

## ***Delegated Decisions by Deputy Leader of the Council (inc. Climate Change Delivery & Environment)***

***Thursday, 14 December 2023 at 2.00 pm  
Room 3 - County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).  
However, that will not allow you to participate in the meeting.

### ***Items for Decision***

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 21 December 2023 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

**These proceedings are open to the public**



Martin Reeves  
Chief Executive

December 2023

Committee Officer: ***committeesdemocraticservices@oxfordshire.gov.uk***

Note: *Date of next meeting: 25 January 2024*

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

## Items for Decision

### 1. Declarations of Interest

See guidance below.

### 2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

### 3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection. To facilitate 'hybrid' meetings we are asking that requests to speak are submitted by no later than 9.00 a.m. four working days before the meeting. Requests to speak should be sent to [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk)

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that, if the technology fails, your views can still be taken into account. A written copy of your statement can be provided no later than 9.00 a.m. two working days before the meeting. Written submissions should be no longer than one A4 sheet.

#### **EXEMPT ITEM**

**In the event that any Member or Officer wishes to discuss the information set out in Annex 1 to Agenda Item 4, the Cabinet Member will be invited to resolve to exclude the public for the consideration of Annex 1 by passing a resolution in relation in the following terms:**

**"that the public be excluded during the consideration of Annex 1 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".**

**NOTE: The report does not contain exempt information and is available to the public.**

**THE ANNEX TO THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE IT.**

#### **4. DIY waste charging at HWRCs (Pages 1 - 14)**

*Cabinet Member:* Deputy Leader of the Council

*Forward Plan Ref:* 2023/319

*Contact:* Steve Burdis, Group Manager - Waste Contracts

Steve.burdis@oxfordshire.gov.uk

Report by Corporate Director Environment & Place

The information in this case is exempt in that it falls within the following prescribed categories:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that a negotiation is ongoing and would prejudice the position of the authority in the process of that negotiation and the Council's standing generally in relation to such matters in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.

The annexes containing exempt information under the above paragraph are attached.

**The Cabinet Member is RECOMMENDED to**

- a) **Approve changes to the charging scheme for DIY waste which is deposited at the Household Waste Recycling Centres in Oxfordshire, with effect from 31<sup>st</sup> December 2023 and as a direct result of a change in law by Government.**
- b) **Approve that Officers be tasked with negotiating immediate variations to the Household Waste Recycling Centre contracts with Geoffrey Thompson (trading as W&S Recycling) and FCC to account for the operational and commercial impacts of this change in law.**
- c) **Approve that Officers be tasked with developing longer-term solutions to minimise the increase in costs and potential reduction to recycling rates resulting from this change in law. Should the longer-term solutions involve other Key Decisions, these will be proposed to CMD in separate reports.**

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

### **Members Code – Other registrable interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

### **Members Code – Non-registrable interests**

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

This page is intentionally left blank

## **Divisions Affected – All**

### **Deputy Leader and Cabinet Member for Climate Change Delivery & Environment**

**14 December 2023**

### **Change to the charging scheme for DIY waste deposited at the Household Waste Recycling Centres in Oxfordshire**

#### **Report by Corporate Director Environment & Place**

#### **Recommendation**

1. The Cabinet Member is RECOMMENDED to
  - a) Approve changes to the charging scheme for DIY waste which is deposited at the Household Waste Recycling Centres in Oxfordshire, with effect from 31<sup>st</sup> December 2023 and as a direct result of a change in law by Government.
  - b) Approve that Officers be tasked with negotiating immediate variations to the Household Waste Recycling Centre contracts with Geoffrey Thompson (trading as W&S Recycling) and FCC to account for the operational and commercial impacts of this change in law.
  - c) Approve that Officers be tasked with developing longer-term solutions to minimise the increase in costs and potential reduction to recycling rates resulting from this change in law. Should the longer-term solutions involve other Key Decisions, these will be proposed to CMD in separate reports.

