

## West Suffolk Waste and Street Scene Services Joint Committee 14 June 2013

### Future Legislative and Policy Drivers Affecting Waste Management

#### 1. Summary and reasons for recommendation

- 1.1 This report updates the Joint Committee on future national policy and legislative drivers that will influence and shape waste and street scene activities both locally and nationally.
- 1.2 Contextually, the impact of the future national policy and legislative changes may be experienced in terms of:
  - Direct impact on the services provided by Forest Heath (FHDC) and St Edmundsbury (SEBC);
  - Impact on Suffolk's Joint Municipal Waste Management Strategy and the Suffolk Waste Partnership; and
  - Indirect impact by ensuring that all sectors of the waste management industry play their part in delivering the national waste hierarchy and the costs associated with it.
- 1.3 Keeping abreast of new policy and legislative drivers will ensure that:
  - The service remains agile and responsive to potential impacts;
  - The service is provided with the opportunity to influence national policy and legislative changes through consultation responses;
  - The full range of tools, powers and funding opportunities available are used to improve the delivery and effectiveness of council services locally; and
  - Consistent and appropriate policies are adopted and implemented locally.

## 2. Recommendation

2.1 To note the contents of this report.

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### **3. Corporate priorities/Strategic Priorities**

- 3.1 The recommendation meets the following, as contained within the Corporate Plan:

FHDC

An effective and efficient Council.

SEBC

Working together for prosperous and environmentally responsible communities  
Working together for an efficient Council.

### **4. Key issues**

#### **Waste Management**

- 4.1 The global environment is changing at an unprecedented rate. It is suggested that within decades we are likely to face significant pressures on energy, resources and the natural environment. By 2050, international studies predict that water demand will rise by 55% and food production will need to rise by 60% to meet demand. Global energy demand will continue to rise, growing by more than one-third by 2035.
- 4.2 Global population is expected to rise to 8 billion (bn) by 2030, with 3bn new affluent consumers, resulting in new demand for goods. The population of England is set to grow by 20% by 2035. There has also been a 147% rise in global commodity prices since 2000, with historically high levels of price volatility. These increases are also being felt by consumers now due to fluctuations in the cost of key ingredients.
- 4.3 Based on 2010 data, the UK uses approximately 470 million tonnes (Mt) of material resources each year. However, over 250Mt of resources become waste each year. This waste of resources results in increased costs to businesses for the purchase of unnecessary materials, and in the costs of disposing of those materials. Although around half of this waste is recovered for recycling, this still results in the loss of large quantities of valuable materials.
- 4.4 Today 43% of household and commercial waste in the UK is recycled, a huge increase from the 7.5 per cent recycled in 1996/7. This represents a radical shift in the approach to what is thrown away and is largely down to the hard work of councils to make it easier for residents to sort and dispose of their waste.
- 4.5 Although the cultural change in the attitude towards waste has been supported by councils, to date it has largely been driven by the green agenda. In the 80s and 90s, the globalisation of the economy and increasing availability of cheap imported goods lead to the creation of a 'throw-away' society with little care for the impact our rate of consumption was having. The amount of waste we were creating started to increase at a phenomenal rate and in 2008 the EU set all European countries a binding target of recycling half of all local authority collected waste by 2020, with heavy fines if these were not achieved.

- 4.6 In 2013, the UK should be able to meet its EU recycling target, but not simply because of a desire to be more environmentally-minded. We are starting to see an increased focus on reducing the overall amount of waste produced, while seeing that which remains not as rubbish but as a resource to be exploited – a circular economy. For example, there is more gold in a tonne of electronic waste than in a tonne of gold ore, and so it would not be prudent to throw this away or sell it cheaply to be processed.
- 4.7 Last year councils spent £3.2 billion on collecting and processing the contents of the bins, but this figure would be nearly £800 million higher if it was not for the income councils earned for their waste and recycling services. The money we get from recycling is unlikely to offset all the waste collection costs any time soon but with a statutory obligation to collect the bins and councils needing to fund major budget cuts across all services, there is a drive to pursue further options to improve value for money.
- 4.8 Some of the key policy and legislative drivers to support and deliver this are outlined below.

#### 4.8.1 **Local Government Association Waste Review**

The LGA has recently commissioned a major waste review to see what the future holds for waste and where councils go from here.

