

Gloucester City Council

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| Meeting: | Cabinet | Date: | 9 December 2015 |
| Subject: | Compliance with the Waste Framework Directive and The Waste (England & Wales) Regulations 2011 (as amended) | | |
| Report Of: | Cabinet Member for Environment | | |
| Wards Affected: | All | | |
| Key Decision: | No | Budget/Policy Framework: | No |
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| Appendices: | 1. Gloucester City Council's Compliance Assessment – September 2015 | | |

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To inform Cabinet that having undertaken a formal assessment of the Council's Waste and Recycling service, no change is required to the way we collect and re-process recycling materials and the service can be regarded as TEEP compliant.

2.0 Recommendations

- 2.1 **CABINET** is asked to **RESOLVE** that:

- (1) The contents of the report be noted
- (2) The outcome of the compliance assessment be approved and endorsed, and
- (3) The need to review compliance if changes are made to the way in which recycling is collected and or re-processed in the future be noted.

3.0 Background and Key Issues

- 3.1 The revised Waste Framework Directive requires the UK to take measures to promote high quality recycling. These are implemented in England by the Waste (England & Wales) Regulations 2011 (as amended).
- 3.2 The regulations have two key parts and describe duties for waste management which include, following the waste hierarchy and improving the use of waste as a resource. A specific requirement of this legislation was that by 1st January 2015 Waste Collection Authorities should have in place separate collections of paper, plastic, metal and glass where it is necessary to facilitate or improve recovery of recyclables and where it is technically, environmentally and economically practicable to do so.

- 3.3 The purpose of these amended regulations is to improve the quality of materials collected for re-processing by reducing contamination. This will increase the value of materials collected in the UK and help the environment by making better use of natural resources, therefore helping the economy. It will also assist the UK to achieve its national recycling targets.
- 3.4 In order to assist local authorities in demonstrating compliance with the regulations, a working group set up by WRAP (DEFRA funded Waste and Resources Action Programme) developed a "Waste Regulations Route Map". The Environment Agency who will enforce the new regulations have indicated that following this Route Map in the absence of guidance produced by themselves, can assist Waste Collection Authorities in demonstrating compliance.
- 3.5 The Waste Regulations Route Map describes the quality standard by stating "a hallmark of high quality is that material can be reprocessed back into a product of similar quality to what it was originally, this is known as "closed loop" recycling."
- 3.6 In simple terms Waste Collection Authorities (WCA's) are expected to ensure that residents can avoid putting paper, plastic, metal or glass in the same container as their general waste. In addition they are expected to collect these materials separately from each other, subject to the following two tier test:-
- 1) Is separate collection necessary to ensure that waste undergoes recovery operations in accordance with rWFD, and to facilitate or improve recovery? This is known as the necessity test.
 - 2) Is separate collection technically, environmentally and economically practicable? This is known as the TEEP test.
- 3.7 As a result of introducing an enhanced recycling service in 2007, and then further improvements to the service in 2010 & 2015, we currently operate a comprehensive kerb-side sort service collecting 9 commodities. This includes paper, glass, cans, aerosols, plastic bottles, household batteries, cartons and food waste all separated on one vehicle. Garden waste is collected separately. Materials are hand sorted from within the green recycling box at the kerb side by recycling operatives and any contamination is left in the box with a notice to the resident advising what the contamination is. This helps to prevent future contamination entering the recycling stream, and ensures a quality end product can be sent for reprocessing.
- 3.8 The service outlined above indicates a high level of compliance given that the 4 key materials of paper, plastic, metal and glass are separated at the kerbside and it is reasonable to assume that it is not necessary to carry out the necessity test. Likewise it can be assumed that Gloucester City Council is compliant with TEEP and this is confirmed by the Matrix Assessment included at Appendix 1.
- 3.9 This output focussed method of collecting recycling, coupled with the targeted intervention work carried out by the Environmental Projects team in areas of low recycling participation, has resulted in improved recycling performance over the last 12 months.

- 3.10 The volume of food waste recycled has increased by 10%, the volume of dry recycling collected has increased by 4% and the total amount of residual waste destined for landfill has decreased by 3%. This is in contrast to the national trend which shows residual waste increasing.
- 3.11 This reduction in residual waste and the increase in food waste has received attention from the Gloucestershire Joint Waste Team based at Gloucestershire County Council, and who are now developing similar projects with our input, across those Districts it serves.