#### **Executive Summary**

2. The provision of the Household Waste Recycling Centres Services (“HWRCs”) is a statutory function, providing locations across Oxfordshire for residents to dispose of their bulky and other household generated wastes. At present, the County Council provides seven such facilities, and these facilities handle around 40-50k tonnes per annum or 15% of the total household waste handled in the County.
3. DIY waste is presently defined as ‘industrial waste’ under the provisions of the Controlled Waste Regulations 2012. Residents can opt to engage with registered waste management companies to handle this waste, or alternatively they can deposit this waste at the HWRCs for a small fee. For

the last 21 years, DIY waste has been accepted at the HWRCs with residents being charged a small amount in accordance with the agreed Fees and Charges Schedule.

4. The Government has, with effect from the 31<sup>st</sup> December 2023, amended the Controlled Waste Regulations 2012 to provide that *de minimis* amounts of DIY waste will be reclassified as 'household waste'. This means that local authorities will be required to accept these *de minimis* quantities without charging residents. The Government has provided a basic definition of the quantities which will be classified as household waste. As larger amounts of DIY waste will remain as 'industrial waste', charges can still be levied above the *de minimis* quantity.
5. To comply with this change in law, the County Council will be required to change its policy over charging for DIY waste, with effect from 31<sup>st</sup> December 2023. To implement this change, there is a requirement for the HWRC contractors, Geoffrey Thompson (trading as W&S Recycling) and FCC, to amend their operational procedures. This will require variations to the contracts with these suppliers to take into account revised operational procedures and to handle the commercial impacts of this change.
6. There are some negative impacts to the County Council from this change in law, including a reduction in revenue, having to now pay for processing / disposal of DIY materials now classified as household and the potential for an increase in the quantity of DIY waste which will require processing / disposal. These impacts will be ongoing from the implementation date of 31<sup>st</sup> December 2023; Officers will be exploring longer-term solutions which will help the County Council to comply with the change in law whilst also minimising the negative impacts where practical to do so.

## **Exempt Information**

7. Commercially sensitive information regarding the HWRC contracts and the Council's options for modification of the contracts to adapt to the change in law are considered to be exempt from disclosure.
8. The public should therefore be excluded during consideration of Annex 1 because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following category prescribed by Part I of Schedule 12A to the Local Government Act 1972 (as amended):

"3 Information relating to the financial or business affairs of any particular person (including the authority holding that information; and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that disclosure would distort the proper process of free negotiations between the Authority with another party for the purposes described and would prejudice the position of the Authority in those negotiations and other negotiations of a similar nature in future, to the



detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority."

## Background

### Introduction

9. DIY waste is material produced through home improvements and includes (*inter alia*) materials such as rubble and plasterboard. At present, DIY waste is categorised as 'industrial waste' under the Controlled Waste Regulations 2012 waste' which means that local authorities are not obliged under statute to handle this type of waste.
10. However, a number of local authorities, including Oxfordshire County Council, offer an option to residents where they can deposit their DIY waste at HWRCs for a small fee. This provides a value-for-money option particularly for residents seeking to deal with only small amounts of DIY waste. Charges for DIY waste were introduced in Oxfordshire in 2002, and the current charging scheme has been in place since 2017. The charges help offset the annual running costs of our HWRCs.
11. OCC has a network of seven HWRCs distributed throughout the County, offering locations for residents to deposit household waste. The HWRCs are operated on behalf of OCC by two contractors – Geoffrey Thompson (trading as W&S Recycling) ("W&S") and FCC. W&S is responsible for managing six of the seven HWRCs, and FCC is responsible for operating one HWRC. Both contractors are responsible for collecting the fees for DIY waste. However, it should be noted that W&S retain the income and meet all the costs of DIY wastes for the six sites they operate. For the site operated by FCC, the income is shared between FCC and the Council on a 10% / 90% basis and the Council meets the costs of transport and treatment of these materials.
12. The procedures for identifying and charging for DIY waste help to reduce the overall running costs of the HWRC service.
13. DIY waste could typically include:
  - Asbestos (no fees applied);
  - Hardcore and rubble;
  - Plasterboard;
  - Soil;
  - Bulky items such as doors, bathroom items such as toilets and baths, kitchen units, kitchen worktops;
  - Wood waste, such as decking and fence panels;
  - Roofing materials, such as loft insulation, roofing felt, and guttering; and
  - Other miscellaneous items such as artificial grass, building cladding, and sheet glass.

