



Department  
for Environment  
Food & Rural Affairs

# Consultation on exemptions and statutory guidance for Simpler Recycling in England

October 2023



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# About the consultation

## Background

Following support at public consultation, the Environment Act 2021 amended the Environmental Protection Act 1990 to include new requirements relating to the collection of recyclable waste in England. In 2021 the government consulted on the detail to go into regulations, including on the materials in scope of collection, exemptions, and implementation dates. This consultation seeks views on proposed exemptions from the requirement separately collect the recyclable waste streams and statutory guidance.

## Stakeholder engagement

We have engaged with stakeholders leading up to, and since, the publication of our 2021 consultation: Consistency in household and business recycling in England. We sought views on certain exemptions and the content of the statutory guidance in our 2021 consultation and are now seeking views on additional exemptions and draft statutory guidance text.

We engaged with a wide range of stakeholders which are affected by these proposals ahead of the publication of our 2021 consultation. We have engaged with the following bodies: the Local Government Association (LGA); Association of Directors of Environment, Economy, Planning & Transport (ADEPT); National Association of Waste Disposal Officers (NAWDO); The Local Authority Recycling Advisory Committee (LARAC); the District Councils' Network (DCN); and some individual local authorities. We have also engaged with waste industry bodies, including, the Environmental Services Association (ESA); Renewable Energy Association (REA); Anaerobic Digestion & Bioresources Association (ADBA); the Bio-based and Biodegradable Industries Association (BBIA); and representatives of waste collection operators and recycling re-processors.

The Waste and Resources Action Programme (WRAP) and the Environment Agency have provided input into this consultation.

## Audience

This is a private consultation. We welcome responses from stakeholders which have received an invitation to respond from Defra.

## Responding to the consultation

Please respond to this consultation in one of following ways:

Online using the citizen space consultation at <https://consult.defra.gov.uk/waste-and-recycling/5576d1f1>

Send your response by email to [recycling@defra.gov.uk](mailto:recycling@defra.gov.uk)

Or in writing to:

Simpler Recycling Team,

Defra

Ground Floor Seacole

2 Marsham Street

SW1P 4DF

Please note, any responses sent by post must have arrived at the above address by the closing date of the consultation (20 November 2023) to be counted. Unfortunately, any responses received after this date will not be analysed. To ensure your response is included in the analysis, please consider responding online via Citizen Space.

## **Duration**

This consultation will run for 4 weeks. The consultation opens on 21 October 2023 and closes on 20 November 2023.

## **Confidentiality and data protection information**

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (for example, home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we will not make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

Defra is the data controller in respect of any personal data that you provide, and [Defra's Personal Information Charter](#) gives details of your rights in respect of the handling of personal data.

## **Compliance with the consultation principles**

This consultation is being conducted in line with [government consultation principles](#).

If you have any comments or complaints about the consultation process, please address them to: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk)

## About you

**Q1. Would you like your response to be confidential?** Please see the confidentiality and data protection information in the above section of this document. (Required)

- Yes
- No

If you have answered 'Yes' above, please give your reason.

**Q2. What is your name?**

**Q3. What is your email address?** (Required)

**Q4. Which of the options below best describes you?**

Please tick only one option. If multiple categories apply to you, please choose the one which **best describes you** and which you are representing in your response. (Required)

- Academic or research
- Business representative organisation/trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Exporter
- Individual
- Local government
- Non-governmental organisation
- Operator/reprocessor
- Packaging designer/manufacturer/pack filler
- Retailer including online marketplace
- Waste management company
- Other (please provide details)

**Q5. If you are responding on behalf of an organisation, what is its name?**

# Executive summary

In this consultation we are seeking views on proposed exemptions to the requirement to collect the core recyclable waste streams separately from each other and the statutory guidance for the regulations related to Simpler Recycling.

## 1. Exemptions to the requirement to collect core recyclable waste streams separately from each other

We propose to introduce two exemptions in the regulations to allow local authorities and other waste collectors to always co-collect recyclable waste in a recyclable waste stream with at least one other recyclable waste stream, as long as dry recycling is collected separately from residual and organic. We propose for the following materials to be able to be collected together in one bin from both households and non-municipal households:

- Paper and card, plastic, metal and glass
- Food and garden waste

The government wants to ensure that recycling is made as simple as possible for citizens, give local authorities as much flexibility as possible, and avoid a proliferation of different bins causing 'bin blight'.

