

Report to Cabinet

Subject: Draft Waste & Recycling Policy

Date: 27 January 2022

Author: Chief Executive

Wards Affected

Borough wide

Purpose

To recommend adoption of the Nottinghamshire Principles for the Reduction of Contamination, and to undertake a public consultation on the Draft Waste & Recycling Policy.

Key Decision

This is a key decision as the Waste & Recycling Policy, if approved following consultation, is likely to be significant in terms of its effect on communities living or working in an area comprising of two or more wards of the Borough.

Recommendation(s)

THAT Cabinet :

- 1) Approves the adoption of The Nottinghamshire Principles for the Reduction of Contamination (Appendix 2).**
- 2) Approves the commencement of a public consultation on the Draft Waste & Recycling Policy (Appendix 3) as detailed in the report.**

1 Background

- 1.1 Gedling Borough Council has not previously set out and formally adopted a Waste & Recycling Policy. This is being brought forward for consideration now in order to progress the stated ambitions of the Council, to formalise the approach and to address areas of under-performance in

relation to recycling rates and levels of recycling contamination. This Policy also delivers an element of the Council's Carbon Management Strategy.

- 1.2 An associated Waste & Recycling Strategy is also being developed to set out the approach of the Council in terms of how the Policy will be delivered for residents, organisations and businesses in Gedling Borough within the national, regional and local context both through and with partners.
- 1.3 Gedling Borough Council as the collection authority works in a Joint Waste Management Partnership with the County Council (as the Waste Disposal Authority), Nottinghamshire Borough/District Councils and Veolia as the appointed contractor covering a range of disposal elements. This Partnership has developed a set of Principles for the Reduction of Contamination which are yet to be formally adopted by Gedling Borough Council. This report proposes the adoption of the Nottinghamshire Principles provided as Appendix 2 to this report in order to support the joint work in relation to addressing contamination levels moving forward. In summary the Principles cover the following key elements:
 - Presentation of recycling waste
 - Communication and advice
 - Enforcement

Performance Data

- 1.4 The service for waste collection has a number of key performance indicators which are reported regularly through the Council's performance management framework:

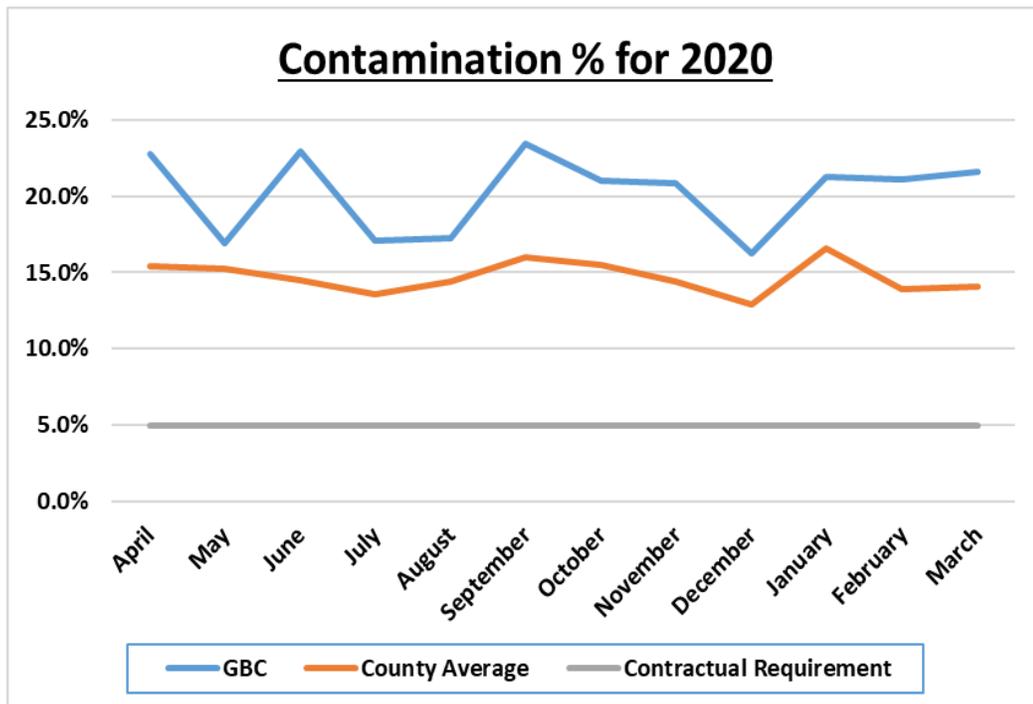
- Quarter 2 performance for 2021/22 was:

	Actual	Target
Residual household waste per household	142.25 kg	140.0 kg
Percentage of household waste sent for reuse, recycling and composting	36.27%	36.0%

- The latest Annual Recycling League Table for England (courtesy of "letsrecycle.com") was published in March 2021 in respect of 2019/20. The positioning for Gedling Borough Council was:

	Rank	Value
	2019/20	2019/20
Recycling rate	283 out of 341 authorities	32.7%
Collected household waste	182 out of 341 authorities	375.6 kg / household

- Contamination rates are monitored by Veolia each month against a contract target of 5%. The information for all Nottinghamshire authorities has not yet been shared by Veolia for 2021/22, but we are aware that the current contamination rates for Gedling are similar to 2020/21 as highlighted in the table below.



- 1.5 What is evident in all of the above statistics is that Gedling's performance is below the average for Nottinghamshire and needs improvement. The adoption of a Waste & Recycling Policy, with clearly defined measures for

education and as a last resort, enforcement, should provide an opportunity for change.

- 1.6 Despite this, the recent Residents Satisfaction Survey 2021, in response to the question: “How satisfied or dissatisfied are you with the rubbish/recycling collection service?”, provided a very positive result with 82% of responders being satisfied with the service.

Overview & Scrutiny Working Group

- 1.7 An early draft of the Waste & Recycling Policy was guided and informed by the Overview & Scrutiny Committee. A working group was established to consider the development of a draft Policy at its meeting on 5 July 2021, and all members of the Overview & Scrutiny Committee were invited to take part. This resulted in a working group consisting of 8 members and was chaired by Councillor Clunie.
- 1.8 The Working Group agreed Terms of Reference as provided at Appendix 1 of this report. An approach to policy development was set out and agreed through the schedule of three meetings, the contents of which were also agreed. The group was informed through desktop research, and presentations from the Chief Executive Officer of the Local Authority Recycling Advisory Committee (LARAC), and the Head of Waste Operations at Rushcliffe Borough Council. The original approach was to consider best practice nationally, but this was adjusted to consider a local high performer in terms of recycling rates within the Nottinghamshire County Council area (i.e. Rushcliffe). This decision was based on the rationale that the authority selected was working under the same County and contract conditions as Gedling Borough Council.
- 1.9 The aims for the Waste & Recycling Policy were established by the working group as:
 - *A proportionate and considered approach to waste collection across the Borough of Gedling*
 - *Clarity and communication for residents to support the Council's recycling targets*
 - *Reduction in residual (black) bin waste*
 - *Increase in recycling rates*
 - *Reduction in contamination of waste streams*
 - *Clarity of measures that will be taken for those who continually contaminate or do not comply with this Policy*
 - *Minimisation of the carbon impact of the Waste Service including*

fleet in terms of mileage and route optimisation.

1.10 Key elements were identified by the working group as a part of the consideration of Policy as follows:

- *Clarity of the responsibilities of householders in terms of “rules” for waste and recycling*
- *Consistent communication through all channels was vital*
- *Working with partners such as the County and Borough/District Councils and the contractor within the two-tier local government system was essential*
- *Focus on the big issues within policy and a link to enforcement*
- *Clarity of the responsibilities of the Council in the delivery of the waste and recycling services*
- *Options for enforcement actions relating to all elements of the Policy*
- *Commitment to the Policy needs to be from the crews right through the layers of the organisation, with clear understanding*
- *Options was the critical element of enforcement to provide the opportunity to be consistent and proportionate:*
 - *Educate and inform householders in simple clear messages containing the Policy requirements in the first instance with clear communication*
 - *Ongoing communication and reminders were essential for householders with fortnightly information across communication channels to reinforce Policy*
 - *Options to take action where householders are not compliant to be focussed on the key issues of contamination in particular*
 - *Cease treating contaminated bins as missed bins*
 - *If a Garden Waste bin replacement is required due to customer damage, it will attract a fee. This fee will only apply if replacement is due to resident damage or loss*
 - *A replacement black (residual) bin will also attract a fee if due to loss or damage by a resident*
 - *Ability to take enforcement action for the issue of vehicles blocking access to streets for the bin lorries and preventing collection of waste for whole streets.*

1.11 Through the consideration of guidance, the working group noted that:

- There is no national standard set for the size of a residual bin, but the WRAP (Waste and Resources Action Programme) Recycling Tracker Report 2020 found that UK-wide effective recycling is associated with a restricted/limited capacity for general rubbish and suggests a residual bin size of 180 litres and a recycling bin size of 240 litres.
- [Let's Recycle](#) also links lower recycling rates with a higher residual bin capacity.