## The change in law for DIY waste

14. In April 2022, the Government consulted on plans to change the law, so that residents could deposit DIY waste at HWRCs without charge. In June 2023 an announcement made by Defra<sup>1</sup> stated “*the Government will abolish the fees which some local authorities charge for disposing of DIY waste at household waste recycling centres (HWRCs)*”. The intention of this change appears to be a desire to reduce fly-tipping, although a study by the Waste and Resource Action Programme<sup>2</sup> indicate that there is no evidence of a causal link between local authorities charging for DIY waste and increased levels of fly-tipping.
15. On 22<sup>nd</sup> November 2023, the Government published the Controlled Waste Regulations (Amendment) 2023<sup>3</sup>. The changes provide that local authorities will be required to accept small amounts of DIY waste at HWRCs for free, with larger amounts remaining as ‘industrial waste’ and therefore can remain as a chargeable service. The legislation *de minimis* quantity is defined as follows:

*“the amount of waste delivered to any waste disposal site in a single visit is either—*

*(a) less than 100 litres and capable of being fitted into two 50 litre bags, or*

*(b) a single article of waste no larger than 2000mm x 750mm x 700mm in size; and*

*(iv) the waste delivered to waste deposit sites does not exceed four single visits per household in any four week period”.*

The changes need to be implemented from 31<sup>st</sup> December 2023.

16. It should be noted that despite the wording within Defra’s announcement, the proposal is not to abolish all charges for DIY waste, but in fact to set a minimum level which local authorities must accept for free. Local authorities will still be able to charge for larger volumes of DIY waste being deposited, or for frequent disposal of DIY waste.

## Changes required at the HWRCs

17. From 31<sup>st</sup> December 2023, the *de minimis* levels of DIY waste (as set out in paragraph 15 above) must be accepted without charge so that the County Council can comply with the change in law. The County Council will need to

---

<sup>1</sup> Government press release, “Council DIY waste charges abolished”, 18<sup>th</sup> June 2023: <https://www.gov.uk/government/news/council-diy-waste-charges-abolished>

<sup>2</sup> “The relationship between fly-tipping rates and HWRC charging”, WRAP, June 2023: <https://wrap.org.uk/sites/default/files/2021-09/fly-tipping-rates-and-HWRC-charging.pdf>

<sup>3</sup> Statutory Instrument 2023 No.1243, Environmental Protection, England, [The Controlled Waste \(England and Wales\) \(Amendment\) \(England\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2023/01/20231243/contents/section/1)

instruct its contractors to adjust their site procedures to implement this change from 31<sup>st</sup> December 2023.

### **Consequences of the change**

18. The change in law creates consequences for the County Council, and these result in operational, commercial, and contractual challenges which will need to be resolved. It will be important to resolve these factors ahead of 31<sup>st</sup> December 2023.
19. There will be a significant reduction in income obtained from DIY waste charges at the HWRCs, combined with increased costs associated with processing / disposal and haulage of DIY material that was previously free to the Council under our contract. Further, it is also possible that there will be an increase in the amount of DIY waste which is deposited at the HWRCs. These two factors will have commercial and financial impacts which are detailed in Annex 1.
20. There will be a requirement to agree revised contractual terms with the HWRC contractors to implement the required operational changes and to handle any amendments that may be required to the commercial terms. Discussions with the HWRC contractors on how the change will be implemented are underway.

### **Conclusions**

21. The change in law required by Government requires local authorities to change their policies around charging for DIY waste from 31<sup>st</sup> December 2023. It is recommended that the County Council changes its policy accordingly, from the aforementioned date.
22. There will be a requirement to negotiate variations to the HWRC contracts with W&S and FCC to account for the operational and commercial impacts of this change in law. It is recommended that Officers are tasked with entering into discussions with the contractors to implement the required policy changes and to negotiate the commercial implications of such changes.
23. In order to mitigate the cost increases, it is recommended that Officers are tasked with developing longer-term solutions to minimise and control the impacts of this legislation and ensure value for money is maintained.

