

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Cleaner, Greener and Safer Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **28 July 2015**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Roy Jones (Chair), Clare Baldwin (Vice-Chair), James Baker, Garry Hague, Michael Stone and Pauline Tolson

Substitutes:

Councillors Terence Hipsey, Jane Potheary, Andrew Roast, Peter Smith and Deborah Stewart

Agenda

Open to Public and Press

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3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **20 July 2015**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Cleaner, Greener and Safer Overview and Scrutiny Committee held on 22 January 2015 at 7.00 pm

Present: Councillors Cathy Kent (Chair), Pauline Tolson (Vice-Chair), Andrew Roast and Susan Shinnick

Apologies: Councillors Michael Stone

In attendance: Councillor Tony Fish – Portfolio Holder for Environment
Leigh Norris, Chief Inspector
Lee Argent, Acting Inspector
PC Downs, Essex Traveller Liaison Officer
Steve Cox, Assistant Chief Executive
Gavin Dennett, Environmental Health and Trading Standards Manager
Jim Nicolson, Community Protection Manager
Mike Heath, Head of Environment
Ian Rydings, Head of Asset Management
Matthew Boulter, Principal Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

13. Minutes

The Minutes of the Cleaner, Greener and Safer Overview and Scrutiny Committee, held on 15 December 2014, were approved as a correct record.

14. Items of Urgent Business

None

15. Declaration of Interests

None

16. Witness Session: Essex Police attending to discuss fly-tipping issues

Members asked the Police whether there was any policy relating to the moving of traveller sites. The Police clarified that there were no such powers or policies relating to travellers, however, the Police did have a policy relating to unlawful encampments, which could be travellers or otherwise. It was added that this policy was available to all officers and the Inspector had ensured that all his staff were aware and familiar with the relevant legislation and practice.

Section 61 of the Criminal Justice and Public Order Act 1994 allowed the police to move encampments off land. Noting the content of that legislation, Members wondered why the encampment at Cory's Wharf had not been moved on once it was discovered they had broken the law by breaking the chain that secured the site. The Police explained that to enforce Section 61, there had to be evidence that the encampment was having a negative impact on the community or there was increased crime in the surrounding community. The breaking of a chain, therefore, was not enough to invoke Section 61. The Police would instead seek to arrest the person who had cut the chain rather than hold the entire encampment culpable.

The Committee discussed the timeline of events relating to Cory Wharf and detailed the times when officers had visited the site. It was established that significant fly tipping had occurred within a ten day period as police officers had not noted large amounts of fly-tipping on previous visits. The Committee noted that there had been a number of different groups at the site and that these had overlapped preventing the council from securing the site after one group had left.

The Committee briefly discussed the injuries sustained by police officers on the site and it was confirmed that two officers had been bitten by dogs on the first day of entering the site and PC Downs had been bitten at a later date. Two families who owned the dogs suspected of the attacks were evicted from the site and moved on.

Members learnt that the Traveller Liaison Officer was able to note the indexes and registrations of caravans and vehicles on any encampment and feed this into a county wide database. The police also had video cameras on their uniform which allowed them to identify individuals. Likewise, they were able to take photographs of the encampment. It was highlighted, however, that the police could not require people to give their names and addresses if they did not wish as these encampments were largely civil trespasses onto land rather than criminal ones.

A discussion was had on the length of time it took to remove the groups from the site compared to other instances on private land where it had been much quicker. It was explained that on Council land, the Council had a duty of care to the people living there but on private land there was no duty of care for the land owner. Private land was also governed by common law and therefore, private owners would employ bailiffs instead of the police to remove groups. The Committee noted that there were different circumstances for different land and that private land owners did not necessarily see a quick process all the time.

Members understood that Police action relating to unlawful encampments was decided by the senior officer on site at any given time. This could be a Chief Inspector one day and a sergeant the next. The Committee felt there needed to be a core approach. The Chief Inspector agreed that a core approach would be good however, he pointed out that there were two hundred staff working different shifts and dealing with issues twenty four hours. Because of

this, it was not possible to create an approach where one person made decisions all the time over twenty four hours. It was added that the Police were working with the council and other agencies to gain access to out of hours services in land registry and other council services so that this decision making was better informed at any time of day or night.

The Committee briefly discussed the comment made by a former Police Chief Superintendent in the local paper about how Essex Police could do more to move encampments on. The Current Chief Inspector highlighted that the moving of encampments from public land was the main responsibility of the Council and the Police aided and assisted in the process. The former Chief Superintendent was entitled to his opinion but the Police had to work within the parameters of the law and in accordance with the action of the landowner. The Police were robust in their approach to unlawful encampments and the fact they had visited the Cory Wharf site five times within twenty four hours demonstrated they were committed to resolving the issue.

When asked, the Police highlighted a number of improvements and developments since the Cory Wharf issue, namely:

- Vehicle details from unlawful encampments are now put on the Police National COmputer, which allows the Police to better track vehicles that have been subject to Section 61 and prevent future unlawful activity.
- Teams are better informed about their powers relating to unlawful encampments and are better equipped through body cameras to identify unlawful activity.
- Essex Police were developing a toolkit to better deal with issues such as Cory Wharf. For example, there was suspected fly-tipping activity in Schoolfield Road in November relating to an encampment. Police intelligence was used and a number of waste bearing vehicles were stopped. Following this action the encampment disappeared within five hours.
- Recent Fly-tipping in Orsett had seen the Police use CCTV to identify suspect vehicles and this has been passed onto the Council.

The Police felt that the protocols designed to deal with fly-tipping, which had been distributed at the meeting, were excellent and would need testing to see if they were right or not. The Police worked well with Thurrock Council and would work with them in the future to deal with these issues.

RESOLVED: That:

- 1. The Committee note the stronger working relationship between the Council and the Police on major fly-tipping and unlawful encampment issues.**
- 2. The draft protocols to deal with fly-tips is noted and endorsed.**

3. **The Chief Executive be asked to write to the Secretary of State to ask that legislation is amended so that the Council and the Police can better and more speedily enforce orders to remove unlawful encampments.**

17. Illegal Money Lending

Officers informed the Committee that the protocols of working between Thurrock and Birmingham Councils, to deal with illegal money lending, had been agreed by Cabinet in 2010 but legislation had changed requiring the protocols to be changed. Working with Birmingham Council allowed Thurrock to tap into expertise of a national team.

RESOLVED: That:

1. **The Committee recommend to Cabinet that the discharge of the council function for the enforcement of the Financial Services and Markets Act 2000 and Part III of the Consumer Credit Act 1974 be carried out by Birmingham City Council**
2. **The committee recommend to Cabinet that the updated “Protocol for Illegal Money Lending Team Investigations” be agreed and authority be delegated to the Head of Public Protection to enter into the agreement on behalf of Thurrock Council and approve minor alterations if required.**

18. Additional Savings Proposals 2015-16

The recommendation to reduce weekly bin collections to an alternate week collection of the green and blue bins was a result of the budget pressures of the council however, as the portfolio holder pointed out, this could have positive impacts such as increasing the recycling rate of the borough. It was stressed that there would still be a weekly collection but only of one bin. It was clarified that brown bins would be alternate weeks and subject to charges in certain circumstances as discussed by the committee at a previous meeting. The proposal tonight would save £520,000 in a year and £260,000 in this financial year.

Some Members felt that not all households required a weekly collection but others, with children for example, probably did. One Member wondered whether residents needed to be educated in not putting out their bins if they were not full. Officers said this was good practice but would not impact on savings as the Council would still need to pay for bin lorries to go down each road and check for each type of bin.

One Member felt there could be negative impacts of increased fly-tipping and overuse of the civic amenity site and the decision to rationalise rounds could send the wrong message to residents. Officers stated that they were working with the operators of the civic amenity site and believed that savings could be made there without needing to close the site for part of the week.

The Committee explored creating income through trade waste charges to fund residential collection. Officers explained that the Council's trade waste contracts had stopped when the Council took back its waste contract from Veola. It was suspected that Veola had taken these as private customers before the end of their contract.

The Committee also learnt that there were ways to make savings by changing the way collections were made, moving away from discreet area working to a wider sweep working where all the crews worked closely together and swept across the borough throughout the week. There were also possibilities to increase collection in the day to rationalise collection days from five to four, as well as explore task and finish methods of waste collection.

The Committee were not convinced the reduction of weekly collections for all bins was the right option and that alternatives needed to be explored.

RESOLVED that:

- 1. The report is noted and the comments above be taken to Cabinet as part of the budget considerations.**
- 2. The portfolio holder and officers investigate the alternatives that have been suggested at the meeting, namely trade waste, a sweep collection system, task and finish methods and the rationalisation of working days.**

19. Budget 2015-16 Proposed Fees and Charges

The Committee briefly discussed the fees relating to football pitches and noted that the Council's fees were similar to surrounding areas and that the money did not pay for the full cost of maintaining pitches. The cost of cremations and burials was also noted and officers explained that the charges covered all aspects of the service.

RESOLVED: That:

- 1. The fees and charges are noted.**
- 2. The above comments are forwarded to Cabinet for consideration with the budget report.**

20. Work Programme

RESOLVED that the work programme be noted.

The meeting finished at 8.30 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

4.	CLEANER, GREENER AND SAFER OVERVIEW AND SCRUTINY COMMITTEE	
Appointed by:	Number of Elected Members:	
Council under section 21 of the Local Government Act 2000	Six, of whom none shall be a Cabinet Member	
Chair and Vice-Chair appointed by:	Political Proportionality:	
Council	The elected Members shall be appointed in accordance with Political Proportionality	
Quorum:	Co-opted Members to be appointed by Council:	
Three elected Members	None appointed	
Functions determined by Council:		
1.	Crime and Disorder Partnerships under the Police and Justice Act 2006	
2.	Waste and recycling	
3.	Community safety	
4.	Environmental protection and management of the environment	
5.	Consumer protection and trading standards	
6.	Licensing	
7.	Animal welfare	
8.	Parks, open spaces and cemeteries	
Functions determined by Statute		
All the powers of an Overview and Scrutiny Committee as set out in section 21 of the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007. This Committee is also the designated Committee under section 19 Police and Justice Act 2006.		

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28 July 2015	ITEM: 6
Cleaner Greener Safer Overview & Scrutiny Committee	
Community Delivery of Environmental Services in Parks and Open Spaces	
Report of: Councillor G. Rice, Portfolio Holder for Environment	
Wards and communities affected: All	Key Decision: No
Accountable Head of Service: Mike Heath, Interim Head of Environment	
Accountable Director: David Bull, Interim Chief Executive	
This report is public	
Purpose of Report: To enable Members of the Cleaner, Greener, Safer Overview and Scrutiny Committee to review and comment on the potential for third sector organisations to manage and operate Council facilities and parks and open spaces.	

Executive Summary

As a result of significant reductions in the money received from Government and other pressures on services the Council will have to make £27m of savings over the three years between 2016/17-2018/19.

The Council can no longer afford to operate all of the services that it has historically provided and it has to focus its attention on delivering its statutory functions. There are a number of activities and services that the Council has delivered but can no longer fully fund that may be able to be delivered by the third sector. This report explores the options for community delivery of services and functions and highlights examples of opportunities to empower groups to take ownership and responsibility for local facilities.

Discussions with the voluntary sector took place in October 2014 in light of budget savings options which highlighted opportunities that should be considered for transfer to the third sector. Outsourcing in this way can provide opportunities to save valued services whilst realising benefits for local people who can play an active role in their community.

1. Recommendations:

- 1.1 That Cleaner Greener and Safer Overview and Scrutiny Committee note the report and ask Cabinet to authorise officers to enter into detailed negotiations with groups who have expressed an interest in developing community based services.**

2. Introduction and Background:

- 2.1 The Council is under severe pressure to deliver a wide range of services with an ever reducing budget. In many instances services and functions which have been delivered in the past but which are not statutory local authority obligations have been squeezed and in some cases withdrawn completely. In front facing operations such as many of those provided within the Environment Services Portfolio there has been a public reaction against the reduced service provision, but the Council still has to face up to the fact that it is not in a position to provide the breadth of services to the same high quality that it has been able to in the past.
- 2.2 The reducing budgets have lead to a withdrawal of a number of functions and a move towards a minimum level of maintenance. Many of the 'extras' funded by the authority such as hanging baskets and bedding, park attendants, education rangers and premium services in higher use locations have been withdrawn in order that the department can operate within the limited budget available to it.
- 2.3 Whilst there has been an increase in the number of complaints through the media (print and social) an increasing number of individuals and community organisations have approached the council to discuss how they can make a difference at a local level and they have started to undertake work in their own communities to improve their local environment. These organisations frequently have access to significant funding opportunities that are not available to the Council but which have been set up to encourage localism in service delivery and community involvement. The fact that these funding opportunities exist will continue to encourage local groups and activists to apply to take responsibility for assets within the community and indeed legislation now permits them to apply to take over many areas of Council responsibility (e.g. Community Right to Challenge, under the Localism Act 2011). It is therefore important that the Council should have an agreed approach to such requests made outside of the more formal Community Rights processing order that they can be handled in a supportive rather than adversarial manner recognising the benefits that such an approach can provide.
- 2.4 At a lower level the department has been working with some of the residents in Stanford since last year to assist them in providing Christmas lighting and this summer to help them provide hanging baskets and flower troughs throughout the shopping area. They have also planted some bedding in the main thoroughfares of the town as well as organising litter picks and other minor environmental improvement works. We are able to assist this type of project through our normal operations and indeed are supporting a wide range of community litter clearances and tidy ups across the borough.
- 2.5 The Council has also already been approached by two separate organisations who wish to take responsibility for functions. The first is the Lightship Café who have expressed an interest in running the café at Grays Beach in the

initial instance with the hope that they can expand their operations over time to include the running of the Grays Beach Park as a whole. The second request has come from the Friends of Hardie Park (Stanford le Hope) who wish to take over the running of the park and to expand the range of opportunities and facilities available to park users.

- 2.6 Each of these requests has a range of implications for the Council in terms of asset ownership and transfer, consideration of discretionary rate relief, any support that may be available from the revenue account as a result of reduced maintenance liabilities etc. In many instances community organisations may be seeking long term leases to enable them to access the funding opportunities which may not be otherwise available to them. The requirement to provide long term leases will need to be carefully considered to ensure that both the Council's and the Community Interest Group's position is protected over the long term and takes account of the range of risks that may apply.
- 2.7 In considering the arrangements for future service delivery of small elements of a much larger entity it is essential to note that this cannot simply mean a transfer of budget to a third party organisation. This takes no account of the impact of the remaining elements of the service that will remain with the Council and the risk of corporate overheads being spread across other services. Only when there is a clear and quantifiable saving to the Council through a transfer of responsibility should a sharing of saving benefit be considered. A key aim of the transfer of services must be to ensure that the remaining operations delivering across the borough are not compromised or disadvantaged. Any arrangement for the transfer of responsibility must take account of the potential risk of the failure of the community delivery mechanism and cannot be allowed to leave the Council in the position of having to fund on-going commitments without the necessary budget provision.

3. Issues, Options and Analysis of Options

- 3.1 If the Council were to chose to forego the opportunity to review the possibility of allowing third sector organisations to operate services and functions that it has previously provided then it is likely that as a result of financial pressures that these facilities will simply be closed or the quality of delivery will reduce even further. Looking at the opportunities for the involvement of the third sector may provide additional funding streams that the Council cannot access and ensure that non-statutory services continue to be provided with the Council acting as a facilitator rather than a direct provider.

4. Reasons for Recommendation:

- 3.1 The Council has to consider new and different opportunities to facilitate services for its residents and traditional models of delivery are becoming more difficult to sustain. In developing arrangements with voluntary and community organisations financial support that would not be available to the Council can

be leveraged in and deliver benefits to local communities which are beyond the Council's current and future capability.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not Applicable

6. Impact On Corporate Policies, Priorities, Performance And Community Impact

6.1 Following a successful bid to Locality in May 2015, the council has now secured resource from the national Community Ownership and Management of Assets (COMA) programme to complete a strategic review of opportunities for community asset transfer (CAT) across the borough. A small partnership with the voluntary sector has been formed to move the programme forward taking into account the local context for CAT.

COMA priorities include achieving a better understanding of:

- the local appetite and opportunities for CAT,
- capacity building needs within the voluntary and community sector to take on the ownership of assets,
- implications arising for the council, and,
- the principles of good governance to support future decision-making.

6.2 One of the outcomes from the programme in Thurrock will be the development of a clear CAT policy that sets out the council's commitments to fairness, transparency and consistency through the decision-making process. The draft policy will be presented to the Cleaner Greener and Safer Overview and Scrutiny Committee for consultation at a later date.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

The required levels of savings needed for the Council to deliver a balanced budget are included within the Councils medium term financial strategy and the shaping the Council Cabinet reports.

7.2 Legal

Implications verified by: **Daniel Toohey**
Principal Solicitor - Contracts & Procurement

1. The Local Government Act 1972 contains provisions for entertainment in Parks and the Local Government (Miscellaneous Provisions) Act 1976

confers general powers to provide recreational facilities. Whilst the provision of parks and open spaces is not a statutory function the Local Government Act 1999 provides local authorities with powers to promote the economic social and environmental well being of their communities. The provision of good quality parks and open spaces can make a substantial contribution to all aspects of well being.

2. The Localism Act 2011 contains provisions that allow community groups or members of the public the right to challenge for the provision of certain Local Authority services or the right to bid for certain community assets once listed. For this reason many Local Authorities take a proactive approach to engaging with the community to find mutually beneficial solutions in relation to these matters.
3. The Council will need to bear in mind certain restrictions on the right of the Council to dispose of certain interests or to create a lease re parks/open spaces. "Open Space" is defined in section 336 of the Town and Country Planning Act 1990 as land that is laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground. In disposing of such land, the Council will be obliged to comply with section 123 (2A) of The Local Government Act 1972, which requires that it must give notice of its intention to dispose of land for two consecutive weeks in a news-paper circulating in the area in which the land is situated; and that it must consider any objections to the proposed disposal which may be made, albeit there is no obligation to act on objections.
4. Legal Services is available to advise and assist on the potential transfer and transactional issues.

7.3 **Diversity and Equality**

Implications verified by: **Becky Price**
Community Development Officer

Equality of opportunity is a key principle of many voluntary sector organisations who often pursue improved cohesion and diversity through their objectives and practice, involving communities in decisions and governance. Recent government policy such as the Localism Act encourages the devolution of services to communities in recognition of the benefits that community involvement can bring to local areas. As noted at 4.1, the council is seeking to develop a Community Asset Transfer Policy and this will provide guidance on ensuring that each transfer opportunity is informed by an equality impact assessment.

7.4 **Other implications**

Not Applicable

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Not Applicable

Report Author Contact Details:

Name: Mike Heath,
Interim Head of Environment
Environment

28 July 2015	ITEM: 7
Cleaner, Greener and Safer Overview and Scrutiny Committee	
Thurrock Council Civil Protection COMAH (Control of Major Accident and Hazards) Site Report	
Wards and communities affected: All	Key Decision: Non Key
Report of: Toni Barlow, Principal Officer Civil Protection	
Accountable Head of Service: Gavin Dennett, Head of Public Protection	
Accountable Director: David Bull, Interim Chief Executive	
This report is Public	

Executive Summary

Thurrock Council Civil Protection has legal duties under the Civil Contingencies Act and associated Control of Major Accident and Hazards (COMAH) Regulations for the 8 top tier COMAH sites within Thurrock.

