

TONBRIDGE & MALLING BOROUGH COUNCIL
LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

2 September 2014

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 EU WASTE FRAMEWORK DIRECTIVE (WDF) - LEGISLATION REGARDING RECYCLING COLLECTION METHODS

Summary

This report provides details of the new regulations and legislation regarding the collection methods for recycling materials that come into force in January 2015.

1.1 Background

1.1.1 Members may recall an earlier report to this Board in November 2013 following advice from Defra regarding compliance on the co-mingling of recycling materials at the time of collection.

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

- It is not necessary to provide high quality recyclates – the “necessity test”, or
- It is not technically, environmentally, economically practicable (TEEP) – 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 Defra 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 Defra 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”

1.2.1 This is an advice document that takes you through a step by step guide on how to demonstrate compliance with the new regulations.

1.2.2 The Route Map has been produced as an advice document and has been prepared in conjunction with a number of nationally recognised waste industry experts. As part of its development it was also peer reviewed by twenty English local authorities.

1.2.3 The Environment Agency, as the enforcement authority for the new legislation, has already indicated their support for the “Route Map” approach.

1.2.4 The Kent Resource Partnership (KRP) recently held a workshop session, which provided an overview of the new regulations and the potential implications for local authorities. This included presentations by legal experts, the Environment Agency and one of the authors of the “Route Map”. The session was attended by Director of Street Scene & Leisure, the Head of Waste & Street Scene and the Cabinet Member for Environmental Services. The KRP has endorsed the use of the “Route Map” as a sensible and consistent approach for Kent Authorities.

1.3 The Way Forward

1.3.1 Although our initial view is that our current system of source separated collections for recycling does comply with the new regulations, we will still need to be able to demonstrate compliance. It is felt that the “Route Map” is a useful tool in fulfilling this requirement.

1.3.2 At the time of writing this report officers were engaged in meetings with KRP colleagues to adopt this approach and identify any potential areas for joint working. Where there are similar collection systems or disposal routes there may be both time and cost benefits in pooling resources.

1.3.3 Although there will inevitably be a significant input from officers, it may be more cost effective to engage a waste management specialist to take us through this process and also to provide some external verification. The KRP has set aside some funding to assist with this process. These issues are currently being considered by officers and it is not anticipated that there will be any additional costs for this council.

1.3.4 As Members will be aware, there are a wide range of waste collection systems nationally and also across Kent. Some authorities that presently co-mingle

recycling materials may have more significant challenges in demonstrating compliance with the new regulations. We will be watching developments closely over the next few years as we prepare for any future service changes on the lead up to our current contract expiring in 2019.

- 1.3.5 As discussions are ongoing, I will update Members on any developments at the Board meeting.

1.4 Legal Implications

- 1.4.1 There is a legal requirement to comply with the new regulations. Waste Collection Authorities will need to be able to demonstrate that their recycling collection systems meet the “necessity test” and if then required the “practicability test”. It is felt that the recently published “Route Map” provides a method of being able to demonstrate our compliance.

1.5 Financial and Value for Money Considerations

- 1.5.1 Officers are currently meeting with Kent Resource Partnership (KRP) colleagues to go through this process and identify any areas of common practice. Where there are similar collection methods or shared disposal routes, it may be more practical and efficient for some authorities to work together in demonstrating compliance using the “Route Map”. These issues are currently being considered by officers.
- 1.5.2 As the KRP has already set aside some funding to assist with this process, I do not anticipate any additional cost to this council.

1.6 Risk Assessment

- 1.6.1 There are 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 While our initial view is 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 See 'Screening for equality impacts' table at end of report

1.8 Recommendations

CABINET IS RECOMMENDED TO NOTE AND ENDORSE the approach outlined in this report to demonstrate compliance with the new regulations and work with Kent Resource Partnership colleagues where practicable.

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:

contact: Dennis Gardner

Nil

Robert Styles
Director of Street Scene & Leisure

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	No implications to any community group.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No implications to any Community group
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.