### **Corporate Policies and Priorities**

22. The HWRC service contributes to corporate policies and priorities as follows:
  - (a) Put action to address the climate emergency at the heart of our work – our network of 7 HWRC's take around 15% of the total waste arisings handled by Oxfordshire Councils and we have a recycling rate >70% across all sites which compares well nationally and is assisting with transition towards a circular economy and reduce carbon emissions.

- (b) Prioritise the health and wellbeing of residents – the provision of safe, legal and environmentally sustainable ways of disposing of multiple waste streams and materials no longer wanted. The HWRC service was considered an essential service during the Covid pandemic.
  - (c) Working with local businesses and partners for environmental, economic and social benefit – our HWRCs are used by our district partners to deposit certain waste streams and our network is also used by a number of charities as a way to dispose of donated materials to them. In addition, our Redbridge facility offers a trade waste service for local SME's and we contract with several local businesses to help manage waste accepted at HWRCs. However, any redesign of the site is likely to see the trade service reduced or significantly curtailed, in favour of better designed and future proofed site for residents.
23. The Council, through its Local Transport and Connectivity Plan (LTCP), has an aim to reduce car journeys. The Waste Management Team attempt to support this policy by signposting alternative routes for disposing of resident's waste through the likes of the Waste Wizard tool and other initiatives and signposting the comprehensive kerbside services provided by our waste collection partners. However, the nature of much of the waste that residents bring to our HWRC's and their locations in many incidences being some way from communities means the service is less aligned with LTCP policy, and options to mitigate this are considered very limited and/or unaffordable or impractical.

## **Financial Implications**

24. It is expected that there will be a significant additional budget pressure as a result of this change in law, due to the increased costs associated with previously chargeable DIY wastes becoming free to residents. At present, £400k is included in the Medium Term Financial Strategy for 2025/26 for the increased costs associated with the change in law. No budget allowance has been made for 2023/24, with an estimated budget pressure of £100k.
25. No additional funding is being made available by Government for this change in law. Therefore, the County Council must absorb the financial implications of the change within existing budgets.

Reviewed by: Filipp Skiffins - Assistant Finance Business Partner

## **Legal Implications**

26. The Council must comply with the change of law by the implementation date, which is 31<sup>st</sup> December 2023.
27. There will be a requirement to vary the HWRC contracts with W&S and FCC to take into consideration the amended policy.

Reviewed by: Bede Murtagh – Contracts Solicitor

## Staff Implications

28. No implications for staffing would arise from this change in law and the adaptation to the Council's policy.

## Equality & Inclusion Implications

29. The HWRC service contract is long established, and this change to DIY waste charging is not anticipated adversely change any equality and inclusion implications.
30. Residents may feel that they wish to visit site more often with smaller loads in order to take advantage of free *de minimis* level of DIY waste disposal. This will mean those in rural communities, who live further from HWRCs, will be travelling more frequently.
31. It is considered that there would be a small positive impact for areas of deprivation, as the introduction of a free *de minimis* level for DIY waste disposal will be of benefit to those in low incomes. Current guidelines would have charged a maximum of £10 for disposal of the waste that will now be free. DIY waste is not produced on a regular basis by householders so this charge would have been levied on a very irregular basis.

## Sustainability Implications

32. The HWRC service contributes to corporate policies and priorities. The service has a positive impact on climate action as it supports the waste hierarchy, ensuring the recycling and reuse of household waste. At present around 70% of all the municipal wastes received through the HWRC network is reused or recycled with a further 18% recovered. This performance actively contributes to and enhances the County's recycling and environmental performance, and the County Council's contribution and commitment to Oxfordshire's Resources and Waste Strategy.
33. This change to DIY waste charging may result in an increase to the amount of waste which is deposited at the HWRCs. The majority of this waste is likely to comprise inert materials (e.g. rubble) and wood. The sustainability impact of these materials is generally quite low due to their nature. The change in law is unlikely to have any impact on the volume of waste material being produced (i.e. residents would produce this waste irrespective of the change in law), but the change means that a small proportion of this material may be diverted away from private waste management companies and into the household waste stream.
34. Residents may feel that they wish to visit site more often with smaller loads in order to take advantage of free *de minimis* level of DIY waste disposal. This will mean those in rural communities, who live further from HWRCs, will be travelling more frequently.



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank