



Department for
Communities and
Local Government

**Department for Communities and Local
Government**
Eland House - London

Cllr Stephen Cooksey
County Councillor for Dorking South and the
Holmwoods

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Dear Cllr Cooksey,

Thank you for your email of 28 October 2016 to the Department for Communities and Local Government that concerned household waste recycling centres. I am replying on the department's behalf as I work in its Local Government Policy directorate.

The Local Authorities (prohibition of Charging Residents to Deposit Household Waste) Order 2015 does indeed prevent local authorities from charging their residents to dispose of household waste and recycling at household waste recycling centres (HWRCs). In its 2011 Waste Review, the Government made a formal commitment to ensuring that households have access to HWRCs where they can deposit their waste and recycling free at the point of use. Longstanding legislation passed by Parliament requires that municipal services are provided free of charge to householders for the disposal of household waste.

As your email alludes, guidance on HWRCs, produced by WRAP, is clear the prohibition of charging should extend to household waste from DIY (see para 5.1.3 in http://www.wrap.org.uk/sites/files/wrap/INH0449_HWRC_Guide_%20final.pdf).

Your email asks what action DCLG will take against councils charging for DIY waste. Local authorities can of course charge for the disposal of non-household waste such as car tyres, and construction and demolition waste, at HWRCs. The department expects local authorities to offer clarity for their residents about what charges apply and how these charges are justified. Where we are informed of over-zealous charging regimes Ministers may consider next steps.

You also ask what options are open to residents. An interested person, such as one of the council's residents, can apply to the High Court for a judicial review of the legality of the decision to charge residents for a type of waste if s/he is of the view that it is "household" and should be disposed of for free. It would be up to the resident to take appropriate legal advice but if the application is successful the Court can declare that the council has acted unlawfully and require it to stop charging.

Yours sincerely

Nick Bagshaw