

Waste Review update

Purpose

For discussion and direction

Summary

This paper provides members with a summary with a summary of the contents of Defra's review of waste policy that was published on the 14th June.

Recommendations

Members are asked to:

1. Note the contents of the report.
2. Suggest actions to ensure awareness within Government of the Group's key messages is maintained.

Action

As directed by Members

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Waste Review update

Background

1. On 15th June 2010 the Defra Secretary of State, Caroline Spelman MP, announced that the Government would undertake a full review of waste policy in England. The Programme Board agreed its key message for inclusion in the Group response to this review at its meeting on the 5th July and the final response was submitted on the 7th October.

Defra's response

2. Defra's Review response was published on the 14th June, focusing primarily on waste as a resource. This central theme was supplemented by sections on empowering local communities and business, as well as a section on disposal, covering recovery and the waste hierarchy. The key points in Defra's response to the review are set out below.

Empowering local communities

3. Whilst the Review mentions increasing the frequency and quality of collections it notes that waste services are a matter for councils to decide locally.
LG Group position: We are delighted that the Government has confirmed that collection methods and frequencies should be determined locally.
4. The Review proposes a refresh of the Waste Collection Commitment in conjunction with the LG Group and WRAP to ensure households continue to be well informed about collection services in their areas and to make it easier for them to do the right thing.
LG Group position: The text of the revised WCC has been cleared by Environment and Housing Programme Board lead members and we are currently awaiting sign-off from Defra.
5. The review references the spending constraints that are facing councils and suggests that innovative approaches will need to be taken in terms of procurement, shared services, and combined decision-making as a result. As well as this, the removal of centrally generated targets is also mentioned, but there is no mention of amendments to the Schedule 2 regulations.
LG Group position: All councils are considering new ways of working to ensure services are maintained despite reductions in spending wherever possible. We welcome the removal of centrally generated targets and urge Defra to implement changes to Schedule 2 regulations as soon as possible.

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6. The Review announces that LATS will be ended at the end of the 2012/13 scheme year and that the statutory duty on local authorities to produce Joint Municipal Waste Management Strategies (JMWMS) will be removed.
LG Group position: We welcome the ending of the LATS scheme and the removal of the duty to produce JMWMS.
7. The Review notes that Defra will work with the LG Group, WRAP and IESE to develop a national route map detailing the steps that need to be taken to set up waste partnerships, complementing the LGG's *Place-based productivity steering group's* work in this area, including work being undertaken to achieve efficiencies through better procurement.
LG Group position: We would be happy to lead this work and fully support the development of sector-led and owned guidance.

Business Waste collection

8. The Review notes that many of the issues around commercial waste are the same as those for municipal waste and they should therefore be considered as part of a single waste stream. The review makes particular reference to waste collection and disposal from Small and Medium-sized Enterprises in particular. Councils are asked to work with LEPs, Chambers of Commerce and local trade associations to highlight to SMEs the value of pursuing joint recycling contracts to achieve the necessary economies of scale to ensure these schemes are cost effective. The waste management industry will also have a significant role in this area.
LG Group position: Councils could be interested in extending their services and providing more recycling facilities geared to businesses if it did not expose them to higher landfill tax on residual waste.

Involvement of civil society

9. The Review highlights the role that civil society groups can play in waste and recycling, both in terms of working with communities and the public and private sectors. There are however barriers that the Government will need to remove for civil society groups to play a full role in this area in terms of finance, regulation, capacity and education.
LG Group position: Councils would be happy to work with civil society groups to maintain services where practicable. As the Review is likely to note however, regulations will need to be amended to facilitate this.

Recycling on the go

10. The Review makes reference to the current difficulties in recycling 'on the go' when compared to recycling at home and goes on to suggest that WRAP will assist

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councils who wish to work with businesses to explore how street infrastructure can be funded.

LG Group position: Councils will need funding to install and maintain new street infrastructure – this could be achieved through the producer pays principle and agreements struck with business. A strong evidence base that such investment would result in significant increases in recycling, compared with similar additional investment in improved household collection would make recycling on the go a more attractive proposition.

Rewards and recognition

11. Defra have announced that they will launch a grant funding scheme for innovative reward and recognition schemes that will be available to community groups, civil society groups and local authorities. The Review also proposes that the LG Group and WRAP, with the support of Defra, work to develop best practice information for councils considering the introduction of reward schemes.

