

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

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