

TITLE OF REPORT: REVIEW OF WASTE COLLECTION ARRANGEMENTS AS REQUIRED BY THE WASTE (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2012

REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES
EXECUTIVE MEMBER: COUNCILLOR PETER BURT

1. SUMMARY

- 1.1 The Waste (England and Wales) (Amendment) Regulations 2012 are designed to implement the requirements of the EU's Waste Framework Directive with regard to the handling and processing of certain recyclable materials. The aim is to ensure that wherever possible, materials collected as recyclables are in fact recycled and not disposed of in another way. The Directive is therefore concerned with the quality of materials collected and the ability of materials processors to sort materials and provide high quality materials for subsequent reprocessing and use.
- 1.2 The Directive considers this requirement from the starting point and requires all waste collectors including local authorities to apply the waste hierarchy (Regulation 12). Waste collectors should collect recyclable materials, and in particular paper, glass, plastic and metals, as separate waste streams from the 1st January 2015 where it is technically, environmentally and economically practicable (TEEP).
- 1.3 The Directive and the Regulations which translate that into law have therefore introduced what is known as TEEP ("Technically, Environmentally and Economically Practicable") and, in forming a judgement about the type of collection methodology that should be used, a TEEP analysis has been undertaken by consultants WYG to identify whether it is technically, environmentally and economically practicable to collect the four described waste streams separately.
- 1.4 This report summarises the findings of, and assessments undertaken by, WYG on behalf of North Hertfordshire District Council (NHDC) to ensure household waste collections conform to the requirements of the revised Waste Framework Directive (2008/98/EC) (rWFD) transposed through the Waste (England and Wales) (Amendment) Regulations 2012.

2. RECOMMENDATIONS

- 2.1 That Cabinet resolve that it is not technically, environmentally and economically practicable to undertake separate collection of plastics, metal and glass from households in North Hertfordshire and therefore the current co-mingled service for these materials should continue to operate.
- 2.2 That the assessment findings for kerbside household recycling collections are reviewed when undertaking the procurement of the new waste and street cleansing contract.
- 2.3 That the economic assessment for kerbside household recycling collections is reviewed when the new Materials Recovery Facility (MRF) contract is procured.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Following the relevant assessment (included as Appendix A), it is evident that there are environmental and economic advantages to the current co-mingled waste collection system. As a consequence of the assessment findings, there is no legal requirement for the Council to separately collect, plastics, glass and metals.
- 3.2 Where assessment indicates a need to collect a material separately, commingled collection of that material is only allowable where it can be demonstrated that separate collection is not practicable. However, separate collection must meet all three elements of the Practicability Test to be required, i.e. be “technically, environmentally and economically practicable” (TEEP). If it fails any one of them then commingled collection is permissible.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The findings of the assessments will need to be reviewed periodically, in line with the suggestions of the Waste Regulations Route Map. This is particularly important where a service change is being considered or circumstances change. Further quality information data will be made available in 2015, due to the requirements of the Environmental Permitting Regulations (2014), which will need to be considered in the next assessment.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Cabinet agreed on 11 December 2012 to procure new processing services for the collection of commingled recycling and to make necessary changes to the collection contract to facilitate the change.
- 5.2 Council agreed Capital funding to support the collection of plastic bottles, pots, tubs and trays from the kerbside on 24 January 2013
- 5.3 Cabinet agreed on 26 March 2013 new policies covering the collection of waste from households.
- 5.4 Changes to collection systems during 2013 were as a result of extensive consultation during 2012 and 2013 with the Hertfordshire Waste Partnership with the intention of removing cardboard from the organic waste stream which was currently affecting the quality of compostable material.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 1st October 2015

7. BACKGROUND

- 7.1 The Directive and the Regulations have introduced a set of criteria known as TEEP (“Technically, Environmentally and Economically Practicable”) and, in forming a judgement about the type of collection methodology that should be used by a Local Authority or service provider, a TEEP analysis has to be undertaken to demonstrate whether it is Technically, Environmentally and Economically Practicable to collect paper, metal, plastic and glass separately.

- 7.2 Although DEFRA has not issued guidance on how Councils should approach TEEP and the need for assessment, the Waste and Resources Action Programme (WRAP) published a tool (See Appendix 2) giving advice on how to undertake the TEEP process on behalf of a working group comprising members of local authority waste networks, the London Waste and Recycling Board (LWaRB) and WRAP itself. The TEEP process is extremely complex and must be carefully undertaken, since all local authorities using commingled collections or considering their introduction must satisfy themselves that they have considered the requirements of the Directive and the Regulations and, in the event that commingled collections continue or are introduced, can demonstrate their rationale for doing so.
- 7.3 Decisions about whether commingled collections are justifiable need to be taken locally, based on the particular circumstances in each area and each Local Authority must carry out its own assessment. To assist with this decision making process the Waste and Resources Action Programme (WRAP) has produced a „Route Map (See Appendix 2) “ to help waste authorities assess whether their waste collection services are compliant.
- 7.4 As a result of the complexity of this process, many local authorities have commissioned independent, technical advice on this matter. Officers therefore employed an independent consultant WYG to undertake a TEEP assessment on behalf of the Authority. WYG are an independent global project management consultancy with extensive experience in waste in particular TEEP assessments.