## 2. Statutory guidance

We are consulting on the statutory guidance for the regulations related to Simpler Recycling. The proposed statutory guidance in **Annex 1** is drafted in three parts:

1. Guidance on materials in and out of scope
2. Guidance on waste collections from households
3. Guidance on waste collections from commercial, industrial and relevant non-domestic premises (together referred to as 'non-household municipal premises')

The guidance will apply to England only. The guidance is aimed at waste collection authorities or other waste collectors collecting household waste from households, household waste from relevant non-domestic premises, and relevant waste.

The guidance is also aimed at anyone that makes arrangements for the collection of household waste from relevant non-domestic premises, or relevant waste from premises that produce commercial or industrial waste, such as business owners.

The guidance seeks views on proposals to include guidance on:

- Materials in scope of the recyclable waste streams
- Dry recycling collections from households
- Organic waste collections from households
- Residual waste collections frequency
- Food waste collections from non-household premises

# 1. Exemptions from the requirement to collect the recyclable waste streams separately from each other

The Environment Act as it stands would require local authorities to collect six recyclable waste streams (glass, metal, plastic, paper and card, food waste and garden waste) separately from residual (non-recyclable) waste, and separately from each other unless there was a technical, economic or environmental exception to allow separate collection. In practice this could lead to a situation where households would need to sort their waste into multiple different containers.

New section 45AZC of the Environmental Protection Act 1990 gives powers to the Secretary of State to set exemptions in regulations, from the requirement to collect recyclable waste in each of the recyclable waste streams separately in relation to two or more recyclable waste streams. The Secretary of State can exercise this power if satisfied that doing so will not significantly reduce the potential of the recyclable waste streams to be recycled or composted.

An exemption would allow local authorities and other waste collectors to always co-collect recyclable waste in a recyclable waste stream with at least one other recyclable waste stream. The government wants to ensure that recycling is made as simple as possible for citizens, give local authorities as much flexibility as possible, and avoid a proliferation of different bins causing 'bin blight'.

On further examination of the evidence base, we consider that there is sufficient evidence that the co-collection of dry recyclable materials will not significantly reduce their potential to be recycled, so long as dry recycling is collected separately from residual and organic waste. Based on available data, we have not identified a conclusive link that co-collection has a significant impact on recycling rate. Six of the top 10 local authorities in terms of 'household waste' recycling rate in England in 2021/22 provided a co-mingled service for dry materials. We are seeking views on providing exemptions to allow for the following recyclable waste streams to be collected together (in one bin), from both households and non-household municipal premises:

- Paper and card, plastic, metal and glass
- Food and garden waste

Please note, in all circumstances, the requirement that the dry recyclable waste streams must be collected separately from food and garden waste would still apply.

## Questions

**Q6. Do you agree with the provision of an exemption to allow for the co-collection of paper and card, plastic, metal and glass in one bin without needing a written assessment?**

- Agree (please explain why you agree)
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)



**Q7. Do you agree with the provision of an exemption to allow for the co-collection of food and garden waste in one bin without needing a written assessment?**

- Agree (please explain why you agree)
- Disagree (please explain why you disagree)
- Unsure (please explain why you are unsure)

## 2. Statutory guidance

We are consulting on statutory guidance that will be issued in accordance with new section 45AZE of the Environmental Protection Act 1990, once it comes into force. There is a consultation requirement before issuing guidance under new section 45AZE. However, this can be met by a consultation that is carried out before the section comes into force.

Please find the draft statutory guidance text in full in **Annex 1**.

Below, we have asked for your views where there is text that proposes new guidance. Questions are not included where the text only restates something that is or is proposed to be in legislation.

The final statutory guidance will be published after the regulations relating to Simpler Recycling (formerly titled Consistency in Recycling) have been made. The draft guidance is therefore written on the assumption that the regulations will be made as per the approach proposed in Section 1 of this consultation. However, this is subject to the outcome of this consultation and the Parliamentary process and the final guidance will be amended, if necessary, to reflect the regulations as they are eventually made.

