the minutes and issues raised at the meeting. Any comments received from our partners through this process were assessed and responded to and as I have previously indicated a number of changes to the policy have been made based on these.

As previously stated whilst all of the preliminary work undertaken indicates that the changes to the recycling centres will maintain a good level of coverage and will have minimal impact on users I accept that it is only after roll-out that we can be absolutely clear of the impact of these changes. It is for this reason that I have committed to undertake pre and post-implementation monitoring, so the effects of these changes can be understood. Whilst I cannot offer you a guarantee that conversion of the Chigwell site to the hybrid model will take place, I can guarantee that where the evidence suggests that changes to the policy are required to mitigate negative impacts, I will make sure that these are enacted in

consultation with yourself and your colleagues. To emphasise, if the evidence supports the need to reverse decisions at certain sites I will do so.

Regards
Simon'

**Email dated 22 August from Councillor Pond to Christine Sharland,
Scrutiny Officer Pond**

'Dear Christine

I have now consulted all my co-adjutors, and we have rather reluctantly come to the conclusion it may be best to withdraw the call in notice, on the basis of Cllr Walsh's letter to me received this morning.

If this decision, which I still believe to be misguided, results in great inconvenience to residents and/or a significant increase in fly-tipping, I may be inclined to put a motion down for Full Council in due course.

Many thanks
Chris'