The LGA's waste review will identify best practice in the sector and what innovations are making a real difference, providing opportunities for local authorities to save money and find new ways to turn rubbish into revenue. Based on council evidence, the findings will be reported later this year.

#### 4.8.2 **DEFRA and DECC Review of the impact of EU Legislation**

The Department for Environment, Food and Rural Affairs (Defra) and the Department of Energy and Climate Change (DECC) have jointly launched a call for evidence seeking views on how the current environmental legislation handed down by the EU works in practice in the UK. The call for evidence forms a part of the coalition government's work to assess what powers the European Union has and how these affect lawmaking in the UK, entitled the 'Review of the Balance of Competences'.

The report will include waste, air quality, water quality, nature protection and chemicals and will open for consultation until August 2013, with completion by the end of 2013.

#### 4.8.3 **Waste Prevention Programme for England**

The Government will publish the first Waste Prevention Programme for England by December 2013. This is a Defra priority, aiming to support growth and help householders, local councils and businesses to save money. The Programme takes forward a commitment in the Government Review of Waste Policy in England 2011 and fulfils a requirement of the revised Waste Framework Directive (2008/98/EC).

This Call for Evidence sets out the evidence we have, priorities, barriers, opportunities and ongoing action, and invites views and information to help inform the Programme.

#### **4.8.4 Local Audit and Accountability Bill**

Local taxpayers are to be given powers to veto 'excessive' council tax rises imposed by Waste Disposal Authorities under plans set out in the Queen's Speech. The Government is to introduce a Local Audit and Accountability Bill which will extend referendum provisions introduced in the 2011 Localism Act to allow local taxpayers to veto excessive council tax rises by unelected local quangos – such as Waste Disposal Authorities and Internal Drainage Boards.

#### **4.8.5 Review of the management of Waste Electrical and Electronic Equipment (WEEE)**

The Department for Business, Innovation and Skills (BIS) are consulting on the future of WEEE compliance for recyclers and producers of electronic equipment.

The BIS consultation may represent a complete transformation of the current process and is considering setting recycling targets, introducing a 'National Producer Compliance Scheme', instead of competition between current compliance schemes and to simplify the compliance system for small producers and to provide greater flexibility for local authorities to maximise the potential income from WEEE collections.

The consultation ends on June 21, and the government plans to publish its response within eight weeks. The new regulations are expected to come into force from 1 January 2014.

#### **4.8.6 Review of EU Recycling Targets**

Views are to be sought on the future of the EU's legally binding waste and recycling targets under the Waste Framework, Landfill and Packaging and Packaging Waste Directives - which set out the minimum recycling and landfill diversion levels that Member States must achieve.

Currently under the Waste Framework Directive, Member States are required to recycle or reuse 50% of household waste by 2020. The Landfill Directive sets targets for Member States to progressively reduce the amount of biodegradable municipal waste (BMW) being sent for disposal in landfill up to 2016. Targets set out under the Packaging and Packaging Waste Directive have required Member States to recover 60% of all packaging waste since 2008.

The results of the consultation will establish a number of preferred options which will be subject to detailed analysis, due to be completed in spring 2014.

#### **4.8.7 Judicial Review of Commingled Waste Collections**

Earlier this year, six members of the Campaign for Real Recycling (CRR) took Defra and the Welsh Government to court over their transposition of the EU revised Waste Framework Directive, and in particular whether commingled collections i.e. similar to the blue bin scheme, should be allowed.

In March the ruling was in favour of Defra and the Welsh Government, claiming that their amended Waste Regulations (2011) – which allow for commingled collections - now fulfill the Directive's requirements. The decision by CRR not to appeal will provide reassurance to those seeking legal certainty over the issue of collecting recyclables commingled for sorting in a materials recycling facility

(MRF). The process has however successfully focused action on recycle quality.

#### **4.8.8 Ban on cash payments for scrap metal at recycling yards in England and Wales**

Changes introduced under the Legal Aid, Sentencing and Punishment of Offenders Act mean that payments for scrap metal must be made electronically or by cheque. Payment by cash is now a criminal offence and can result in fines, with higher fines set out for more serious breaches of the law. The Act also increases police powers to enter scrap metal yards by warrant in order to ascertain whether the ban on cash payments is being complied with. If found to be in breach of the ban, the paying company, the employee responsible for making the payment and any management staff who have failed to take reasonable steps to prevent payment being made will all be guilty of an offence.