The proposed statutory guidance in **Annex 1** is drafted in three parts:

1. Guidance on materials in and out of scope
2. Guidance on waste collections from households
3. Guidance on waste collections from commercial, industrial and relevant non-domestic premises (together referred to as 'non-household municipal premises')

The guidance will apply to England only. The guidance is aimed at waste collection authorities or other waste collectors collecting household waste from households, household waste from relevant non-domestic premises, and relevant waste. Relevant waste is waste from industrial or commercial premises which is similar in nature and composition to household waste.

The guidance is also aimed at anyone that makes arrangements for the collection of household waste from relevant non-domestic premises, or relevant waste from premises that produce commercial or industrial waste, such as business owners. All relevant waste collection authorities, waste disposal authorities and other waste collectors must have regard to the guidance when carrying out their waste management duties.

Please read the proposed statutory guidance text in **Annex 1** before answering the consultation questions.

## Questions

### **Proposed guidance on materials in scope of the recyclable waste streams**

**Q8. The guidance advises that waste collection authorities should build flexibility into their contracts to ensure materials can be added/removed to the recyclable waste streams as new recycling technologies develop. Do you agree or disagree with the content of this section?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)
- Content should be removed (please explain why content should be removed)
- Other (please explain)

**Q9. Do you agree or disagree with the contents of the list above, detailing the materials that are out of scope of the recyclable waste streams?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Materials should be added (please specify which materials)
- Materials should be removed (please specify which materials)
- Other (please explain)

### **Proposed guidance on dry recyclable waste collections from households**

**Q10. Guidance is provided regarding the requirement to collect dry recycling from premises and the use of communal bins. Do you agree or disagree with the content of this section?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)
- Content should be removed (please explain why content should be removed)

- Other (please explain)

## **Proposed guidance on organic recyclable waste collections from households**

In Annex 1 section 2.1.2 of the statutory guidance on organic recyclable waste, we propose to include guidance on the provision of caddy liners to households for food waste collections. In the 2019 and 2021 consultations on "Consistency in Household and Business Recycling in England," we consulted on the use of caddy liners. Before taking a final view, we are seeking additional evidence on the environmental impact of caddy liners made from different materials. Subject to the evidence, which will be considered together with the consultation responses, we expect to include guidance on the provision of caddy liners which could include information on preferred materials for caddy liners if a local authority chooses to supply them. We will take into consideration the environmental impacts of caddy liner materials when providing information on material preference.

### **Q11. Is there any additional guidance that would be useful regarding the provision of caddy liners?**

- Yes (please explain what additional guidance would be useful)  
 No  
 Unsure (please explain why you are unsure)

### **Q12. Guidance is provided regarding the requirement to collect food waste from premises and the use of communal bins. Do you agree or disagree with the content of this section?**

- Agree  
 Disagree  
 Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)  
 Content should be removed (please explain why content should be removed)  
 Other (please explain why)

### **Q13. The guidance provides advice on collection frequency of garden waste. Do you agree or disagree with the advice on collection frequency of garden waste?**

- Agree  
 Disagree  
 Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)  
 Content should be removed (please explain why content should be removed)

Other (please explain why)

**Q14. The guidance outlines that anaerobic digestion is the preferred method for treating food waste, where suitable, but composting is also permitted. Do you agree or disagree with the content of this section?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)
- Content should be removed (please explain why content should be removed)
- Other (please explain why)

### **Proposed guidance on residual waste collections from households**

Government expects a minimum service frequency for residual waste collections of fortnightly in England. We therefore propose that the statutory guidance sets out that local authorities should provide residual waste collections on at least a fortnightly basis. The government actively encourages councils to collect residual waste more frequently than fortnightly; this minimum standard provides a backstop, not a recommendation. The combination of the backstop on residual collections alongside the new weekly food waste collections will ensure frequent collections of smelly waste, and will stop a trend towards three or four weekly bin collections seen in some local authorities across the UK, particularly in Wales.

The New Burdens Doctrine aims to ensure that local government receives the support it needs. Local authorities will receive New Burdens funding in respect of all the new recycling requirements, but the doctrine is applied at ministerial discretion, and ministers at the Department for Levelling Up, Housing and Communities have decided to waive the New Burdens Doctrine in respect of mandatory fortnightly minimum residual waste collection.