1.12 The working group also considered enforcement as a key consideration in the setting of a Waste & Recycling Policy, and the current key issues relate both to contamination rates and blocked streets preventing collections, resulting in large numbers of missed collections requiring a repeat visit. In conclusion the working group supported the following:

- *Educational advice and information to be provided in all instances*
- *Use of reasonable timeframes for continued non-compliance issues*
- *Use of Section 46 notices to provide a further opportunity for compliance before penalties are applied*
- *Clear criteria for an application for additional bin capacity (240 litre)*
- *Provision of additional recycling bins for households in need*
- *Right to appeal*
- *Blocked streets enforcement for vehicle owners causing ongoing issues*

1.13 The working group also noted that the enforcement of Policy is linked to the Council's Carbon Management approach and plans, in particular:

- the requirement to address low rates of recycling which are linked to high levels of contamination,
- the impact on the council's carbon footprint in terms of the additional mileage being required through both addressing missed bins due to blocked access, and also to tip the rubbish collected for these households.

Veolia Long-Term Waste Contract

1.14 Nottinghamshire County Council has a 26-year waste PFI contract with Veolia which ends on 31 March 2033. It encompasses recycling and composting operations, it delivers a network of recycling centres, and

manages the arrangements for the treatment and disposal of residual waste.

- 1.15 Recyclable material is sent to the Materials Recovery Facility (MRF) in Mansfield. This is designed to separate the materials received by mechanical and manual sorting, but it is not possible to do this for all recyclable materials, and therefore some materials such as certain types of plastics are not accepted in the recycling bin. Despite regular communications on what 'can' and 'cannot' go into the recycling bin, this causes considerable confusion for local residents and leads to contamination rates being above the specified 5% contamination rate.

Future Developments

- 1.16 Under the Environment Act 2021, Waste Collection Authorities will be required to introduce weekly separate kerbside food waste collections from 2023 dependent on current contractual obligations, with the aim of increasing capture rates for organic material, and allowing the banning of this material from landfill in due course.
- 1.17 It is also likely that an Extended Producer Responsibility (EPR) will be put in place to effectively tax manufacturers for using virgin materials and rewarded for using recyclable ones. This should reduce the level of packaging currently used.
- 1.18 Another key proposal is the suggestion of free garden waste collections during the 'growing season'.
- 1.19 All of these developments will have an impact on Council waste collection operations and will require future updates to this Policy, if approved.

2 Proposal

- 2.1 It is proposed that the Draft Waste & Recycling Policy is permitted to commence a 4 week period of online public consultation and that the Nottinghamshire Principles for the Reduction of Contamination are adopted as recommended by the Overview and Scrutiny Committee. This is in order to support the Council commitments to Carbon Reduction, and to support the potential to increase recycling levels and reduce contamination levels across the Borough.

2.2 It is proposed that the results of the consultation exercise are reported back to Cabinet for consideration in due course.

2.3 The proposals made in this draft Waste & Recycling Policy strengthen the current arrangements that are in operation as follows:

➤ Residual bin sizes to be based on the size of household:

- ✓ 1-5 residents in a property = 240L bin;
- ✓ 6-7 residents in a property = 2 x 180L bins;
- ✓ 8+ residents in a property = 2 x 240L bins.

Note: this differs from the draft Policy referred by the Overview & Scrutiny Committee to Cabinet, as the complicated nature of the Veolia contract with fewer materials accepted for recycling, means a larger capacity for residual bin waste is still required.

- Recycling bins of 240L with additional bins offered free of charge with a proven need.
- Glass boxes of 44L with additional bins offered free of charge with a proven need.
- Chargeable collection service for garden waste and bulky items, but one free bulky waste collection per year for pension-aged residents and an amnesty period open to all residents.
- Damaged bin replacement and collection of abandoned bins within 10 days.
- Advice and education offered to residents for contamination events, and to registered vehicle owners for blocking of streets with parked cars.
- Enforcement only as a last resort for multiple-event offenders after all attempts of education have failed to change behaviour.

