

Waste Management Tipping Away Policy Consultation

Background

On 10th October 2018 Gloucestershire County Council's (GCC) Cabinet authorised the carrying out of a consultation exercise with all the District, Borough and City Councils within Gloucestershire on the development of a waste 'tipping away' policy based upon the financial model developed by the National Association of Waste Disposal Officers (NAWDO).

Tipping away is the transportation of waste by a Waste Collection Authority (WCA) to a disposal point located outside of its waste collection area. In practice, tipping away would be required where no treatment facilities or bulking/transfer facilities are provided within the WCAs' administrative area. GCC is a Waste Disposal Authority (WDA).

The Environmental Protection Act 1990 (EPA) sets out the powers and responsibilities of local authorities in relation to the transportation and tipping of waste. The following clauses are of specific relevance.

s.48; Duties of waste collection authorities as respects disposal of waste collected.

- (1) *It shall be the duty of each waste collection authority to deliver for disposal all waste which is collected by the authority... to such places as the waste disposal authority for its area directs.*

s.51 Functions of waste disposal authorities.

- (1) *It shall be the duty of each waste disposal authority to arrange—*
 - (a) *for the disposal of the controlled waste collected in its area by the waste collection authorities;*
- (4) *For the purpose of discharging its duty under subsection (1)(a) above as respects controlled waste collected as mentioned in that paragraph a waste disposal authority—*
 - (a) *shall give directions to the waste collection authorities within its area as to the persons to whom and places at which such waste is to be delivered;*

s.52; Payment for recycling and disposal etc. of waste.

- (10) *A waste disposal authority shall pay to a waste collection authority a reasonable contribution towards expenditure reasonably incurred by the waste collection authority in delivering waste, in pursuance*

of a direction under s51 above, to a place which is unreasonably far from the waste collection area.

Sections 48(1) and 51(1) do not apply in cases where the WCA takes responsibility for, and makes its own arrangements for disposal, such as is the case for disposal of materials for recycling. Note also that s52(10) does not apply to trade (commercial and industrial) waste collected by the WCA. In the case of trade waste, the EPA makes a further provision that a tipping away payment *may* be made at the discretion of the WDA, but this is not a statutory requirement.

GCC does not have a formal policy in place to calculate and apply the requirements of s.52(10) of the EPA. These are commonly referred to as “tipping away” payments. In many 2-tier Local Authority areas in England policies have been adopted which define how such payments are determined using a formula which calculates a reasonable contribution paid to the WCA based upon the additional travel time and associated operating costs. These policies only apply when a WCA is directed by the WDA to tip waste unreasonably far outside its operating area.

The adoption of such a policy within Gloucestershire would provide transparency and an improved level of operational certainty to all parties in the case where changes are made to waste delivery points and where a waste transfer facility is not locally available. The EPA makes no distinction with regards to waste types, and a policy would therefore apply to various waste streams including separately collected food, garden and residual wastes. New contracts for the treatment of all waste streams will be established in the next few years and the ability to consider tipping away as an option within a formally adopted policy context would be a useful aspect of the decision-making process.

Gloucestershire Joint Waste Committee

GCC together with Cheltenham Borough Council, Cotswold District Council, Forest of Dean D.C and Tewkesbury Borough Council have formed the Gloucestershire Joint Waste Committee (GJWC). The Councils have entered into an Inter-Authority Agreement (IAA) setting out how the GJWC operates and delegating certain powers and responsibilities to the GJWC; these include sections 48, 51 and 52 of the EPA. However, the IAA also sets out (in Clause 3.2.4) that such delegations shall not include policy changes to collection and disposal methods. Consequently, the development and adoption of a waste tipping away policy is the responsibility of GCC. The policy will be developed in consultation with the GJWC and also with Gloucester City Council and Stroud District Council, who do not currently form part of the GJWC.

The NAWDO Tipping Away model

Tipping away payments should cover the *reasonable* costs incurred by a WCA in delivering waste to a disposal point which is *unreasonably* far from the WCAs

operational area. Legislation does not define what is reasonable or unreasonable. However, a number of authorities have adopted a model which attempts to standardise these unknowns whilst allowing for local variances. This model, formulated and presented by NAWDO has been recommended to the Association of County Councils for use nationally and forms the financial mechanism on which GCC is undertaking this consultation with a view to developing a tipping away policy.

The formula uses the following variables to produce a total annual tipping away cost:

- The number of journeys made in a year.
- The distance (D) travelled from the WCAs boundary to the disposal point (return journey).
- The mileage (d) outside the district boundary beyond which it is considered unreasonable to travel (the model deducts this from the total distance travelled – point above). This therefore becomes disregarded mileage within the calculation. When deciding upon this disregarded mileage consideration should be given to local circumstances such as the type of road / route used. The guidance provided with the model indicates that this should equate to between 0 and 30 minutes travel time (total for a return journey).
- The average speed of vehicles. Again, this will recognise local variances.
- The average hourly rate of vehicle operating costs (including, if agreed, idle labour).

