

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p><b>Place</b> <i>This priority focuses on the standard of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean.</i></p>
<p>Consultation:</p>	<p><i>There has been no specific consultation in relation to this report. Resident's satisfaction with waste and recycling services is captured through the residents survey, every 2 years. This was last conducted in November last year and reported to Joint Scrutiny Committee on 14<sup>th</sup> February 2012. Results showed that public satisfaction with recycling and composting services increased by 9% from 68% to 77%. Satisfaction with the types of material collected rose 28% from 51% to 79%.</i></p>
<p>Legal:</p>	<p><i>The Council has a statutory duty to provide recycling services but the design of collection systems is at each local authority's discretion.</i></p> <p><i>Although risks are very low, Members are asked to note the following legal challenge to the UK Government's approach to commingled collection services.</i></p> <p><i>The EU passes Directive 2008/98/EC known as the revised Waste Framework Directive(WFD) on 19 November 2008. Among many requirements, by 2015 Member States must put in place separate collections for paper, metal, plastic and glass. No comment was made on commingled collections in the WFD.</i></p> <p><i>The provisions of the WFD apply from 12 December 2010. The Waste (England and Wales) Regulations 2011 were passed by Parliament on 28 March 2011. This transposed the WFD into English law with effect from 29 March 2011. Section13 included the following: -</i></p> <p><i>"For the avoidance of doubt, co-mingled collection (being the collection together with each other but separately from other waste of waste streams intended for recycling</i></p>

	<p><i>with a view to subsequent separation by type and nature) is a form of separate collection.”</i></p> <p><i>In 2011 the Campaign for Real Recycling (CRR), a special interest group of recycling reprocessors and other organisations initiated a judicial review against the Government on the basis that the 2011 Regulations did not transpose the WFD into national law correctly. The basis of the argument was that the WFD sought to deliver higher quality outputs of recyclates as required by reprocessors; and that co-mingled collections do not provide the same quality of recyclates as separate collections. The purpose of the judicial review was to seek amendment of the 2011 Regulations to properly reflect the WFD.</i></p> <p><i>The Government has introduced regulations from 1<sup>st</sup> October 2012 which clarify the position and is confident in its approach but the CRR is continuing to pursue action through the courts.</i></p> <p><i>The general view in the industry is that there is little chance of the CRR being successful in achieving a change in the law to require recyclates to be collected separately. The Hertfordshire Waste Partnership has considered this issue and officers believe the risks of changing to co-mingled collections is very low. Consortium contracts for processing commingled materials will ensure that reprocessors operate to a high standard.</i></p>
<p><b>Financial:</b></p>	<p><i>There are none for this report.</i></p> <p><i>It is proposed to bring forward a further report in the new year once prices for the sale of materials are known, following a procurement exercise. This will provide costs for each option in the form of a business case.</i></p>
<p><b>Human Resource:</b></p>	<p><i>There are none</i></p>
<p><b>Risk Management:</b></p>	<p><i>It is essential that the Council continues to promote and encourage recycling services to improve both environmental and financial performance.</i></p> <p><i>Market prices for the sale of recyclable materials are volatile. Variations have and will continue to pose a risk to the Council’s income stream. The Hertfordshire Waste</i></p>

	<p><i>Partnership seeks to manage these risks by procuring Hertfordshire wide consortium contracts. These give economies of scale and protect partners from unexpected variation by fixing prices within bands for a period of years. This approach has been successful in delivering significant benefits to East Herts Council in the form of financial certainty and higher income levels than could otherwise be achieved.</i></p>
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