The sites are designated top tier because of the quantities and types of substances they produce / store.

The COMAH Regulations ensure that sites take all necessary measures to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any major accidents which do occur.

This paper is intended to highlight to members the current status of the off-site COMAH plans for Thurrocks' COMAH sites along with future plans for these sites by Civil Protection.

1. Recommendation(s)

- 1.1 **The committee is asked to note that the off-site plans for 7 of the 8 COMAH sites in Thurrock have been exercised and new plans have been distributed for 5 COMAH sites with the remainder to be distributed by the end of August 2015 to all relevant stakeholders.**

- 1.2 **The committee is asked to note that COMAH off-site plan work for Thames Enterprise Park, Coryton remains outstanding due to non-development of the site and non-storage of COMAH products on site.**

This work will be completed once the site is able to go ahead with its intended use.

2. Introduction and Background

- 2.1 The COMAH Regulations came into force in April 1999 and was amended in 2015. The aim is to prevent major accidents involving dangerous substances and limit the consequences to people and the environment.
- 2.2 Thurrock Council Civil Protection has produced major incident off-site plans for each of the Top Tier sites in Thurrock. Since production, the off-site plans have been exercised with multi agency participation.
- 2.3 There are eight top tier COMAH sites within Thurrock:
- Esso, London Road, Purfleet
 - Vopak, Oliver Road, West Thurrock
 - NuStar, Askew Farm Lane, Grays
 - ICGL, Oliver Road, West Thurrock
 - Procter and Gamble, Hedley Avenue, West Thurrock
 - Shell, The Manorway, Coryton
 - Calor, The Manorway, Coryton
 - Thames Enterprise Park, The Manorway, Coryton
- 2.4 Stakeholder engagement with the sites, emergency services and local authority is maintained through the Thurrock Council COMAH Forum, which meets bi-annually and the Strategic Development Group run by Essex Fire and Rescue for the petrochemical sites. The Health & Safety Executive and the Environment Agency (as competent authorities) are consulted and updated regularly with actions relating to the sites' off-site plans.
- 2.5 The occurrence of a "worst case" COMAH scenario from the off-site plans is very unlikely, but plans reflect the response and mapping required in such cases.

3. Issues, Options and Analysis of Options

- 3.1 Thurrock Council Civil Protection completed a series of exercises between March 2013 and October 2014 for 7 of the 8 COMAH sites (Esso, ICGL, Procter & Gamble, Calor, NuStar, Shell & Vopak). The exercises were preceded by a series of planning meetings to determine the format, scenario and objective of the off-site plan. These meetings were held with stakeholders such as the sites, emergency services, HSE and Environment Agency.
- 3.2 A further off-site plan exercise programme has been issued to the sites and stakeholders to commence in March 2016 and finish in October 2017. By exercising the plans within this time frame legal obligations will be adhered to and competent authority (HSE) obligations will be met and the Council will not be susceptible to HSE notices for non-compliance with the Regulations.

3.3 There is significant potential risk to the public and the environment if this work is not completed as well as causing harm to the Councils reputation with potential financial and legal implications in the wake of a major incident.

4. Reasons for Recommendation

4.1 That councillors note the progress with the cycle of COMAH tests required for the Council to comply with its statutory responsibility to prepare for incidents at high hazard sites in Thurrock

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable

6. Impact on corporate policies, priorities, performance and community impact

6.1 This report has implications against the Thurrock Council priorities to improve health and well-being and promote and protect our clean and green environment

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant Corporate Finance

There are no direct financial implications arising out of this report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council is under a duty to comply with the Civil Contingencies Act and associated Regulations. A failure to comply will leave the Council exposed to legal challenge, particularly in the event there is an accident for which the Council is unprepared as this could possibly lead to an increase in personal injury and death and greater property damage. In addition failure to comply with legal duties may result in the HSE issuing compliance notices on the Council.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

There are no specific diversity implications noted in this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

No other implications relevant for this report

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- not applicable

9. **Appendices to the report**

- not applicable

Report Author:

Toni Barlow
Principal Officer Civil Protection
Public Protection

28 July 2015	ITEM: 8
Cleaning, Greening and Safer Overview & Scrutiny Committee	
Waste Framework Directive	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor G Rice, Portfolio Holder for Environment	
Accountable Head of Service: Michael Heath, Interim Head of Environment	
Accountable Director: David Bull, Interim Chief Executive	
This report is Public	

Executive Summary

The revised Waste Regulations 2011 transposed the revised European Waste Framework Directive 2008/98/EC into English and Welsh law. This meant that from 1 January 2015, Regulation 13 of the revised Waste Regulations requires all waste collectors in England and Wales to separately collect four waste streams – namely paper, metal, plastic and glass where it is;

- a) Necessary to meet the quality standards for the relevant recycling sectors; and
- b) Technically, Environmentally and Economically Practicable (TEEP). The requirement for separate collection of these four streams applies to both municipal and commercial waste.

In terms of the Necessity Test the evaluation showed that the Council's current method of collection is not compliant with the regulations and therefore it would be necessary to assess Thurrock's collection arrangements in terms of TEEP

The TEEP assessment demonstrated that in technical, environmental and economic terms, the current collection system is unlikely to comply with the regulations, as it is challengeable on the basis of all the measures including the final economically practicable test.

The report seeks approval for officers to investigate and appraise different options for the collection service to ensure compliance with the revised waste regulations.

1. Recommendation(s)

That the Committee:

- 1.1 Allow officers to develop an options appraisal of collection and disposal methods to ensure compliance with revised waste regulations, following the findings of the TEEP Report (Appendix 1)**
- 1.2 Allow officers to develop a route map towards compliance with the revised waste regulations.**
- 1.3 Allow officers to report back their findings from this service review, and implement a project plan for any proposed changes to the service.**

2. Introduction and Background

- 2.1 From 1 January 2015 the revised Waste Framework Directive states that all waste collections in England and Wales of glass, metal paper and plastic are required to be collected separately, where doing so is deemed to be necessary and technically, economically and environmentally practicable.
- 2.2 The reason behind separate collection is to 'promote high quality recycling'. High quality recycling is not defined; however Article 11(1) of the Directive states that collections are to '...meet the necessary standards for the relevant recycling sectors'.
- 2.3 The regulating authority in England and Wales is the Environment Agency (EA) and their guidance states that collectors should rigorously apply the Necessity and TEEP tests. Audit trails must be available for inspection to the EA so that they are able to understand the decision making process. Records should be such that if necessary, they could demonstrate compliance with the regulations in a court of law.
- 2.4 The Necessity test is an examination of the quantity and quality of recycling, and looks at whether separate collection is necessary to facilitate or improve recovery.
- 2.5 The TEEP test looks at whether it is Technically, Environmentally and Economically Practicable to collect the four materials separately.
- 2.6 There is no process set in law or guidance for authorities to follow when carrying out both the necessity and the practicality tests. To assist local authorities with ensuring they are operating within the Regulations, the Waste Resources and Action Programme (WRAP) published the Waste Regulations Route Map, as a guidance tool.
- 2.7 Thurrock Council currently operates a comingled system of collection for the collection of the four materials. We commissioned Eunomia, a waste

consultancy to carry out both the Necessity and Practicality test (see Appendix 1).

3. Issues, Options and Analysis of Options

- 3.1 The Waste Regulations Route Map was used as guidance to review our current collection methods of the four materials
- 3.2 The full analysis report can be seen in Appendix 1.
- 3.3 The current collection system was modelled as a base line and this was compared to five alternative collection models. All models were assessed in line with the seven steps in the Route Map. The various models are shown in table 1.
- 3.4 The Necessity Test; analysis concluded that compared to the baseline figures (current collection system) the separate collection of the four materials, would be necessary to comply with the regulations.
- 3.5 Technically Practicable; analysis concluded that separate collection is technically practicable, against our base line.
- 3.6 Environmentally Practicable; analysis concluded that separate collection is environmentally practicable against our base line
- 3.7 Economic practicality is a complex issue to conclude. Separate collections do operate more efficiently when compared to the baseline but only when offered with a separate collection of food waste, however separate collections do impose an additional cost on the Council, compared with alternate weekly comingled collections (Option 3).
- 3.8 Weekly collections of the three waste streams, dealt with through the Council's current collection practice is demonstrably the least economically practicable waste collection solution.

Table 1

Option	Dry Recycling	Food Waste	Garden Waste	Residual Waste
Baseline – Fully Co-mingled (Weekly)	Weekly 240L wheeled bin	With garden	Weekly 240L wheeled bin	Weekly 180L wheeled bin
Option 1 – Kerbside Sort (food and garden combined)	Weekly 240L wheeled bin and 55L box	Same as baseline	Same as baseline	Fortnightly 180L wheeled bin
Option 2 – Kerbside Sort (separate food)	Weekly 240L wheeled bin and 55L box	Weekly caddy (23L external, 7L internal)	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin

Option	Dry Recycling	Food Waste	Garden Waste	Residual Waste
Option 3 – Co-mingled (Fortnightly)	Fortnightly 240L wheeled bin	None	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin
Option 4 – Two-Stream; 1)Glass, cans & plastic 2)Fibres(paper & card) (Weekly)	Weekly 240L wheeled bin and 55L box	Same as baseline	Same as baseline	Fortnightly 180L wheeled bin
Option 5 – Two Stream; 1)Glass, cans & plastic 2)Fibres(paper & card) (Fortnightly)	Fortnightly 240L wheeled bin and 55L box	None	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin

4. Reasons for Recommendation

- 4.1 The TEEP report demonstrated that our current collection system was the worst performing and most expensive collection system to operate when compared to the other options and was therefore unlikely to be compliant with the regulations.
- 4.2 A review of the collection system, will cost between £15,000-£17,000 however the savings that could be achieved from this review would far outweigh this, with alternative collection and subsequent disposal systems potentially saving £2 million on existing costs (Table 4.1 appendix 1)
- 4.3 The Environment Agency is the enforcement authority in England and they have the responsibility to ensure that the legislation is applied. They have stated that their aim is to help collectors achieve compliance, but to be robust with those who deliberately ignore their obligations.
- 4.4 The majority of the waste disposal contracts that the Council hold are in place until 2017, and the refuse collection vehicles that we have were purchased in 2010 and have a seven year depreciation. As such, it would not be feasible to make any immediate changes to the service or these contracts, however in order to minimise risks against action being taken against Thurrock Council, a clear route towards compliance needs to be determined.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Not Applicable

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 A review of the waste collection service would look to develop a service that would aim to improve the quality and quantity of the recycle collected. By

using the principals of TEEP, we would ensure that any service developments would take place in the most economically practicable way, which would increase our recycling rate.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Resources Accountant

The proposals set out in this report support the financial targets of the Councils Medium Term Financial Strategy and the Shaping the Council 2015/16 and beyond programme

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Governance - Deputy Monitoring Officer

The revised European Waste Regulations have been transposed into English Law. The current waste collection system that Thurrock Council operate does not comply with this legislation, it is therefore essential that Thurrock Council reviews the collection and disposal options available, to ensure that we can demonstrate a pathway to compliance.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

There are no diversity implications in this report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

9. Appendices to the report

- Appendix 1 - Thurrock Council report final

Report Author:

Susan Reddick

Contracts & Business Development Manager

Environment

Waste Regulations Compliance

Report for Thurrock Council

James Fulford

Peter Jones

Sophie Crosswell

25th February 2015

**Report for Susan Reddick, Waste & Recycling Contracts Manager,
Thurrock Council**

Prepared by James Fulford, Peter Jones and Sophie Crosswell

Approved by



.....
James Fulford
(Project Director)

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Acknowledgements

We are grateful to Susan Reddick and her colleagues at Thurrock Council for supplying the information needed to prepare this report.

Disclaimer

Eunomia Research & Consulting has taken due care in the preparation of this report to ensure that all facts and analysis presented are as accurate as possible within the scope of the project. However no guarantee is provided in respect of the information presented, and Eunomia Research & Consulting is not responsible for decisions or actions taken on the basis of the content of this report.

Executive Summary

E.1.0 Approach

Eunomia Research & Consulting has prepared this report for Thurrock Council ('the Council') to provide a review of its compliance with the Waste England and Wales Regulations 2011 (as amended) ('The Regulations'). This piece of work, focuses on the requirements regarding separate collection of recycling under Regulation 13.

A good deal remains uncertain regarding how the Waste Regulations should be interpreted or how they will be enforced. There is no English statutory guidance on how to determine whether separate collection is "necessary" or "practicable", and guidance produced by the Welsh Government has no direct force in England.¹ The Environment Agency is beginning to make clear its approach to enforcement of this legislation, but it remains to be seen how active it proposes to be in its role. No third parties have yet disclosed an intention to seek to clarify the requirements of the law by pursuing legal action against authorities.

However, in order to address this uncertainty a "Route-map" has been prepared by WRAP and others to assist authorities in interpreting the law, and this document has been followed in preparing the subsequent analysis. This report presents the findings of an options appraisal using Eunomia's waste collection modelling tool developed specifically to carry out assessments under this legislation, to examine whether separate collections of four streams of dry recycling (glass, metal, paper and plastic) are necessary and practicable in the sense prescribed by the law.

Eunomia has interpreted the results and provided advice on a course of action that we believe represents the Council's best option to demonstrate compliance without precipitately making changes to its established collection system.

E.2.0 Separate Collections

From 1st January 2015, all waste collectors in England and Wales will be required to collect glass, metal, paper, and plastic ('the four materials') in separate streams where doing so is both necessary and technically, economically and environmentally practicable

¹ Welsh Government (2014) *Statutory Guidance on the Separate Collection of Waste Paper, Metal, Plastic and Glass*, December 2014, <http://wales.gov.uk/docs/desh/publications/141217-statutory-welsh-guidance-on-separate-collection-of-waste-v2-en.pdf>

(TEEP). Effectively, “necessity” and “practicability” are two tests that, if met, mean that separate collection is required.

The Council currently collects the four materials weekly in one stream. The Council therefore, needs to consider whether it is necessary and practicable to collect materials separately. The Council is, however, in the process of developing a change to its waste and recycling service. It is exploring the possibility of retaining co-mingled recycling collections but switching to alternate weekly collections. Whilst we have retained the current collection system as our modelling baseline against which other options are compared, the economic and environmental performance of the proposed new service (modelled as Option 3) is also used as a point of comparison, since this is the approach that defines the costs and performance that the Council anticipates in future.

E.2.1 Necessity Test

The analysis carried out indicates that separate collection of the four materials:

- when compared with the baseline service is likely to increase the quantity of recycling collected, meaning that in the terms set out in the law, separate collection is necessary in order to *facilitate* recovery; but
- when compared with the proposed alternate weekly service (Option 3) is not likely to increase the quantity of recycling collected, meaning that in the terms set out in the law, separate collection may not be necessary in order to *facilitate* recovery.

Based on typical yields for different recycling systems, therefore, separate collection is predicted to result in higher recyclate yields than Thurrock’s current collection method, but lower yields than Option 3. The SITA MRF at Tilbury would be used under both the current system and Option 3. Our analysis indicates that separate collection is likely to lead to an improvement in the purity of most materials compared with MRF outputs. The Council has been unable to obtain detailed output contamination and quality data from the MRF, and is therefore not in a position to provide evidence to show that its outputs meet some of the more challenging definitions of “high-quality”. However, there is an argument that there are definitions of “high quality” that the materials produced by the MRF would meet. If the Council opts for one of these definitions of “high quality”, then in the terms set out in the law, separate collection would not be necessary in order to *improve* recovery.

If the Council were to continue with its current service, it would have to conclude that separate collection is ‘necessary’, and therefore proceed to look to the practicability test as its primary method of demonstrating that co-mingled collection complies with the law. If the Council were to decide to implement Option 3, it would be able to argue that it is not necessary to separately collect to increase the quantity or quality recycling.

E.2.2 Practicability Test

The analysis carried out indicates that separate collection of the four materials is:

- technically practicable, since it has been implemented and operated by authorities in many ways similar to Thurrock; and
- environmentally practicable, since the options appraisal indicates that kerbside sort would deliver carbon savings compared with both the current service and (to a lesser extent) the proposed service (Option 3).

However, the situation economic practicability argument is complicated by the proposed service change, the Council's options regarding how to sell separated material and the potential for kerbside sort collections to allow changes to how organic waste is managed:

- Weekly separate collection combined with fortnightly residual waste collection would be 16.4% cheaper than the current service, if the Council were to simply deliver separate materials to its current MRF.
- However, on this approach to materials marketing, separate collection would be 10.2% more expensive than Option 3.
- If the Council were instead able to achieve higher material prices by marketing materials itself after bulking them in an enhanced depot, separate collection would be only 6.7% more expensive than Option 3 – although the Council would then bear the economic risk were there a significant decline in material prices.
- If the Council were to take the opportunity of introducing weekly kerbside sort collections to move to a separate collection of food waste instead of the current mixed food and garden waste service, it might be possible to make additional savings by (a) processing garden waste more cheaply and (b) diverting additional food waste from the residual stream. Our modelling suggests that, were this done successfully, the resulting system could be only 2.1% more expensive than Option 3 (assuming materials delivered to the MRF) and 4% cheaper than Option 3 if market prices were achieved for recycle.

Clearly, the Council's position is complex, making the question of economic practicability difficult to resolve. However, there are some conclusions that can be drawn:

- If the Council takes the view that it could afford to continue its current level of expenditure on waste collections, separate collection is clearly economically practicable so long as it sits alongside fortnightly residual collections.
- However, if the Council is already committed to finding the level of savings from waste services that we estimate that Option 3 might deliver, there is an argument that, on its own, separate collection is not economically practicable, since it would significantly exceed this cost.
- Separate collection could, however, be delivered at a cost lower than Option 3 if it were combined with separate food waste collection, enabling more food waste to be diverted and garden waste to be treated at a lower cost.

The test of economic practicability focuses on the comparative operational net cost of different collection methods. However, in considering the timing of any change of collection system, other economic factors should also be taken into account. While the modelling suggests separate collection may be 'economically practicable', the report

raises significant doubts regarding whether it is financially feasible in the short term based on the following findings:

- If the Council were to break its contract with the MRF in order to obtain full market prices for its separately collected material, it is likely that there would be a significant cost to doing so.
- The Council operates an in-house service and will therefore need to meet the capital costs of the new vehicles and containers that a new collection system would entail. Whilst it is already contemplating a service change, a move to less frequent co-mingled collections would not necessitate acquiring a new type of vehicle. Although some value could be realised from existing assets that were no longer required, the transition to separate collection might mean disposing of vehicles outside the currently planned timescale. Separate collection would mean incurring greater vehicle capital costs, and perhaps incurring costs sooner than currently planned, which might be financially problematic. Without access to capital finance, a transition to separate collection would have to be delayed, or delivered by alternative means.

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1.0 Introduction

Eunomia Research & Consulting (Eunomia) has prepared this report for Thurrock Council ('the Council') to provide a review of its compliance with the Waste England and Wales Regulations 2011 (as amended) ('the Regulations').^{2,3}

This report sets out the results of an options appraisal to examine whether separate collection of one or more additional waste streams is required by this law.

1.1 Regulatory Background

Regulation 13 states that from 1st January 2015, all waste collectors in England and Wales will be required to collect glass, metal, paper, and plastic ('the four materials') in separate streams where doing so is both necessary and technically, economically and environmentally practicable (TEEP).