4.0 Asset Based Community Development (ABCD) Considerations

Due to the legal obligation placed upon the Council to deliver a Waste and Recycling Collection Service there is little scope to apply ABCD. There is however evidence of the positive impact that “Recycling Champions” can have on those communities where recycling performance is poor and is something that is already taking place within the targeted proactive work carried out by the Environmental Projects team.

5.0 Alternative Options Considered

- 5.1 An alternative option would have been not to have undertaken the assessment and simply assume our Waste & Recycling Collection Service was TEEP compliant. This option would leave the Council at risk of an Environment Agency challenge and would not be in the spirit of openness and transparency which we as a Council wish to convey.

6.0 Reasons for Recommendations

- 6.1 This report enables the Council to provide evidence of compliance with the Waste (England & Wales) Regulations 2011 (as amended).
- 6.2 Waste collection and recycling are important front line services; that have an impact on every household in the City. The quality and perception of the service have a direct impact on resident satisfaction with the Council.
- 6.3 The assessment and its outcome illustrates that the Council through its Waste & Recycling Collection Service produces high quality materials, which will assist us in improving our recycling performance and conveying positive recycling messages. It also highlights our dedication to improve the environment by making better use of natural resources, in line with the Corporate Plan.

7.0 Future Work and Conclusions

- 7.1 As detailed in the recommendations, any future change to the way in which we collect recycling will need to be assessed for compliance, prior to implementation.
- 7.2 When developing our Fleet Replacement Strategy, consideration will be given to what additional commodities can be collected at the kerb side and the need to remain TEEP compliant.

8.0 Financial Implications

- 8.1 The financial benefits of collecting recycling in a kerb-side sort system are quality material, free from contamination, and therefore suitable for sale. The income is used by AMEY to partly offset the cost of the contract. Although this income level is subject to fluctuation as a result of both market changes and tonnage collected it would be completely eliminated by a co-mingled collection system. There would also be additional cost implications, as material recycling plants charge a gate fee to receive recyclable material.

(Financial Services have been consulted in the preparation of this report)

9.0 Legal Implications

- 9.1 It is a legal requirement to comply with the Revised Waste Framework Directive. The Council is obliged to comply with the legislation making sure that our collection method for recycling is TEEP compliant.
- 9.2 The requirements of the Directive and accompanying Regulations do not amount to a blanket ban on co-mingled collections but the tests referred to in paragraph 3.6 create significant obstacles to any authority wishing to retain, or revert to, a co-mingled collection service. The practicality test would require an authority to show that a co-mingled collection is producing high quality recyclates in quantity, while under the TEEP test the authority would have to show it is not practicable to change to separate collections. In both cases the authority would need to have fully documented the reasons for its decisions so as to be able to justify the use of a co-mingled service to the Environment Agency.
- 9.3 The co-mingled issue is currently academic for the Council because it operates a separate collection as described in the body of this report.

(One Legal have been consulted in the preparation of this report)

10.0 Risk & Opportunity Management Implications

- 10.1 The following risks and opportunities have been identified

| Risks | Opportunities |
|---|--|
| Not undertaking an assessment and communicating the outcome could result in an Environment Agency challenge | Able to demonstrate that our service is compliant and produces a high quality recycle material |
| Any future service change that would result in the co-collection of materials would need to consider TEEP. | Income from source separated recycling allows us to benefit from competitive sales prices |
| Reputational risk to Council from being listed by Environment Agency as having not carried out or communicated its assessment outcome | Outcome of assessment can help convey positive recycling messages |
| | To avoid an Environment Agency challenge |

11.0 People Impact Assessment (PIA):

11.1 The PIA screening stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

12.1 Sustainability

The high level of compliance illustrated through this assessment ensures that our recycling service will continue to meet the future direction of European and UK policy which is to provide a high quality and clean material that can be re-processed within the Country in which it has been produced. This also plays a part in the drive towards a closed loop society in respect of resource management.

12.2 Staffing & Trade Union

No staffing or trade union implications have been identified in respect of this report.

Background Documents: The Waste (England & Wales) Regulations (as amended)
The Revised Waste Framework Directive (Directive 2008/98/EC)
The Waste Regulations Route Map (WRAP)