

Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Contract Manager, Madeleine Gorman
Subject	-	UK Environment Bill: Initial Preparations and Consideration of Food Waste Requirements

Recommendation: It be **RESOLVED:** That this report be forwarded to each partner Council with the recommendation that the Joint Waste and Recycling Committee be authorised to:

- 1) consider and finalise the service requirements for food waste collections;
 - 2) consider and establish operational policies with regard to food waste collections; and
 - 3) consider and determine the fleet requirements to enable food waste collections (including use of low-carbon technologies).
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Report Author: Madeleine Gorman, Joint Waste Contract Manager

1. This report is provided for the Joint Waste and Recycling Committee (JWRC) to ensure local awareness of matters arising as a consequence of the UK Environment Bill (EB) currently (October 2020) progressing through the UK Parliament.

Policy Background: The Circular Economy

2. Waste and pollution are consequences of the decisions which are taken during the design stage for a product and it is this time when the majority of environmental impacts are determined. New mechanisms are needed to influence the decisions that are taken with regard to what products (and their packaging) are made from and how these materials are bonded, attached and assembled together. Mechanisms to consider the full lifecycle of materials and the principles which underpin such mechanisms are commonly termed "The Circular Economy".

Policy Principles: The UK Environment Bill

3. The UK EB creates a new statutory cycle of monitoring, planning and reporting against the 25 Year Environment Plan.
4. The UK EB is currently in progress through the UK Parliament and is due to be enacted late 2020 with implementation of several key requirements by 2023. This briefing has been prepared for Members of the JWRC in advance of the EB being enacted because each partner Council will need to take various key decisions in order for the service implications to be appropriately managed during 2021-2022.
5. The UK EB is the UK legislation (originally drafted to meet the requirements of the EU Circular Economy package 2015), which will help to deliver the

Government's manifesto commitment to an ambitious environmental programme and step-change in environmental protection and recovery. The introduction of the EB follows the UK's departure from the European Union (reference the Waste Framework Directive from which much of the UK's waste legislation derives) and DEFRA has stated that the EB will transform how resources and waste are managed in the UK.

6. The aim is for environmental principles to protect the environment from damage by making environmental considerations central to the policy development process across the Government. The EB legally obliges policy-makers to have due regard to the environmental principles policy statement when choosing policy options, for example by considering the policies which cause the least environmental harm. The principles are:
 - i. environmental protection should be integrated into policy-making principle;
 - ii. the preventative action to avert environmental damage principle;
 - iii. the precautionary principle;
 - iv. environmental damage should as a priority be rectified at source principle; and
 - v. the polluter pays principle.

Consideration of the Bill: Waste Management

7. This report focuses on the proposed provisions that are specific to waste collection and disposal matters. The EB seeks to transform how the UK manages waste by enabling powers that will require companies to take more responsibility for the products and materials they place on the market, especially when they become waste. It also introduces a consistent approach to recycling, tackling waste crime, creating powers to introduce bottle deposit return schemes and enabling more effective litter enforcement. Further powers that stop the export of polluting plastic waste to less developed countries will seek to ensure the UK deals with more of its own waste. The EB also creates powers to introduce new charges for single use plastic items with the aim that single use is minimised and suitable incentives are created for reusable alternatives.
8. Members are invited to consider the following matters as initial preparation for the key Cabinet decisions which will be required in 2021/22.

Deposit Scheme (or Deposit Return Scheme – DRS)

9. The EB makes provision to introduce Deposit Scheme(s). Subject to further information and the development of actual schemes in practice, the intention is to collect and recycle single use drinks containers e.g. drinks cans, drinks bottles and possibly coffee cups. In principle, consumers would pay a deposit on each drink they purchase in a single-use container and would get this back if they return the container. The headline benefit is that more single-use containers should be captured for recycling.
10. For local authorities, the implementation of DRS could have the following impacts:
 - i. Fewer recycling collection vehicles needed, because there are fewer recyclables to collect.
 - ii. Lower sorting costs, because there are fewer recyclables to sort.

- iii. Less income from selling recyclables, because there are fewer recyclables to sell.
 - iv. Lower residual treatment/disposal costs, because there are fewer drinks containers in residual waste.
 - v. Lower litter clearance costs, because used drinks containers will have a cash value so will not end up as litter. However 'bin diving' (searching through bins for drinks containers) could lead to some litter of other materials.
 - vi. Lower recycling rates, because it is unlikely that containers returned to shops etc. would be included in local authority recycling figures.
11. The forecast impact on the Joint Waste Partnership (JWP) will be analysed when sufficient information and knowledge concerning the details of potentially different DRS being implemented either nationally, regionally or locally become available.