There is a long-standing principle, since the establishment of local government, that councils should collect residual waste to protect local amenity and the local environment. Councils already receive funding from council tax and from the Local Government Finance Settlement for such essential 'core' services for the public. It would create perverse incentives to give extra funding to the small number of councils that have cut such essential core services.

**Q15. The guidance outlines a backstop on the frequency of collection of residual waste, to protect householders' local amenity. Do you agree or disagree with the content of this section?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)
- Content should be removed (please explain why content should be removed)
- Other (please explain why)

## **Proposed guidance on food waste collections from non-household municipal premises**

**Q16. The guidance outlines that anaerobic digestion is the preferred method for treating food waste, where suitable, but composting is also permitted. Do you agree or disagree with the content of this section?**

- Agree
- Disagree
- Unsure

If you disagree, please select one of the following to best describe why:

- Further content should be added (please explain why further content should be added)
- Content should be removed (please explain why content should be removed)
- Other (please explain why)

# Annex 1: Proposed statutory guidance text

## 1. Statutory guidance on materials in and out of scope

### 1.1 Materials in scope

This guidance deals with both recyclable household waste and recyclable relevant waste (waste from industrial or commercial premises which is similar in nature and composition to household waste). Waste is classified as recyclable household waste or recyclable relevant waste if it is included within one of the recyclable waste streams and it is of a description set out in regulations.

The recyclable waste streams are: paper and card; glass; metal; plastic; food waste; and garden waste. See regulations for a description of each recyclable waste stream.

#### **Adding and removing materials to and from recyclable waste streams**

As new recycling technology becomes available, the regulations may be amended to ensure the description of each recyclable waste stream remains up to date and includes as much material that is recyclable as possible. Waste collection authorities and other waste collectors should seek to build flexibility into relevant contracts (for instance, with waste management companies and reprocessors) to add or remove materials as appropriate.

### 1.2 Materials out of scope

For the avoidance of doubt, the following materials are not in scope of the recyclable waste streams and are not required to be collected for recycling or composting. This list is not exhaustive but refers to items which may commonly be confused with the materials in scope of recyclable waste collection. As new recycling technology becomes available, this list will be reviewed over time and may be updated. This list is adapted from the [WRAP Recycling Guidelines](#).

<b>Recyclable waste stream</b>	<b>Examples of other items or materials not in scope for collection from households and non-household municipal premises</b>
<b>Glass</b>	<ul style="list-style-type: none"><li>• Ceramics, for example crockery, earthenware</li><li>• Drinking glasses</li><li>• Flat glass</li><li>• Glass cookware including Pyrex</li><li>• Light bulbs and tubes</li><li>• Microwave plates</li><li>• Mirrors</li><li>• Vases</li></ul>

	<ul style="list-style-type: none"> <li>• Window glass</li> </ul>
<b>Metal</b>	<ul style="list-style-type: none"> <li>• Laminated foil, for example pet food pouches, coffee pouches</li> <li>• General kitchenware, for example cutlery, pots and pans</li> <li>• Any other metal items, for example kettles, irons, pipes, white goods</li> </ul>
<b>Plastic</b>	<ul style="list-style-type: none"> <li>• Any plastic packaging or non-packaging items labelled as “compostable” or “biodegradable” (including but not limited to coffee pods), with the exception of food waste caddy liners</li> <li>• Plastic pouches with laminated foil layer, for example, pet food pouches, coffee pouches</li> <li>• Plastic bottles containing white spirits, paints, engine oils and antifreeze</li> <li>• Bulky rigid plastics such as garden furniture, bins and plastic toys</li> <li>• Polystyrene (expanded and high impact)</li> <li>• Polyvinyl chloride (PVC) packaging</li> </ul>
<b>Paper and card</b>	<ul style="list-style-type: none"> <li>• Absorbent hygiene products (AHPs) including nappies, period products and incontinence items</li> <li>• Cotton wool, make up pads</li> <li>• Tissue/toilet paper</li> <li>• Wet wipes</li> </ul>
<b>Food waste</b>	<ul style="list-style-type: none"> <li>• Any plastic packaging or non-packaging items labelled as “compostable” or “biodegradable” (including but not limited to coffee pods), with the exception of food waste caddy liners</li> </ul>
<b>Garden waste</b>	<ul style="list-style-type: none"> <li>• Animal bedding</li> <li>• Bulky waste (including but not limited to garden furniture and fencing)</li> <li>• Garden tools or other gardening equipment</li> <li>• Plant pots</li> <li>• Plastic</li> <li>• Sand</li> <li>• Sawdust</li> <li>• Stone, gravel or bricks</li> <li>• Tea bags or coffee grounds</li> </ul>