Further legislation is also currently being considered by the House of Lords to tighten some of the loopholes in the new legislation, which does not cover metal traders such as motor vehicle salvage operators.

#### **4.8.9 Courtauld Commitment - Phase 3**

Phase 3 of the Courtauld Commitment, which aims to reduce food and packaging waste in the grocery sector has been introduced. The Phase 3 targets are:

- Reduce household food and drink waste by 5% - this represents a 9% reduction in real terms to counter the expected increase in food purchased.
- Reduce traditional grocery ingredient, product and packaging waste in the grocery supply chain by 3% - signatories will have to make an 8% reduction in real terms to counter the expected increase in production and sales.
- Improve packaging design through the supply chain to maximise recycled content as appropriate, improve recyclability and deliver product protection to reduce food waste, while ensuring there is no increase in the carbon impact of packaging - signatories will have to make a 3% reduction in real terms to counter the expected sales increase.

#### **4.8.10 Summary of the Clean Neighbourhoods and Environment (Amendment) Bill 2013-2014**

A Bill to raise the penalty for littering offences and to require local authorities to provide appropriate and convenient litter disposal points for the entrances to public buildings is being developed. The key element includes changing the current CNEA fine level to not less than £100 to act as more of a deterrent against people littering. Current levels are £80 reduced to £60 if paid within 10 days and there is fear that a higher fine could result in more unpaid Fixed Penalty Notices (FPNs) or false information regarding a person's identity.

#### **4.8.11 Summary of the Littering from Vehicles Bill [HL] 2012-2013**

A Bill to introduce a civil penalty for littering from vehicles and to require local authorities to publish details of contracts relating to litter clearance is being considered as a Private Members Bill.

This will close a current loophole where the registered owner can state they were not responsible for their vehicle at the time of the offence and will also bring littering in line with fly tipping where the owner is liable for any waste deposited from a vehicle registered to them.

#### 4.8.12 **Anti Social Behaviour Bill (White Paper) - Community Protection Orders**

Community Protection Orders incorporating one single order for local authorities to stop persistent environmental ASB like graffiti, neighbour noise or dog fouling (Level 1) is under development. It is aimed at issues affecting quality of life in a community and will utilise community "triggers" to prompt agencies to react, thus requiring increased enforcement intervention particularly if used to enforce issues such as the clearance of untidy gardens etc.

### 5. **Other options considered**

5.1 Not Applicable.

### 6. **Community impact**

6.1 **Crime and Disorder Impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 There are no crime and disorder implications identified in this report.

6.2 **Diversity and Equality Impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 There are no human rights or diversity implications associated with this report.

6.3 **Sustainability Impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 The EU Sustainable Development Strategy was launched in 2001. In 2010, the European Commission launched Europe 2020, a 10-year strategy for the advancement of the economy of the EU, aiming at smart and sustainable growth. Both strategies provide the context for future sustainable development within the EU.

6.3.2 One of the principles underlying the Government's approach to sustainable development is that growing the economy and improving the environment can be mutually supportive.

6.3.3 In summer 2012, the United Nation's Rio+20 summit tackled the critical issue of how countries can grow their economies without destroying the natural resources on which they depend. On 22nd June 193 countries signed up to the outcome document "The Future We Want" which included commitments to develop Sustainable Development Goals.

6.3.4 Future policy will be in line with the international and national sustainability goals.

**6.4 Other Impact** *(any other impacts affecting this report)*

6.4.1 There are no other impacts affecting this report.

**7. Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 No direct consultation has taken place.

**8. Financial and resource implications** *(including asset management implications)*

8.1 To date there are no direct financial or resource implications. Future financial impacts will be reviewed in relation to specific policy and legislative changes.

**9. Risk/opportunity assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

9.1 There are no specific risks at this stage. Risks will be assessed in relation to any new policy and legislative changes.

**10. Legal and policy implications**

10.1 There are no policy compliance or legal issues associated with this report. Any future national change in policy will be assessed.

**11. Ward(s) affected**

11.1 All wards across both councils.

**12. Background papers**

12.1 None.

**13. Documents attached**

13.1 None.