Resource Efficiency

12. The new Office for Environmental Protection (OEP) which is being established under the main provisions of the EB, will be responsible for the matrix of policies, plans and targets required to fully implement the principles of the EB. The waste management sections of the EB enable new regulations to be developed with regard to resource efficiency. Local authorities will be required to submit data returns and meet the obligation to pursue the targets yet to be set.
13. The OEP will take a lead on future environmental policies, investigate complaints and take legal action against any authorities breaking environmental laws. It is likely that the fundamental basis of the established Waste Data Flow system will be retained but various aspects (reporting periods, data formats etc.) could be redeveloped.
14. The data recording systems being used by the JWP should be capable of meeting whatever data reporting is required. The key risk to the JWP councils is most likely to arise from the need to appropriately resource the administrative burden created by any new measurement and reporting requirements to the OEP.

Consistency

15. The EB seeks to reduce householder confusion around what can and cannot be recycled. The items / materials collected for recycling by all UK waste collection authorities are very similar. The main differences relate to tetra packs, plastic bags, foils, films and aerosols.
16. In terms of collection systems, it is widely accepted that better quality recycling is obtained through systems which require the resident (or kerbside collection staff) to separate items at the point they are collected. Material Recovery Facilities (MRF) separate mixed recycling quite effectively but the nature of co-mingled or mixed collection systems means that inappropriate items (contamination) are easily concealed within bins. However, the EB still retains the provision for two or more recyclable waste streams to be collected together where it is not technically or economically practicable (or the environmental benefits of separation are equal to those of mixed). Greater

scrutiny over the technical and economic assessment process is expected from the OEP and new conditions apply.

17. The EB defines recyclable waste to be:
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|---|---|
| <ul style="list-style-type: none">i. glassii. metaliii. plasticiv. paper and cardv. food wastevi. garden waste | <p style="text-align: center;">The Key Conditions</p> <ul style="list-style-type: none">• glass, metal, plastic and paper may not be mixed with food waste or garden waste.• food waste must be collected weekly. |
|---|---|
18. As currently drafted, the majority of consistency provisions in the EB can be met by the JWP because a variety of separated collection systems were analysed prior to contract procurement and the technical and economic assessment supported our decision for a fully co-mingled/mixed collection system.
19. The requirement to collect food waste separately and weekly has the most significant impact for the JWP and it is this matter which Members are asked to give most initial consideration to as follows.

Separate Food Waste Collections

20. Awareness that food waste collections were likely to become a statutory service requirement enabled the JWP to include basic provisions for this service as a provisional contract item that can be implemented under the terms of the Joint Waste Contract (Minute JWRC17/12 refers).
21. The detailed service requirements could not be fully described at that time so a number of key decisions and subsequent work will be required to finalise how food waste collection services will be fully implemented in order to meet the requirements of the EB. Implementation of a new food waste collection service will have policy and budget implications. Members are therefore advised that the matters listed in Appendix A will need to be considered by the JWRC and potentially each Council. Officers will plan the implementation project and make recommendations as to how the necessary approvals can be achieved when the final EB becomes law.
22. The EB as currently drafted (October 2020) requires food waste collections to be implemented by 2023. This would require key decisions (and procurement activity) to be taken by the majority of UK local authorities through 2021-2022.
23. The JWP is well placed to take advantage of the provisional item already included in the Joint Waste Contract. However, communication with DEFRA suggests that the Government could offer exemptions to local authorities with existing contractual commitments which make it unrealistic or economically unviable to implement food waste services by 2023. Clarification on the legal position of the JWP with regard to the timescale for implementing food waste as required by the EB will be sought from Government in due course.
24. Members are advised that a key commercial consideration will be procurement of the vehicle fleet. The available funding options for the level of capital expenditure required will need to be analysed and determined in due course.

25. Officers consider that a new collection service could offer the Councils an opportunity to consider procurement of new low-carbon collection vehicles. The mileage incurred by visiting every household every week will be a significant addition to each Council's current carbon footprint. Officers will therefore develop initial proposals to explore the opportunity to procure new vehicle technologies for deployment on new food waste collection services.
26. On the basis that "worst case" the JWP will be required to implement food waste collections from the beginning of 2023, initial planning has begun and for Member awareness the project milestones are tabled as follows:

Dates	Activity	Responsibility
Autumn 2020	Begin awareness and approval processes for new policy and budget commitments. Make recommendation to each Cabinet that JWRC be authorised to consider and take decisions on behalf of each Council concerning food waste services.	JWRC Cabinets
Winter 2020 - Spring 2021	Engage with East Sussex County Council (ESCC) to understand how separate food waste can be delivered to waste transfer locations.	JWP
Winter 2020 - Spring 2021	Design food waste service and specify all key requirements (Assumes JWRC has been authorised by each Council to take the decisions required. Alternately, each council may elect to procure their own food waste collection services separately from the Joint Waste Contract).	JWRC
Spring 2021	Forecast fleet requirements and start discussions with Biffa on vehicle purchase and leasing arrangements.	JWP Biffa
Spring 2021	JWRC and Cabinet agreement(s) to final budget commitments. (For the capital purchase of food waste containers and the collection vehicle fleet).	Cabinet(s)
June 2021	Finalise vehicle specification and place vehicle orders.	JWP
Autumn 2021 – Summer 2022	Manage vehicle procurement process and any ancillary requirements (e.g. power infrastructure, fuel storage, container storage and delivery etc.).	JWP Biffa
Autumn 2022	Biffa service mobilisation (Develop procedures, recruit staffing, undertake training etc.).	JWP Biffa ESCC/Veolia
Christmas 2022	Public communications re: new service.	JWP
2023	Service starts.	