Effectively, "necessity" and "practicability" are two tests that, if met, mean that separate collection is required. There is no statutory guidance on how to determine whether separate collection is "necessary" or "practicable", and guidance produced by the Welsh Government has no direct force in England.⁴ However, WRAP, the London Waste and Recycling Board, and Waste Network Chairs commissioned Eunomia to prepare a "Route-map" to assist authorities in interpreting the law.⁵ The Environment Agency has signalled that it will take account of the Route-map as part of its regulatory approach.⁶ The advice in this report is therefore closely based on the approach set out in the Route-map.

1.2 Waste Collections in Thurrock

The Council's current kerbside collection system is delivered in house and for the majority of households comprises:

- a weekly residual waste collection from 240L wheeled bins;
- a weekly co-mingled recycling collection from 240L black wheeled bins; and
- a weekly food and garden waste collection from 240 bin.

² UK Government (2011) *The Waste (England and Wales) Regulations 2011*, 28th March 2011

³ UK Government (2014) *The Waste (England and Wales) (Amendment) Regulations 2012*, 1st October 2012

⁴ Welsh Government (2014) *Statutory Guidance on the Separate Collection of Waste Paper, Metal, Plastic and Glass*, December 2014, <http://wales.gov.uk/docs/desh/publications/141217-statutory-welsh-guidance-on-separate-collection-of-waste-v2-en.pdf>

⁵ WRAP, and LWARB (2014) *Waste Regulations Route-map*, April 2014

⁶ Environment Agency (2014) *Separate Collection of Recyclables: Briefing Note*, June 2014

- a weekly food waste collection from communal food waste bins.

The Council does pay a gate fee for the treatment of residual waste, but at rather lower fees per tonne of dry recycling and mixed food and garden waste.

The Council also provides the following waste services:

- a charged household bulky waste collection service;
- a household waste recycling centre;
- a small number of bring sites;
- a charged commercial waste collection;
- a clinical waste collection; and
- litter and street cleansing services.

Each of these forms of collection potentially falls under the requirements of the Regulations in respect either of the waste hierarchy or of the requirement to separately collect certain materials. However, this report focuses on the regular kerbside collections that account for the great majority of the waste the Council collects.

1.3 About This Report

This report comprises:

- an explanation of the modelling methodology used in this report (Section 2.0);
- an examination of whether separate collection of the four recyclable materials specified in the law (glass, metal, paper, plastics) is necessary in Thurrock (Section 3.0);
- an examination of whether separate collection of the four recyclable materials specified in the law (glass, metal, paper, plastics) is practicable in Thurrock (Section 4.0); and
- recommendations regarding the Council's way forward (Section 5.0).

2.0 Options Appraisal Methodology

The Waste Regulations Route Map indicates that in order to carry out the necessity and practicability tests, an options appraisal may be required in order to determine the likely costs and outputs of a separate collection system. Eunomia has followed this suggested approach in order to examine the implications of the tests.

2.1 Our Approach to Collection Options Appraisal

Eunomia's 'Practicability and Necessity' model (PAN) has been used to calculate the performance and costs associated with different kerbside waste collection scheme configurations for the Council. This model has been developed specifically to cost-effectively compare collection systems in relation to the requirements of the Regulations. Whilst it is a relatively simple model, it relies heavily on assumptions and an approach that are common to other such options appraisal tools.

In the model, a 'baseline' was created to represent the Council's current service. The aim of the baseline is to reflect the resources and logistics of the expected model as accurately as possible, so that it serves as a reliable foundation for testing various alternative collection options. Authority-specific inputs to the baseline include information regarding the Council's number and type of households, current services and service performance, resources, and waste composition. Known inputs (from the perspective of the model these include; tonnages of each material type collected, numbers and types of households offered the service) are calibrated to known outputs (which in modelling terms includes the numbers of crew and vehicles used to deliver the collection services).

Put simply, the baseline model should accurately reflect the Council's:

- recycling composition and tonnages;
- demographic characteristics (household numbers, population, housing types);
- travel logistics (distance, pass rate); and
- current vehicle and container types and costs.

This creates a sensible basis from which to establish the change in resource requirements for different potential future service configurations, ensuring that the Council's specific constraints are properly reflected.

The likely performance of new schemes is then driven by comparing the authority's collection pass rate with an expected value based on data available from other authorities operating similar schemes, and factoring in the extent of urban and rural collections within the authority. This pass rate factor is then used to generate expected pass rates for alternate collection approaches. This dictates the expected level of resources needed to undertake collections.

The model automatically builds up the costs associated with the baseline and future schemes based on unit cost data extracted from a database. The numbers of vehicles, containers, and crew required are multiplied by the unit costs to derive an overall cost for the baseline and each future scheme option in turn.

Alongside this, separate standard assumptions are made regarding recycling compositions and yields and within different collection systems and frequencies. These are combined with material, vehicle and crew financial information, using the Council's own data wherever possible, in order to calculate expected net system costs.

In order to compare each option on a like for like basis, it is assumed that capital costs (e.g. vehicles, containers, depot investments) are amortised over their expected lifetime with an interest rate of 2.5%, regardless of whether in practice the Council adopts this approach to accounting for these items. The model therefore includes the annualised costs of these items, but does not focus on the initial capital outlay that the Council might need to incur to put the service in place; or the remaining value of assets the Council may already hold, treating costs incurred in the past as sunk. The model for the Council does not include costs such as spare vehicles, supervisors, depot costs, overheads, and internal recharges.

The model for the Council does not include costs such as spare vehicles, supervisors, depot costs, overheads, and internal recharges. Since the total baseline cost is not being developed in the scope of this project, only relative costs are reported in the results sections below.

2.2 Options Modelled

Since the law concerns separate collection, the current service system is modelled in comparison with a weekly kerbside sort system, excluding and including separate food collections. The Council are currently in the process of developing a new service model, the current option under development is modelled in Option 3 for comparative purposes, alongside, a weekly and fortnightly two stream option. The options are defined in Table 2-1.

Table 2-1: Options Modelled: Kerbside Collections

Option	Dry Recycling	Food Waste	Garden Waste	Residual Waste
Baseline – Fully Co-mingled (Weekly)	Weekly 240L wheeled bin	With garden	Weekly 240L wheeled bin	Weekly 180L wheeled bin
Option 1 – Kerbside Sort (food and garden combined)	Weekly 240L wheeled bin and 55L box	Same as baseline	Same as baseline	Fortnightly 180L wheeled bin
Option 2 – Kerbside Sort (separate food)	Weekly 240L wheeled bin and 55L box	Weekly caddy (23L external, 7L internal)	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin
Option 3 – Co-mingled (Fortnightly)	Fortnightly 240L wheeled bin	None	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin
Option 4 – Two-Stream, Fibres/Containers (Weekly)	Weekly 240L wheeled bin and 55L box	Same as baseline	Same as baseline	Fortnightly 180L wheeled bin
Option 5 – Two Stream, Fibres/Containers (Fortnightly)	Fortnightly 240L wheeled bin and 55L box	None	Fortnightly 240L wheeled bin (service charge)	Fortnightly 180L wheeled bin

It should be noted that the stillage vehicles modelled in the separate collection options are assumed to collect plastic and cans in a single compartment. It is in principle possible to obtain a vehicle with separate compartments for these two materials; however, in practice this is rarely done, since plastic and cans are able to be separated without

unduly complex equipment and to a standard that is acceptable to end markets. A small-scale sorting line is priced into the modelling for kerb sort options.

2.3 Environmental Model

The PAN model also contains assumptions derived from the Environment Agency's WRATE model regarding the CO₂ emitted and saved through:

- the collection and reprocessing of recycling; and
- the benefit derived from avoiding the need for virgin materials

to provide a proxy for the overall environmental impact of different collection systems. This enables the environmental practicability of different collection options to be considered.

3.0 Necessity Test

This section addresses the 'necessity test', and seeks to establish whether separate collection of waste streams is, in the words of the Waste Regulations, "necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery". If separate collection is not necessary, the law does not require it.

There is no definition of "facilitate" or "improve" given in the Waste Framework Directive, the Regulations or any guidance document. However, the Waste Regulations Route Map advises that:

- "Facilitate" means to make possible or easier. If a measure "facilitates" recovery, it might be expected to result in the amount of material recovered rather than sent for disposal being increased.
- Recovery is "improved" if it achieves better results. Recovery may therefore be "improved" if:
 - more waste is recycled rather than subject to other recovery; and/or
 - more of the recycling is "high quality".

The current system in Thurrock features fully co-mingled collections of the four materials (glass, metal, paper and plastic) and does not therefore directly comply with the Waste Regulations' default requirement that the Council collects the four materials separately from all other materials from January 2015.

3.1 Facilitating Recovery

If a separate collection system *facilitates* recovery, the *quantity* of material expected to be recycled should increase when it is implemented. The Council has not undertaken any estimate of the quantity of recycling which a kerbside sort system might collect. There is little evidence based on the experience of other authorities to believe that separate collection would deliver a greater quantity of the four materials collected co-mingled at

the kerbside. The expected tonnages of recycling collected as a result of each option in PAN are set out in Table 3-1.

Table 3-1: Dry Recycling Collected in Each Option (tonnes/year)

Material	Baseline – Fully Co-mingled (Weekly)	Option 1 – Kerbside Sort (food and garden combined)	Option 2 - Kerbside Sort (separate food)	Option 3 – Co-mingled (Fortnightly)	Option 4 – Two-Stream, Fibres/ Containers (Weekly)	Option 5 – Two Stream, Fibres/ Containers (Fortnightly)
Co-mingled	11,524	-	-	12,804	-	-
Mixed Containers	-	-	-	-	5,943	5,402
Mixed Paper and Card	-	-	-	-	7,438	6,762
Paper	-	5,256	5,256	-	-	-
Card	-	1,637	1,637	-	-	-
Glass	-	3,417	3,417	-	-	-
Plastic	-	936	936	-	-	-
Steel	-	624	624	-	-	-
Aluminium	-	219	219	-	-	-
Total Recycling Collected	11,524	12,088	12,088	12,804	13,380	12,164
Contamination and Process Losses	535	-	-	535	621	564
Total Recycled	10,989	12,088	12,088	12,269	12,759	11,600

Weekly kerbside sort would be anticipated to yield around 1100 tonnes/year more than the current baseline, net of contamination. This increase comes despite the increased frequency of collections for the kerbside sort options. The lowest yield is anticipated from the current service. Option 3 has the second highest yield, this is the service model the council is currently considering developing. In comparison, separate collection would

be anticipated to yield around 180 tonnes/year less than a comingled, fortnightly collection. This is a likely result fortnightly refuse collections, increasing recycling rates.