3 Alternative Options

- 3.1 There is an alternative for Cabinet not to agree consultation on the proposed draft Waste & Recycling Policy, however, given the changes proposed in the policy in relation to enforcement approaches and residual bin sizes, it is considered appropriate to engage the views of residents and stakeholders to ensure they can contribute to the policy making process. Members could determine not to adopt the Nottinghamshire Principles for the Reduction of Contamination, but this is not recommended as support is required to improve performance countywide and also clarity for householders is intended to support this.

4 Financial Implications

- 4.1 There may be a requirement for the review of resources which may require further budget approvals, and the establishment of a modest budget to support the implementation of a Waste & Recycling Policy following consultation and the final adoption of the policy.

5 Legal Implications

- 5.1 The Environmental Protection Act 1990 and regulations made thereunder deal with the protection of the environment and specific responsibilities relating to litter and waste. The Act places a legal duty on local authorities to collect controlled waste and to recycle. The Act also provides the power to specify how waste should be presented for collection and how failure to comply with requirements can be enforced.
- 5.2 The Anti-social Behaviour, Crime and Policing Act 2014 also provides enforcement powers to local authorities to enable community protection warnings and notices to be issued to prevent conduct (such as obstructive vehicles) which impacts on the quality of life of those in the locality.
- 5.3 The Environment Act 2021 sets out new legal frameworks for environmental governance and includes commitments to secure improvement in five priority areas – waste and resource efficiency (part 3); air quality and environmental recall (part 4); water (part 5); nature and biodiversity (part 6), and conservation covenants (part 7). It legally binds the government and future governments to address these priority areas in order to improve the state of the environment. With regards to waste, it includes details on a new direction for resources and waste management.
- 5.4 Given the nature of the policy proposals, and that they relate to all households in the borough, consultation, although not statutorily required is considered to be best practice. The results of the consultation must be taken into account in any future decisions in respect to the Draft Waste &

Recycling Policy.

6 Equalities Implications

- 6.1 The view is that an Equalities Impact Assessment is required for all policies developed for the Council to consider adopting. The assessment is provided at Appendix 4 of this report. The key elements are provided below:
- In terms of disability - the service offers a range of assistance in terms of householder responsibility for waste disposal. This ranges from an assisted pull out to options to receive communication materials in a range of formats, to ensure services are inclusive.
 - The clarity of information supports the ability of staff teams to apply the elements of policy consistently to all members of the community.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The Waste & Recycling Policy supports the efficient collection of waste which supports the carbon reduction agenda through minimisation of journeys by the fleet.
- 7.2 The Waste & Recycling Policy supports environmental sustainability through the stated aims of increasing recycling levels and reducing levels of contamination in recycling across the Borough.
- 7.3 The Waste & Recycling Policy also supports environmental sustainability through the stated aim of reducing levels of residual waste per household.

8 Appendices

- 8.1 Appendix 1 Working Group Terms of Reference - Waste Policy
- 8.2 Appendix 2 Nottinghamshire Principles for the Reduction of Contamination
- 8.3 Appendix 3 Draft Waste & Recycling Policy
- 8.4 Appendix 4 Equalities Impact Assessment

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 The recommendation is based on the performance improvement requirements in the waste service, identified in the regular performance reports provided to Councillors and Portfolio Holders.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix 1: Working Group Terms of Reference - Waste Policy

Terms of Reference

Background

At the meeting of the Overview & Scrutiny Committee on 5 July 2021 a recommendation was agreed to establish a Working Group to support the development of Waste & Recycling Policy for the Council.

Role

The role of the Overview & Scrutiny Working Group is to:

- To undertake a focussed piece of work to consider how the Borough Council develops a Waste & Recycling Policy including the consideration of enforcement options also.
- To consider in particular the options for the requirements of residents and the requirements of the Council in relation to waste management including recycling.
- To consider current performance data in relation to waste and recycling, benchmarking and good practice in particular in relation to contamination of recycling to assess the requirements of policy as a starting point to deliver a high quality service that supports opportunities for service improvement and transformation.
- To consider the view of teams who work within the service.
- Seek out good practice and establish best practice through research including other Local Authorities and sectors as appropriate, with particular reference to collection authorities working within the Nottinghamshire Veolia contract conditions, and also those dealing with contamination of recycling.