The model uses these variables in the following formula;

Payment	= No. of journeys by vehicles	$\times \frac{2(D-d)}{\text{Ave. speed}}$	x	Average hourly rate of vehicle operating costs
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Considering each of these variables in turn:

1) Number of journeys by vehicles

This is the number of journeys taken by WCA vehicles throughout a year. Arriving at this figure will require agreement between the WCA and the WDA using either actual data or by using an average calculation dividing the total annual tonnage forecast with the average payload. This calculation could use a single average tonnage applicable to all deliveries, or it could be built up to take account of the different types of vehicles operated by the WCA.

2) The distance travelled from the WCAs boundary to the disposal point (D).

The use of the district boundary closest to the disposal point as a basis for determining D is the standard approach contained within the NAWDO model. In itself it does not take account of the size of the waste collection area and the distances travelled by WCA vehicles within their collection areas.

3) That distance beyond the boundary which it is considered should be disregarded (d).

Establishing the threshold mileage beyond which it is unreasonable to travel outside a waste collection area is an important aspect of the formula. The NAWDO model provides some guidance in stating that the total return time to drive the disregarded mileage should be between 0 and 30 minutes; beyond this distance is considered to be unreasonably far. This disregarded mileage is deducted from the payment calculation. The following table illustrates how disregarded mileage could be calculated.

Speed of travel and disregarded mileage

Average Speed	Disregarded Mileage (15 mins return journey)	Disregarded Mileage (30 mins return journey)
25	3.12	6.25
30	3.75	7.5
40	5	10
50	6.25	12.5

Local conditions might affect this variable. Faster motorway conditions may, for example, result in a higher disregarded mileage compared with a journey undertaken on slower A or B roads. The NAWDO model recognises that vehicles operating in large rural areas may travel large distances to their boundary. In such cases it may be considered that any distance outside the boundary is unreasonable. In more compact areas where only short distances from collection points to the boundary are involved, it may be considered that up to 30 minutes travel time is reasonable. GCC will need to establish these principles for itself as part of the policy.

4) The average vehicle speed.

The average speed should be determined and applied on a case by case basis dependant upon the route used. This variable should be agreed between the WCA and the WDA and could be determined with some trial runs and reviewed over time as road and traffic conditions may change.

5) The average hourly rate of vehicle operating costs.

Although the model does not define this in any detail, this might include the cost of drivers and other staff, fuel, vehicle maintenance and standing costs.. Asset

depreciation is not explicitly included or excluded. Consideration could also be given to the potential range of different vehicles making the journeys.

6) Payment.

The payment from the WDA to the WCA would be calculated using the formula once all variables have been defined and agreed. The model does not define the frequency of payments. It does allow for a reasonable administrative charge to be levied on the WCA in respect of processing transactions, therefore the fewer the transactions the less processing costs are incurred.

Consultation questions: Please follow this online link to complete this consultation online

GCC proposes to use the NAWDO model as the financial mechanism to be used for the determination of future tipping away payments. WCAs views are sought on how this approach could be developed and applied, so that a reasonable contribution is made to any future WCA costs incurred by tipping waste unreasonably far beyond their collection area boundary.

Q1) Does this model consider all appropriate variables? What additional variables, if any, would you want to see included, and why? Do you have any further comments in relation to how the requirements of the EPA are captured within this model?

Q2) The district boundary nearest to the disposal point is used as the starting point for calculations of when tipping waste outside the waste collection area (D). Do you think there may be any circumstances where it might be justifiable to alter this approach? If so, what alternative starting point could be considered in each of those circumstances?

Q3) The NAWDO model suggests a return journey of between 0 and 30 minutes (not including tipping time) beyond a WCA boundary could be considered to be a reasonable distance for a disposal point. This means that some flexibility is built into the NAWDO model, allowing for this distance to vary depending on the type of route used (e.g. motorway journeys would have a higher disregarded mileage compared to slower routes). Should any other considerations be applied in determining any disregarded mileage (d)?

Q4) Different types of vehicle will operate at different costs and speeds. Therefore it would seem reasonable to calculate tipping away payments separately for each vehicle type rather than using a fleet average. Is this a sensible approach, and if not, what would be the alternative approach?

Q5) The average vehicle speed can be determined as an actual figure in one of two ways; i) using online mapping and known vehicle specs, ii) by using actuals determined from trial runs or vehicle tracker information. What would be your preferred approach and why?

Q6) There is a requirement to include hourly vehicle operating costs within the model. We would envisage that these costs would be supplied by each WCA and verified prior to being applied within the model. Do you have any further comments in respect of how this process would work?

Q7) The number of journeys undertaken in any period will determine the payment due for that period. What would be the preferred period upon which payments should be made (monthly, quarterly or annually)?

Q8) Are there any other matters that you consider should be included in the development of a tipping away payment policy?

Q Name and position in the organisation

Q Name of council