The Regulations state that separate collection is required if it is necessary in order to *facilitate* recovery. The Route Map explains that this can be understood to mean that separate collection is required if it could be expected to yield an increase in the volume of material collected. Our findings indicate that a reasonable system of separate collections could be expected to *facilitate* recovery. However, if the Council were to adopt a comingled fortnightly collection service, could help facilitate recovery, and therefore separate collection may not be necessary to increase the quantity of recyclate collected.

3.2 Quality of Material

If a separate collection system *improves* recovery, the *quality* of material expected to be recycled should increase when it is implemented. In common with many other authorities, the Council has not previously made a detailed assessment of the quality of the recyclate that would result from different collection systems. The Council currently collects all materials co-mingled which may reduce the quality of the material from the MRF.

The Waste Framework Directive makes it clear that the aim of separate collection is to deliver high quality recycling; however, it is less clear regarding what constitutes ‘high quality’.

There are several possible definitions of ‘high quality recycling’ that the Council might consider:

- 1) Article 11 of the Directive appears to define ‘high quality’ in terms of “the necessary quality standards for the relevant recycling sectors”. This can be understood in three main ways:
 - a. Some have argued that any recyclable material for which an off-taker can be found must of necessity meet the standards of some part or other of the recycling sector. Therefore, all recycling is high quality – only if recyclate is so poor that it cannot be recycled at all would it fail to qualify.
 - b. If the Council’s material attracts premium prices, this might be indicative of it being high quality.
 - c. Alternatively, the Council could compare the purity of its MRF outputs with the input specifications of UK reprocessors.⁷ Materials that meet the reprocessors’ standards could be deemed to be high quality. This is a lower-risk approach, but sets a standard that many MRFs seem likely to find it difficult to meet.
- 2) Section 4.3.4 of the Commission’s guidance on the Waste Framework Directive relates “high quality” to the standards achieved through separate collection. It

⁷Resource Association *Recycling Quality Specifications*, accessed 5 August 2014, <http://www.resourceassociation.com/recycling-quality-specifications/>

gives two somewhat different statements, advising that separate collection is not necessary if:

- a. “the aim of high-quality recycling can be achieved just as well with a form of co-mingled collection”. This suggests that co-mingled collection can be used only if the resulting material can be recycled in just the same way as separately collected material, i.e. there is no use to which it cannot be put that separately collected material could be; and
- b. “subsequent separation can achieve high-quality recycling similar to that achieved with separate collection”. This suggests that some minor differences in the recycling achieved may be permissible.

One of the key determinants of quality is the end use to which material is put. The Council has been provided with a general statement regarding the outputs from Tilbury MRF, which indicates that all products are fed into a closed loop process and all material are sold on the spot market. It is not clear how it is established that material sold onto the spot market is all fed into closed loop processes, and the statement would be more robust if it were supported by more detailed evidence regarding end destinations. However, if the Council is able to establish that a large proportion of material enters closed loop processes this would be a strong indication that definitions 2)a and 2)b.

The Council holds a detailed monthly record of the composition and reject rate of the material it delivers to the MRF. The current reject rate is 4.6%, which provides an indication that the quality of the co-mingled recycle *collected* under the current system is good.

In order to properly assess whether separate collection is necessary in order to enable recycling that meets definition 1(c of “high quality” the Council would need to obtain an assessment of the quality of the final recycle outputted from the MRF so that this can be compared with the likely purity of a separate collection system. Our efforts to obtain this information from other MRF facilities have not met with success and it appears that it is not something that is currently reported. However under recent amendments to the Environmental Permitting Regulations (the so-called ‘MRF Regs’), larger MRFs will be required to undertake regular sampling of their output streams.⁸ It should therefore be possible for the Council to obtain information regarding output purity from the MRF in the near future, and the Council should make clear that it would like to receive this information as soon as possible.

In the short term, it is possible to use reasonable estimates of the output purity as the basis for an assessment. The figures we deem most applicable to the Council’s collections appear in bold in Table 3-2**Error! Reference source not found.** The table also contains two quality criteria – the typical performance of separate collection and the reprocessor quality standards specified by the Resource Association. Where the MRF

⁸ HM Government (2014) *The Environmental Permitting (England and Wales) (Amendment) Regulations 2014*, 10th February 2014, http://www.legislation.gov.uk/uksi/2014/255/pdfs/uksi_20140255_en.pdf

output is expected to meet or exceed the standard, it is highlighted in green; where it contains more contamination than the standard, this is highlighted in red.

Table 3-2: Contamination Rates Used in Model

Material	Typical MRF ⁹	Quality Criterion: Separate Collection ¹⁰	Quality Criterion: Reprocessor Specification ¹¹
News and PAMs	9.8%	1.1%	1.0%
Paper	15.8%	0.9%	3.0%
Card	12.0%	4.1%	3.0%
Glass	10.4%	0.4%	1.0%
Mixed Plastic	15.8%	2.9%	6.0%
Aluminium	2.5%	1.0%	3.0%
Steel	6.2%	3.0%	N/a

If the current co-mingled material outputs are similar to the averages they would fall below the expected quality of separate collection in all cases, and below the Resource Association specifications for all materials other than aluminium.

The Council may wish to obtain actual MRF output data to allow a reassessment of whether the material meets the quality criteria set out in Table 3-2.

Unless the MRF outputs prove in practice to be very pure, the Council could only conclude that separate collection would not *improve* recovery if it were to rely on a definition of “high quality” such as 1) a or b above; or, if it can establish that a high proportion of material feeds into closed loop recycling, the more challenging definition 1)c.

3.3 Conclusions

On the basis of the modelling undertaken and the information provided by the Council:

⁹ Enviro Consulting (2009) *MRF Quality Assessment Study*, Report for WRAP, November 2009

¹⁰ Zero Waste Scotland (2014) *Contamination in Source-separated Municipal and Business Recyclate in the UK 2013*, March 2014, <http://www.zerowastescotland.org.uk/sites/files/zws/Contamination%20in%20source-separated%20municipal%20and%20business%20recyclate%20in%20the%20UK%202013%20240314.pdf>

¹¹ Resource Association *Recycling Quality Specifications*, accessed 5 August 2014, <http://www.resourceassociation.com/recycling-quality-specifications/>

- it appears likely that a separate collection system combined with fortnightly residual waste collections would increase the amount of recycling collected, when compared to the baseline, but would be outperformed by a co-mingled fortnightly service alternating with residual waste (Option 3). Separate collection is therefore not “necessary” (in the technical language of the Regulations) to *facilitate* recovery of the four materials, provided that co-mingled collections are accompanied by fortnightly residual waste;
- depending on the view taken on the definition of “high quality recycling” it appears that separate collection may not necessary in order to *improve* recovery; but
- Additional information on the end destinations and uses of material from the Tilbury MRF-and specific output contamination data, if available in the future, may allow the Council to establish that its material meets additional definitions of “high quality” and increase its confidence that separate collection is not necessary in order to *improve* recovery.

There is a clear indication at this stage that separate collection may not be necessary to facilitate or improve recycling if the Council were to instead adopt Option 3. However, the Council may also wish to review whether separate collections would be practicable.

4.0 Practicability Test

Even where the separate collection of material is necessary in order to facilitate or improve recovery, it is only required under the law where it is deemed to be practicable. The Practicability (TEEP) Test examines whether separate collection would be technically, environmentally and economically practicable. It must be practicable in all three respects in order for it to be required. However, for something not to be practicable is a ‘high hurdle’.¹² It is not the same as it being difficult or inconvenient.¹³

4.1 Technical Practicability

The European Commission guidance on the Waste Framework Directive says that:

“Technically practicable’ means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.” (Section 4.3.4)

¹² Defra, Letter to Local Authority Bodies on the Separate Collection of Waste Paper, Metal, Glass and Plastic, October 2013, p2.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250013/waste-seperate-collection-201310.pdf

¹³ Compare UK Recyclate Ltd and Others v Secretary of State for Environment, Food and Rural Affairs and Welsh Ministers, Royal Court of Justice, Case No. CO/6117/2011, paragraph 18

There is an interplay between technical and economic practicability. Many technical issues with separate collection – for example, concerns regarding access or the storage space householders have available – are capable of being addressed, provided that sufficient resources are dedicated to the task.

Thurrock previously operated a limited kerbside sort collection system, where glass and paper were separately collected. Although this is not a direct parallel with a system in which all four materials are collected separately, it strongly indicates that kerbside sort would be technically practicable in principle, especially given the history of more extensive kerbside sort collections being operated in both urban and rural settings.

It is recognised that any change of collection system will require a level of effort, and will mean both residents and householders familiarising themselves with a changed approach. However, the inconvenience of changing system and the need to train staff in its operation cannot in themselves make separate collection fail the technical practicability test – authorities often successfully change collection systems, and many operate a kerbside sort system.

A single co-mingled bin is widely perceived as more convenient for householders than a system in which materials must be sorted into two or more bins. The Waste Regulations Route Map advises that, in itself, the anticipated reaction of residents would not be a sufficient reason to deem separate collection not to be practicable, in part because the Waste Framework Directive explicitly seeks to “move towards a European recycling society”, which suggests that a change in societal attitudes is envisaged.