27. The financial and policy implications for each Council requires each Council to either authorise the JWRC to take the series of decisions which will be required or prepare their own internal decision making schedules. It is therefore proposed that this report be forwarded to each partner Council with the recommendation that the JWRC be authorised to:

- 1) consider and finalise the service requirements for food waste collections;

- 2) consider and establish operational policies with regard to food waste collections; and
- 3) consider and determine the fleet requirements to enable food waste collections (including use of low-carbon technologies).

Free Garden Waste Collections

28. An earlier draft of the EB included a provision which would prevent councils charging residents for garden waste collections. This provision is not included in the current EB which is progressing through Parliament but on 18 June 2020 the Environment Secretary, George Eustice strongly stated that although local authorities had expressed concerns, “inconsistent outcomes” are produced by charged for services and free garden waste collections were the “best approach”.
29. The financial implications for the JWP would be significant so Members will be urgently advised if this provision is re-introduced into the EB at any stage.

Funding the New Requirements – Charges for single-use plastics, carrier bags and the new plastic tax

30. Government ministers have consistently advised that new public services will be funded by the Government with new financial mechanisms and taxation proposals due to be introduced from 2022. The EB makes provisions for charges to be introduced for single-use plastic items and for the carrier bag charge to be increased. New taxation is also proposed for the production and import of plastic packaging in the UK.
31. However, with the long-term economic impact of the COVID-19 pandemic unknown, it is uncertain whether the Government will maintain its commitment to environmental policy (as indicated by the main provisions of the UK EB) or necessarily control the financial burden new taxation will have on retailers, manufacturers and importers.
32. Officers holding Section 151 responsibilities are aware of the financial risks arising from new statutory service requirements and Members will be advised when the financial implications can be quantified and managed.

Funding the New Requirements – Extended Producer Responsibility

33. The EB includes powers to introduce new extended producer responsibility schemes which will make producers responsible for the full net costs of managing their products when they are ready to be thrown away. The key outcomes being sought are:
 - More packaging is designed to be re-useable and recyclable.
 - A reduction in unnecessary packaging.
 - For more packaging to be recycled (at least 70% by 2030).
 - For less packaging to be littered.
 - To generate demand for recycled materials and support industry to move towards a more circular economy.
34. As currently drafted, the EB makes provision for businesses to bear the full net cost of managing the packaging they handle or place on the market at end

of life. The Government has indicated that this is the mechanism through which the additional financial burdens to local authorities for the delivery of new services such as food waste recycling will be reimbursed.

35. The anticipated period of consultation on the final draft EB in 2021 should provide detail of how funding will be handed down to local authorities.

Madeleine Gorman
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Risk Assessment Statement

No risks arise from the recommendations of this report. The final provisions and requirements of the UK EB may incur various risks which it will be necessary to consider in due course.

Joint Waste and Recycling Committee: UK Environment Bill

Considerations necessary to develop a detailed Specification for Food Waste Collections

1. Will the Bill require or for equality reasons will the partner councils require that food waste services are made available to all types of household?
2. If bins store and other communal storage areas are to be used, what type of bulk containers for food waste will be required and will managing agents accept responsibility for spillages and cleaning?
3. What containers will residents on the alternate weekly system need?
4. Will food waste containers (e.g. caddies) be provided for all types of property for internal use or will the councils provide containers intended for external storage use?
5. If containers for internal use are provided, will liners also be required? If liners are required, will they be funded by the councils or will residents need to purchase them?
6. For customer convenience, will the collection rounds need to be coordinated with existing rounds so that all types of bin go out on the same day of the week? (Note: The tendered price is based on the premise that this will not be a requirement so the rounds can be developed as efficiently as possible).
7. What waste transfer (tipping) facilities will be available? Other food waste disposal matters will need to be addressed so members are advised that this paper only considers matters related to collection services.
8. What style, number and size of food waste collection vehicles will be required to service the number of households and types of property?
9. Given that collection services incur very high carbon impacts, do the councils want to utilise this new service opportunity to test low carbon vehicles? (E.g. electric, hydrogen or other).
10. Will the councils fund the required vehicle fleet through capital reserves or public borrowing? Or do the councils want to investigate options for Biffa to purchase (and own) the vehicles?
11. What vehicle leasing or other terms of use will the councils need Biffa to accept?
12. What form of vehicle procurement is required?
13. If ancillary benefits are being pursued by the councils (e.g. purchase of electric vehicle fleet), what support infrastructure will also need to be secured? (E.g. local power networks and charging facilities).