LG Group position: Reward schemes are one way of increasing recycling schemes that councils should be able to use. We would be happy to work with Defra to develop any grant scheme and to develop and disseminate best practice.

Enforcement

12. The Review notes the Government's desire to reduce intrusion into the lives of individuals by repealing powers that allow entry into domestic premises and evidence gathering activities to determine whether waste has been placed in the correct receptacles. A civil sanction regime including fixed penalty notices will ensure individuals will not get a criminal record for presenting waste for collection incorrectly. A 'harm to local amenity' test will be used before a civil penalty can be imposed by a council and this will allow action to be taken against 'neighbours from hell' and other repeat low-level offenders. Officers are seeking to gain a better understanding of what this will mean from Defra officials.
13. The Review proposes that stronger powers are introduced for local authorities and the Environment Agency to seize vehicles suspected of involvement in fly-tipping and waste crime; that the EA eliminates illegal waste management sites; to consider whether the current level of fines and sentencing are sufficient to disrupt and deter serious and organised waste crime and will include work on the effectiveness of the Proceeds of Crime Act and; consider whether prosecutions are sufficiently visible and whether Magistrates have enough information or training about sentencing for waste crime offences.

LG Group position: We will consider with an open mind proposals for ensuring formal powers are effective and proportionate, but councils do need appropriate legal sanctions as a last resort for people who behave in an anti-

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social way. Indeed councils must: recognise and reward the vast majority of residents who do the right thing; constructively put right people who misunderstand or make mistakes; and respond as necessary to local people's concern about householders or businesses whose poor approach affects local environmental quality. Stronger powers for dealing with serious and organised waste crime and fly-tipping are welcome.

Energy recovery

14. The Review suggests that energy from waste is a sector that could expand. This process will reverse however as more and more waste is recycled, reused or prevented from entering the waste stream. This is not however true of food waste which could continue to provide fuel for anaerobic digestion plants. The Government will publish a separate anaerobic digestion strategy to provide further detail on this.

LG Group position: Both energy from waste and anaerobic digestion are examples of technologies that can be used to divert waste from landfill and should be options when councils decide which infrastructure is best suited to meeting their requirements.

Infrastructure and Planning

15. The Review notes that a duty to co-operate in the Localism Bill will be important in ensuring councils explore cross-boundary solutions and that the waste sector's needs are considered in the development of the Green Investment Bank's priorities. Elsewhere the Government will publish a detailed waste infrastructure planning policy as part of a revised National Infrastructure Policy Plan in November 2011.

LG Group position: Government's approach to waste planning suggests communities should take responsibility for managing their own waste. However technologies, economies of scale and sustainability issues often makes planning for waste facilities a matter of more than local significance (e.g. in relation to energy production from waste and its connection to wider infrastructure). At the same time, local decision making and accountability is essential, and therefore councils must be equipped to make the necessary strategic decisions whilst analysing all advantages/disadvantages involved.

Conclusions and next steps

16. The LG Group's lobbying of politicians and officers has resulted in significant successes for the sector in the final review response, most notably that frequency of collection will continue to be decided by local authorities. Members and officers will continue to ensure that the sector's position on waste collection and disposal is taken into account by the Government.
17. It is proposed that the following next steps are taken:

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- 17.1 Further work with local authorities, DEFRA, WRAP, IESE and others to develop and publish the Household and Business Waste Commitment.
- 17.2 Influencing work to ensure that enforcement powers available to councils are appropriate and proportionate and a more joined up approach to enforcement/ For example via advice to sentencing council and Environment Agency on forthcoming sentencing guidelines.
- 17.3 Work with DEFRA, WRAP and IESE to develop a national route map detailing the steps that need to be taken to set up waste partnerships.
- 17.4 Work with DEFRA and others to ensure learning and best practice from reward and recognition schemes are widely disseminated.

Financial Implications

- 18. Waste services cost local authorities over £3.1bn in 2008-9 and are expected to increase to £4.2bn by 2013. Apart from education and social care, waste collection and disposal is the biggest area of council spending. Any future lobbying on the outcomes of the Review must stress the importance of creating assurance that EU targets can be met and fines avoided at the minimum possible cost

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