8. ISSUES

- 8.1 Currently NHDC operates a co-mingled waste collection in respect of three of the four waste streams identified metal, plastic and glass. Paper is collected separately from the other three waste streams. As can be seen from the detailed report, the TEEP assessment concludes that the current co-mingled system of collection is both environmentally and economically advantageous.
- 8.2 Initially a necessity test is undertaken. Is it necessary to collect paper, plastic, metal and glass separately in order to achieve high quality recycling? The MRF regulations require that reprocessors demonstrate the quality of material which is sent for recycling. In addition national statistics relating to other Councils undertaking commingled collections shows that, in general, higher quantities of material are sent for recycling than from source segregated schemes. The report identifies that reported contamination has also been relatively low at circa 3.4% (Appendix 1. Page 6. S3.8)
- 8.3 The technical practicability of separate collections can not be argued sufficiently as North Hertfordshire has previously operated separate collection by hand sorting collection methods at the kerbside. It is therefore reasonable to assume that a box or multiple boxes could be used to collect the waste streams separately. Paper is currently collected separately and therefore meets the legislative requirements. However, it is not technically practicable to undertake separate collections with the existing vehicle fleet operated under our collection contract, this therefore impacts on the economically practicable test outlined in 8.5.
- 8.4 The environmentally practicable test demonstrated in the report shows that quality of materials can be maintained through commingled collections and that the significant increase in recycling tonnage seen following the change to commingled collection in 2013 has occurred (Appendix 1. Page 4, Figure 2)

- 8.5 Details contained within the report (Appendix 1. Page 13. S3.33) outlines the costs of the collection service both for commingled (using actual costs) and for source separated (using modelled costs). This modelling demonstrates that the cost of collecting separately would be higher than our current system of commingled dry recycling and separate paper.
- 8.6 In order for any TEEP assessment to be up to date and relevant it should be updated periodically in particular at point of major change for services, including procurement of new contracts. This will therefore require another assessment to be undertaken as part of the procurement exercise for the waste and street cleansing contract renewal due in 2018.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet has within its terms of reference to oversee the provision of all the Council's services other than those functions reserved to Council. It is therefore appropriate for Cabinet to consider the impact of the Waste (England and Wales) (Amendment) Regulations 2012 on the waste service.
- 9.2 The requirement introduced by the Regulations for an authority to collect the four specified waste streams separately, only applies where it is technically, environmentally and economically practical to do so. The TEEP assessment provides evidence that it would be neither environmentally nor economically practical for NHDC to introduce separate waste collection for the four waste streams. The Council may therefore continue to operate a comingled waste collection in compliance with the Regulations.
- 9.3 A further assessment of the Council's position will be required as part of the re-procurement of the waste and street cleansing contract to ensure ongoing compliance with the Regulations.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications associated with the Cabinet report recommendations.
- 10.2 The procurement of the new waste and street cleansing contracts due to commence in 2018 and any future material processing contracts may change the resource required for these services and may potentially affect the economic case for comingled versus source segregated collections.

11. RISK IMPLICATIONS

- 11.1 Within the Cabinet Top Risk of the Waste and Recycling contract renewal, there is a sub risk relating to comingled waste. This risk has described, amongst other things, the requirement to undertake a TEEP assessment and its potential impact on kerb side collection of recyclable materials.
- 11.2 Failure to undertake and comply with the TEEP assessment is a legislative risk. Any changes made to the kerbside collection of recyclables may lead to increased costs to the Council as well as a negative impact on performance and reputation.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The review which has been undertaken and the proposals arising therefrom will not have any negative or positive impact in regard to the service provided to individuals or groups with protected characteristics.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Public Services (Social Value) Act was passed at the end of February 2012; under the Act, public bodies in England and Wales are required to consider how the services they commission and procure might improve the economic, social and environmental well-being of the area. ‘
- 13.2 As the recommendations made in this report do not constitute a public service contract, the measurement of ‘social value’ as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resources implications associated with this report.

15. APPENDICES

Appendix 1 – TEEP assessment undertaken by WYG on behalf of North Hertfordshire District Council.

Appendix 2 - Waste and Resources Action Programme (WRAP) Route Map.

16. CONTACT OFFICERS

Antonio Ciampa
Service Accountant
antonio.ciampa@north-herts.gov.uk
Tel 01462 474566

Chloe Hipwood
Service Manager – Waste and Recycling
chloe.hipwood@north-herts.gov.uk
Tel 01462 474304

Fiona Timms
Performance and Risk Manager
fiona.timms@north-herts.gov.uk
Tel 01462 474251

Liz Green
Head of Policy and Community Services
liz.green@north-herts.gov.uk
Tel 01462 474230

Marie Searle
Solicitor
marie.searle@north-herts.gov.uk
Tel 01462 474317

17. BACKGROUND PAPERS

Cabinet report – 20 March 2012.
Overview and Scrutiny report – 04 December 2012.
Cabinet report – 11 December 2012.
Council report - 24 January 2013.
Cabinet report – 26 March 2013.