The concept of “bin blight” has gained traction, particularly as regards areas where there is very limited space for residents to store bins. However, none of the options examined in the options appraisal necessitate more than two recycling containers, and each is used by many authorities. In each case, the containers are available that would not increase the current bin footprint. It is therefore difficult to argue that, in themselves, these factors make separate collection impracticable.

Co-mingled collections tend to progress more quickly than kerbside sort collections, since in the latter case operatives must spend time manually separate waste. However, this issue could potentially be addressed through route planning: by optimising collection rounds so as to avoid slow moving vehicles in particularly busy areas at certain times, the Council may be able to overcome the problem of increased congestion. Tackling congestion in this way would most likely cause some decrease in collection efficiency as it would limit routing possibilities, and could therefore lead to increased operational costs. However, this would make it an issue of economic, rather than technical practicability.

The Council will also naturally be concerned as to whether kerbside sort collections would raise health and safety risks for staff. Whilst this is a valid concern, it is difficult to argue that kerbside sort collections are so risky for staff as to make the practice technically impracticable. Numerous other authorities use the kerbside sort collection system and have not found themselves subject to particular health and safety concerns. The issue of how to minimise risks associated with kerbside sort collections has been

examined by the Health and Safety Laboratory, and whilst a number of areas of good practice were identified, no indication was given that this form of collection carried unacceptable risks.¹⁴

4.2 Economic Practicability

The European Commission guidance on the WFD says that:

“‘Economically practicable’ refers to a separate collection which does not cause excessive costs in comparison with the treatment [including recycling] of a non-separated [co-mingled or residual] waste stream, considering the added value of recovery and recycling and the principle of proportionality.” (Section 4.3.4)

‘Economically practicable’ does not therefore mean ‘the cheapest option’. Separate collection will be economically practicable so long as the cost is not excessive, or disproportionate to the benefits. Except where any extra costs of separate collection are very small or very large, assessing ‘proportionality’ is not straightforward. It may not be sufficient to show, for example, that the extra costs would marginally exceed the current waste budget. It may even be proportionate to consider cuts to other discretionary expenditure in order to meet the legal obligations regarding separate waste collection.

4.2.1 Modelling Results

Eunomia has used its collection options appraisal tool in order to assess whether separate collection of is economically practicable. The results of the economic modelling are set out in Table 4-1.

¹⁴ Health and Safety Laboratory (2006) *Manual Handling in Kerbside Collection and Sorting of Recyclables*, 2006, www.hse.gov.uk/research/hsl_pdf/2006/hsl0625.pdf

Table 4-1: Financial Performance of Collection Systems (£s)

Material	Baseline – Fully Co-mingled (Weekly)	Option 1 – Kerbside Sort (food and garden combined)	Option 2 - Kerbside Sort (separate food)	Option 3 – Co-mingled (Fortnightly)	Option 4 – Two-Stream, Fibres/ Containers (Weekly)	Option 5 – Two Stream, Fibres/ Containers (Fortnightly)
Vehicles¹⁵	1,449,077	1,279,937	1,143,281	888,366	1,383,713	1,046,649
Staff	2,056,185	2,066,144	1,827,757	1,201,931	1,980,030	1,201,931
Additional Depot Costs	-	50,000	50,000	-	-	-
Receptacles¹⁶	581,923	624,165	680,989	581,923	624,165	624,165
Material Income (Tilbury)¹⁷	165,596	-573,306	-573,306	183,995	-26,170	-23,791
Organics Processing	630,827	630,827	553,665	312,888	630,827	312,888
Residual Treatment	4,199,156	4,132,311	3,914,679	4,370,307	3,968,984	4,442,638
Net Cost (at Tilbury prices)	9,082,763	8,210,077	7,597,065	7,539,410	8,561,548	7,604,479
Material Income (market)¹⁸	165,596	-1,027,955	-1,027,955	183,995	-286,490	-260,445
Net Cost (market)	9,082,763	7,855,429	7,067,934	7,364,928	8,301,229	7,193,343

The modelling undertaken shows that the lowest cost would be achieved through the introduction of Option 2, provided that expected material incomes could be achieved and a cheaper outlet found for separate garden waste. Kerbside sort with mixed garden

¹⁵ Vehicle costs in all options take account of the amortised capital cost of the vehicles used, allowing comparison on a like for like basis.

¹⁶ Receptacle costs in all options take account of both the replacement cost and the amortised capital cost of the containers used, allowing comparison on a like for like basis. In cash terms, the Council's spend on replacement bins will be much lower.

¹⁷ Material incomes assume all dry recycling is delivered to Tilbury MRF.

¹⁸ Material incomes for separately collected materials assume expected market rates.

and food collections (Option 1) is less expensive than the baseline service, but significantly more expensive than alternate weekly co-mingled collections (Option 3) on either set of material price assumptions.

These findings make the question of economic practicability somewhat complex to resolve. Looked at in isolation, the separate collection of dry recyclables would impose an additional cost on the Council, compared with alternate weekly co-mingled collections. Only if the opportunity is taken to collect food waste separately on the separate collection round, resulting in the diversion of additional food waste and allowing garden waste to be treated by a less costly process would separate collection be the cheapest option over all. Clearly, the requirements relating to separate collection of dry recyclables cannot in themselves mandate a change in the way organic waste is collected. However, it is important to consider optimised collection systems, and it could be argued that altering the organics system might form part of the optimisation of kerbside sort. In the absence of definitive guidance, it is difficult to state that either approach would be unreasonable.

However, if the Council proposes to argue that separate collection is not economically practicable, it would need to evidence not just that there would be additional expense and financial risk under separate collection, but that this would represent an excessive operational cost.¹⁹ This entails consideration of the balance between the costs and the benefits (including the environmental benefits) of separate collection; and of the Council's financial position, which will have a considerable bearing on whether it could reasonably meet any additional costs. All of the options appear to represent a saving against the baseline, and the Council would need to carefully consider whether it could evidence that only the cheapest option was affordable.

Alongside the operational costs of different collection models, the adoption of a kerbside sort system in place of the co-mingled system might result in transitional costs such as recruiting staff, setting up new materials contracts and legal and compensation costs associated with halting or amending the current MRF contract. The Council may wish to identify these costs. We would recommend that operational costs should always be viewed separately from transition costs in assessing economic practicability. However, it appears legitimate for an authority to recognise that, operationally, kerbside sort might be economically practicable, whilst taking the view that contractual, infrastructural or capital considerations make change impossible in the short term.

The Council has confirmed that Tilbury MRF is able to accept separately collected materials, and therefore separate collection could be implemented without the need for the contract to be terminated. The prices the Council would receive if it were to send separately collected materials to the MRF have been included in the model, but at these prices separate collections are more costly than Option 3. However, these prices are

¹⁹ European Commission (2012) *Guidance on the Interpretation of Key Provisions of Directive 2008/98/EC on Waste*, June 2012, http://ec.europa.eu/environment/waste/framework/pdf/guidance_doc.pdf

significantly lower than expected market values. In deciding whether to accept Tilbury's prices or whether to instead market its own materials the Council could legitimately look to weigh the additional potential income against any costs it might incur in exiting the contract.

As the Council operates an in-house collection service, the net capital outlay required to update the existing vehicle fleet, may in the short term, make a change of collection system problematic.

Economically, kerbside sort collections seek to balance an investment in additional collection vehicles and staff costs against a saving in sorting costs and higher material incomes. As a result of its additional investment, the economics of kerbside sort are more heavily dependent on securing good material incomes than, typically, is a co-mingled collection. If the Council were to opt to market their separately collected materials, this would expose the Council to a degree of financial risk associated with future material values, from which it might be shielded if it were to supply separately collected materials to its current MRF. In comparison with Option 3, if market values were to fall by 10% Option 1, would be 8.3% more expensive, but Option 2 would remain cheaper unless a fall of 30% was to occur.

4.2.2 Conclusions

On the basis of the modelling undertaken and the information provided by the Council:

- it appears that separate collection options are available that are cheaper than the baseline service. However, separate collection would only be cheaper than an alternate weekly co-mingled system (Option 3) if (a) the Council opts to market its own materials instead of delivering them to its current MRF, and (b) it is able to take the opportunity to make savings on organic waste processing;
- the Council cannot therefore straightforwardly argue that separate collection would represent the 'excessive cost' that guidance indicates makes separate collection not economically practicable;
- while allowing that, looking just at dry recycling, there are forms of co-mingled collection that outperform separate collection financially, given that separate collection would still be cheaper than the baseline, the Council would need to establish that the cost was not affordable in order to show that separate collection was not economically practicable;
- aside from the operational cost considerations, the Council may be able to argue a change of collection systems is problematic as result of the need for capital expenditure on vehicles and containers, or the costs of exiting its contractual arrangements with the MRF in order to access market prices for separately collected recyclables, will entail incurring substantial transitional costs.

The Council may wish to reach a view on the extent of any additional knock-on costs (e.g. additional litter and street cleansing costs) that should be factored into the economic assessment of either collection system. However, such costs would need to be substantial and highly plausible in order to make a clear difference to the results of the economic modelling.

4.3 Environmental Practicability

The European Commission guidance on the WFD says that:

“Environmentally practicable’ should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection (e.g. additional emissions from transport).” (Section 4.3.4)

A system will therefore be environmentally practicable if the benefits from increased or improved recycling outweigh any negative impacts. However, this test is likely to be met by almost any recycling collection system, since the benefits achieved through recycling should almost always outweigh the environmental impacts of its collection and processing.

4.4 Modelling Results

The results of the environmental modelling are shown in Table 4-2.