Membership

Membership of the Overview & Scrutiny Working Group for a Waste & Recycling Policy consists of:

- Cllr Liz Clunie (Chair)
- Cllr Andrew Elwood
- Cllr Mike Hope
- Cllr Paul Wilkinson
- Cllr Paul Feeney
- Cllr Jim Creamer
- Cllr Michael Boyle
- Cllr Marje Paling

Frequency of Meetings

Meetings are scheduled on the following dates, offering an option for in person attendance in the Council Chamber or via virtual technology using Teams:

- Monday 26 July 2021 at 4:30pm
- Monday 9 August 2021 at 4:30pm
- Monday 23 August 2021 at 4:30pm

Agenda Items and Minutes

The Overview & Scrutiny Working Group for Waste Policy is administered by Alec Dubberley, with support from the Executive Support Team in terms of meeting set up and agenda distribution.

The Overview & Scrutiny Working Group for a Waste & Recycling Policy is supported by:

- Alice Davey – Corporate Director for Environment and Communities
- Mel Cryer – Head of Service covering Waste Management

It is noted that the post holder in the role of Depot Manager is the subject matter expert for the Council and is not currently available to support the group.

Proposed agenda items should be emailed to alice.davey@gedling.gov.uk no later than 3 days in advance of meeting dates.

Meeting action items will be emailed to Overview & Scrutiny Working Group for Waste Policy members within 2 working days of meetings.

Appendix 2: Nottinghamshire Principles for the Reduction of Contamination

1. Introduction

Each Waste Collection Authority in Nottinghamshire operates the same dry recyclable kerbside collection scheme. The Nottinghamshire PFI contract delivered a bespoke materials recovery facility at Warren Way, Mansfield, in 2009 for Nottinghamshire County Council (“the Materials Recovery Facility”). The Materials Recovery Facility is managed and operated by Veolia.

2. Background

The purpose of the guidance is to demonstrate a commitment from all Waste Collection Authorities in Nottinghamshire to work in partnership to reduce contamination and improve the quality of the co-mingled dry recyclables collected through the kerbside collections.

The input specification for the Materials Recovery Facility is:-

- Household newspaper and magazines
- Cardboard
- Plastic bottles, margarine tubs and yoghurt pots
- Food and drink cans and aerosols

The acceptable contamination rate as outlined in the Countywide PFI Waste and Recycling contract is 5%. Since 2009 contamination levels have increased consistently each year reaching an average level of around 15% in the most recent contract year to date (2020/21).

3. Principles

The principles below show the measures that will be undertaken by each Waste Collection Authority which are aimed at reducing the level of contamination within the recycling bin:

- Recycling bins should be checked by the collection crews before being emptied. The check involves a visual inspection by lifting the lid to view the contents of the bin. Operatives are not expected to search through the bin.
- Collection crews are not to accept recycling side waste in plastic bags.
- Collection crews should endeavour to reject any bins which upon visual inspection contain several items which do not conform to the input specification.

- Contaminated bins are not to be collected but should be tagged or a sticker placed on them to identify that the bin does not contain only target recyclables. The tag or sticker should show the relevant Waste Collection Authority's contact details.
- Collection crews should report contaminated bins so that the Waste Collection Authorities can engage with a resident on a contamination issue and provide the 'Recycle for Nottinghamshire Guide' which explains clearly the target recyclables which should be placed in the recycling bin.
- Dependent upon individual Local Authority's policies, Waste Collection Authorities should permit one 'fresh start' collection, which will be collected as residual waste.
- If a second contamination event occurs within a reasonable time frame the Waste Collection Authority should engage with the resident and endeavour to visit the property with a view to understanding the reason why a second contamination event has occurred. If a visit is not possible the Waste Collection Authority may utilise alternative methods to interact with the resident.
- If appropriate, a section 46 notice may be issued to the resident in accordance with the Waste Collection Authority's policies.
- Following repeated contamination by a resident a decision should be made by the relevant Waste Collection Authority on whether the recycling collection service should be withdrawn in accordance with their individual policy.
- A suite of templates for Communications materials (eg bin stickers, leaflets and bin tags) provided by Veolia may be utilised and distributed by the Waste Collection Authorities to ensure a consistent message is provided to all residents within Nottinghamshire.
- A Waste Contamination Working Group consisting of at least one representative from each partner authority will meet once every three months to work collaboratively and share ideas and good practice on reducing contamination at the Materials Recovery Facility.

4. Reporting

A quarterly progress report on contamination levels will be presented to Joint Waste Management Committee and Joint Officer Board by the Waste Contamination Working Group.