

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND ENVIRONMENT SERVICES ADVISORY BOARD

01 June 2015

Report of the Director of Street Scene & Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WASTE FRAMEWORK DIRECTIVE (WFD) – COLLECTION OF RECYCLING MATERIALS

Summary

This report provides details of the work carried out to demonstrate the Council's compliance with the new regulations on collection methods for recycling materials that came into force in January 2015.

1.1 Background

1.1.1 At the meeting of the Local Environmental Management Advisory Board in September 2014 I outlined the new WFD legislation and our proposal to carry out a full evaluation (a "Route Map" assessment) of our recycling collection methods in order to demonstrate our compliance.

1.1.2 The revised WFD requires the United Kingdom to take measures to promote high quality recycling. This includes a specific requirement to set up separate collections of paper, plastic, metal and glass as a minimum by January 2015. These materials must be collected separately, unless:

- It is not necessary to do so in order to provide high quality recyclates – the "necessity test", or
- It is not Technically, Environmentally, Economically Practicable (TEEP) to provide for separate collection – the "practicability test".

1.1.3 While the legislation prioritises the above key materials, it also requires Waste Collection Authorities to look at their entire waste systems and how waste is managed in accordance with the waste hierarchy of treatment. This regulation came into force in 2011 and places an ongoing requirement to apply the waste hierarchy:

- Prevention;
- Preparation for re-use;
- Recycling, and

- Other recovery including energy recovery.

1.1.4 Although it had been hoped that the Government would provide detailed advice on how Local Authorities may meet these requirements and demonstrate compliance, this guidance has not been forthcoming. However, in the absence of any guidance a working group comprising members of Local Authority Waste Network (LAWN) has developed the Waste Regulations Route Map (the “Route Map”).

1.2 The “Route Map” Assessment

1.2.1 This is an advice document that takes local authorities through a step by step guide on how to demonstrate compliance with the new regulations. This is a fairly lengthy process and for information a copy of the guidance can be found at:

<http://www.wrap.org.uk/sites/files/wrap/Route%20Map%20Revised%20Dec%202014.pdf>

1.2.2 As endorsed at the Advisory Board in September 2014 officers have worked closely with the Kent Resource Partnership (KRP) which provided funding for districts to engage consultants to carry out this assessment.

1.2.3 Waste Consulting Limited (WCL) were engaged by a number of Kent districts and have now completed this assessment for our Council. Members will be pleased to note that the report states that “the Council currently demonstrates a high level of compliance with the waste regulations.” A copy of the Executive summary is attached at **Annex 1**, and a full copy of the report can be made available to Members on request.

1.2.4 Using the “Route Map” methodology and working with WCL not only provides a consistent approach to the process used by other authorities, but also provides us with external verification.

1.2.5 The Environment Agency, as the enforcement body for the new legislation, has recently written to all local authorities asking that they confirm compliance and we have responded with details.

1.3 The Way Forward

1.3.1 It is worth noting that while we are currently able to demonstrate our compliance with the new legislation, this is a dynamic process with any changes to our recycling collection system requiring further or updated assessments.

1.3.2 When engaging consultants we took the opportunity to go beyond the initial requirements of the regulations and WCL has also provided commentary on our wider recycling collection services with a number of recommendations for the future. The recommendations include

- a compositional analysis of residual and organises waste streams
- working with the KRP to improve capture rates of high quality materials

- working with the KRP and KCC on collection and processing options for cardboard
- regular assessment of material sent to high quality recycling.

This is something Officers are already mindful of as we consider our options in advance of contract renewal in early 2019. The KRP are also looking at key trends and potential areas for joint working across Kent districts arising from these assessments.

- 1.3.3 Officers are currently evaluating and reviewing this information and any proposals or actions arising from this further work will be shared with Members in due course.

1.4 Legal Implications

- 1.4.1 There is a legal requirement to comply with the new regulations. Waste Collection Authorities need to be able to demonstrate that their recycling collection systems meet these regulations.

1.5 Financial and Value for Money Considerations

- 1.5.1 Funding to engage consultants and carry out the “Route Map” assessment report has been provided by the Kent Resource Partnership. Officers are currently looking at the wider report in more detail. Any recommendations or potential actions for the future development will be fully evaluated and costed and will be subject of further reports to Members.
- 1.5.2 There are no additional costs associated with the process at this stage.

1.6 Risk Assessment

- 1.6.1 There are potentially two significant risks to Councils across the country: firstly, the Environment Agency has an enforcement role, which could involve prosecutions; secondly, Judicial Reviews may be possible against Councils in terms of how the law has been implemented.
- 1.6.2 Having gone through the recommended assessment process for our recycling collection services, we believe we are able to demonstrate compliance with the new regulations and details have been provided to the Environment Agency. While it has been assessed that our current collection methods do comply with the legislation, we will need to be mindful of future service changes and potential implications.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

IT IS RECOMMENDED TO CABINET that:

- i) Members endorse this report which demonstrates the borough council's compliance with the new EU Waste Framework Directive regulations.
- ii) Liaison takes place with both the Kent Resource Partnership and Kent County Council to consider the recommendations brought forward in the assessment undertaken by WCL.

The Director of Street Scene & Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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Director of Street Scene & Leisure