Table 4-2: Environmental Benefit of Collection Options (Tonnes of CO₂e/yr)

	Baseline – Fully Co-mingled (Weekly)	Option 1 – Kerbside Sort (food and garden combined)	Option 2 - Kerbside Sort (separate food)	Option 3 – Co-mingled (Fortnightly)	Option 4 – Two-Stream, Fibres/ Containers (Weekly)	Option 5 – Two Stream, Fibres/ Containers (Fortnightly)
Dry Recyclables	5,378	7,184	7,184	6,004	7,458	6,780
Organics	502	502	1,127	388	502	388
Transport	-124	-92	-77	-72	-108	-72
MRF	-225	-	-	-250	-116	-105
Net Carbon Benefit	5,531	7,594	8,233	6,070	7,736	6,990

As anticipated, each collection system meets the minimum practicability requirement of its costs being outweighed by its benefits. The greatest net benefit comes from kerbside sort, including a separate food collection service (option 2), yielding 48.8% more net carbon benefit per year than the current baseline service. Option 1 also has a significant net carbon benefit of 37.3%. Both separate collection systems also have significantly higher annual carbon benefits than Option 3: Option 1 by 25% and Option 2 by 36%. This greater net environmental benefit is due to the higher purity of the separately collected material, the savings from not using a MRF and (in the case of Option 2) the increased quantity of organic waste captured and treated.

4.4.1 Conclusions

The results of the modelling show that separate collection is environmentally practicable, and that each of the separate collection options outperforms co-mingled approaches by a substantial margin.

5.0 Recommendations

5.1 Overview

At present, a good deal remains uncertain regarding how the Waste Regulations will be enforced. The Environment Agency has begun to outline its approach to enforcement, but has not yet indicated how active it proposes to be in its role as the enforcement body for this legislation; nor have any third parties disclosed an intention to seek to clarify the requirements of the law by pursuing legal action against authorities.

As a result, there is a risk that some authorities may act in anticipation of enforcement action that may not in practice be forthcoming; there is also a risk that some authorities may do too little, and find themselves subject to attention from either the Environment Agency or third parties that results in them needing to make changes under pressure. For authorities that have followed the Waste Regulations Route Map process and acted on the findings, the likelihood of these risks emerging is in all probability low, although the impact of enforcement, and the need to make change in some haste, may be high.

Our recommendations here are intended to set out a course of action that the Council can pursue that will help to minimise these risks. Authorities that have set out a clear path towards compliance will have a reasonable position to rely on if challenged regarding their approach to the Regulations, but can avoid taking action that may be precipitate, and in the Council's situation this may be an advisable course of action.

5.2 Necessity Test

The analysis carried out indicates that separate collection of the four materials:

- combined with fortnightly residual waste collections would increase the amount of recycling collected, when compared to the baseline, but would be outperformed by a co-mingled fortnightly service alternating with residual waste (Option 3). Separate collection is therefore not “necessary” (in the technical language of the Regulations) to *facilitate* recovery of the four materials, provided that co-mingled collections are accompanied by fortnightly residual waste; and
- is likely to lead to an improvement in the purity of most materials compared with current MRF outputs. However, there is an argument that there are definitions of “high quality” that the materials produced by the MRF would meet and so in the terms set out in the law, would not be necessary in order to *improve* recovery.

Due to recent amendments to the Environmental Permitting Regulations, it may be that output quality data will become available for the MRF in the near future. The Council

may wish to revisit the necessity test when this is the case to establish whether there are additional definitions of “high quality” that it can demonstrably meet.

5.3 Practicability Test

The work conducted in the course of this project strongly indicates that separate collection in Thurrock is:

- technically practicable, since kerbside sort collections have been implemented in authorities similar Thurrock; and
- environmentally practicable, since separate collection with a separate food collection service lead to a 48.8% net carbon benefit compared with the baseline and also outperforms alternate weekly co-mingled collections.

The question of whether separate collection is economically practicable is rather more complex to answer due to the particular circumstances of the Council. On an accruals basis, separate collection outperforms the current collection system. However, looked at in isolation, the separate collection of dry recyclables would impose an additional cost on the Council, compared with alternate weekly co-mingled collections (Option 3), whether it delivers separated recycling to its current MRF or obtains higher prices on the open market. Only if the opportunity is taken to collect food waste separately on the separate collection round, resulting in the diversion of additional food waste and allowing garden waste to be treated by a less costly process would separate collection be the cheapest option over all.

However, since separate collection represents a saving against the baseline, and is cheaper than many other options, the Council would need to carefully consider whether it could evidence that only the cheapest option was affordable.

However, there is an argument that separate collection may not be feasible in the short term based on the findings that:

- in order to access market prices for separately collected materials, the Council may have to exit its MRF contract, which would be likely to mean incurring a cost; and
- the Council would need to meet the capital costs of the new vehicles and containers that a new collection system would entail. Whilst it is already contemplating a service change, a move to less frequent co-mingled collections would not necessitate acquiring a new type of vehicle. Although some value could be realised from existing assets that were no longer required, the transition to separate collection might mean disposing of vehicles outside the currently planned timescale. Separate collection would mean incurring greater vehicle capital costs, and perhaps incurring costs sooner than currently planned, which might be financially problematic. Without access to capital finance, a transition to separate collection would have to be delayed, or delivered by alternative means.

APPENDICES

A.1.0 Appendix 1: Key Assumptions

A.1.1 Material Incomes

Table A-1: Material Incomes Modelled

Material	Tilbury Material Income per Tonne (£)	Market Material Income per Tonne (£)
Mixed Paper and Card	-15	-50
Paper	-90	-90
Card	-70	-70
Glass	25	-15
Plastic	-40	-150
Steel	-40	-125
Aluminium	-40	-780
Garden Waste (Windrow)		33.91
Food Waste		52.78

A.1.2 Breakdown of Material Incomes

Table A-2: Modelled Income per Material

Material	Baseline – weekly Co-mingled	Option 1- Kerbside Sort (weekly)	Option 2 – Kerbside Sort with Food (weekly)	Option 3 – Two Stream with Glass Separate (Fortnightly)	Option 4 – Two Stream, Fibres/ Containers (Fortnightly)
Commingled	11,960	-	-	-	-
Commingled excl. glass	-	-	-	7,827	-
Mixed Containers	-	-	-	-	5,046
Mixed Paper and Card	-	-	-	-	6,316
Paper	-	4,891	4,891	-	-
Card	-	1,523	1,523	-	-
Glass	-	3,180	3,180	2,937	-
Plastic	-	871	871	-	-
Steel	-	580	580	-	-
Aluminium	-	204	204	-	-

A.1.3 Carbon Factors

Table A-3: Breakdown of Carbon Factors (Tonnes of CO2 emitted/saved)

Material/Activity	CO ₂ Impact
Single Stream	-0.49
Containers Only	-0.92
Mixed Paper & Card	-0.34
Glass	-0.20
Plastic	-1.17
Steel	-1.83
Aluminium	-8.70
Food Waste	-0.16
Garden Waste	-0.42

Note: All figures are based on savings per tonne of virgin material replaced, except as indicated.

A.1.4 Breakdown of Receptacle Costs

Table A-4: Unit Costs per Receptacle Type

Receptacles	Unit Cost (£)	Replacement Rate (%)	Total per Annum (£)
240L Bin	19.00	4.0	3.00
55L Box	2.90	8.0	0.65
23L Kerbside Caddie	3.00	8.0	0.67
5L Kitchen Caddie	1.10	5.0	0.27

A.1.5 Vehicle Costs

Table A-5: Detailed Costs per Vehicle Type

Vehicle Type	Unit Cost (£)	MPG	Total Annualised Cost (£)
Refuse RCV	146,000	4	38,007
Recycling RCV	146,000	4	38,007
Recycling Split RCV	160,000	4	41,589
Garden Waste RCV	146,000	4	38,007
Recycling RRV	90,000	10	23,228

Work Programme

Committee: Cleaner, Greener & Safer Overview & Scrutiny

Year: 2015/2016

Item	Date Added	Request By (Members/Officers)	Lead Officer	Progress / Update required
28 July 2015				
Community Usage, Parks & Open Spaces	May 2015	Officers	Mike Heath	
Contract Review	May 2015	Officers	Mike Heath	
Waste Contract Review	May 2015	Officers	Mike Heath	
Shaping the Council Budget Update Report	May 2015	Officers	Sean Clark	
Work Programme	May 2015	Members/Officers	Democratic Services Officer	
8 October 2015				
Budget Savings	May 2015	Officers	Mike Heath	
Trading Standards Ports Work		Officers	Gavin Dennett/Charlotte Edwards	
Civil Protection Update on High Hazard Site testing	May 2015	Officers	Gavin Dennett / Toni Barlow	
Shaping the Council Budget Update Report	May 2015	Officers	Sean Clark	
Work Programme	May 2015	Members/Officers	Democratic Services Officer	
12 November 2015				
DAAT Performance	May 2015	Officers	Gavin Dennett/ Jim Nicolson	
Consultation on Integrated Risk Management Plan	July 2015	Officers	Gavin Dennett	
Shaping the Council Budget Update Report	May 2015	Officers	Sean Clark	
Work Programme	May 2015	Members/Officers	Democratic Services Officer	

Work Programme

Item	Date Added	Request By (Members/Officers)	Lead Officer	Progress / Update required
21 January 2016				
Shaping the Council Budget Update Report	May 2015	Officers	Sean Clark	
Work Programme	May 2015	Members/Officers	Democratic Services Officer	
17 March 2016				
Shaping the Council Budget Update Report	May 2015	Officers	Sean Clark	
Work Programme	May 2015	Members/Officers	Democratic Services Officer	

To Be Allocated				
Item	Date Added	Request By (Members/Officers)	Lead Officer	Committee Date
An update on the latest situation regarding the Cory Wharf fly tipping	May 2015	Members		
Fly tipping & fly posting in the borough	May 2015	Members		
Cleaning up Town Centres	May 2015	members		

Full details of Member's decisions can be viewed in the Minutes on the Council's Committee Management Information System - <http://democracy.thurrock.gov.uk/thurrock/>

FOR CONSIDERATION

There are currently no items for consideration.