## 2. Statutory guidance on the collection of waste from households

### 2.1 Duties of waste collection authorities

The recyclable household waste streams must be collected for recycling or composting. The requirements for each waste stream are explained below. If a waste collection authority employs another waste collector, the waste collection authority must ensure that the waste collector has regard to this guidance.

#### 2.1.1 Dry recyclable materials

Section 45A of the Environmental Protection Act 1990 outlines the requirements for separate collection of the dry recyclable waste streams: paper and card; glass; plastic; and metal.

##### Collection requirements

Waste collection authorities must collect the dry recyclable waste streams separately from residual waste in all circumstances. Dry recyclable waste stream must be collected separately from food and garden waste in all circumstances.

Waste collection authorities can decide how to collect dry recyclable waste streams, i.e. in multiple recycling bins (or bags), or co-mingled in one bin. An exemption has been provided in regulations to allow for the co-collection of dry recyclable waste streams, and therefore waste collection authorities are **not** required to complete a written assessment to justify this.

Note that while loose metal lids should be included in the metal waste stream, metal lids and caps on glass containers (for example, metal jam jar lids) can be left on and recycled with glass. Putting the lids or caps back on glass jars and bottles and recycling them with glass reduces the chance of them getting lost through the sorting process.

##### Collecting from premises

Under section 45(1)(a) of the Environmental Protection Act 1990, waste collection authorities are required to arrange for the collection of household waste unless it is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste. Where there is a duty to collect waste under section 45(1)(a) of the Environmental Protection Act 1990, section 45A will apply in England.

The expectation is that households should receive an equivalent collection service for recycling as they do for residual waste. By this, we mean that where there is a duty to collect household waste, recycling should also be collected directly from the premises. Section 45A does not allow for comparable alternative arrangements. As a result, providing a 'bring bank' recycling service would not fulfil the duty to collect household



waste. These services should only be provided to supplement collections from households. For some flats and communal properties, it may be more suitable to collect residual waste from a communal on-site bin. In these cases, it may be appropriate to similarly collect the recyclable waste streams from communal on-site bins.

### **Collection frequency**

The frequency of collection of the dry recyclable waste streams should take into consideration the collection methodology employed, including container capacity.

As volumes of recyclable waste may change over time, we recommend that local authorities consider regularly reviewing the collection frequency and container capacity provided.

## **2.1.2 Organic recyclable materials**

Section 45A of the Environmental Protection Act 1990 sets out the requirements for the separate collection of food and garden waste.

### **Collection requirements**

Waste collection authorities must collect food and garden waste separately from the dry recyclable waste streams in all circumstances. All food waste must be handled and treated in compliance with [Animal By-Product Regulations](#).

Unlike the other recyclable waste streams, the duty to collect garden waste does not arise until the collection is requested and, if appropriate, paid for. However, once there is a duty to collect garden waste, the waste collection authority must meet the requirements set out in section 45A of the Environmental Protection Act 1990. The position remains that, under section 45(3) of the Environmental Protection Act 1990 and the Controlled Waste (England and Wales) Regulations 2012, a waste collection authority may recover a reasonable charge for the collection of garden waste from households. A charge is only allowed for collection of garden waste, not disposal.

Waste collection authorities can choose to use an exemption, set out in regulations, to co-collect food and garden waste (i.e. in one bin) without the need to complete a written assessment. Where food and garden waste are collected together, this service must be weekly to meet the requirements relating to food waste.

Where food and garden waste are collected together, a charge is only permitted for the collection of garden waste but not food waste, which must be collected free of charge. Householders should be made aware that they do not have to have a garden waste service (if they do not want to pay for one), and that they are entitled to a free food waste collection service regardless.

Note that windfall fruit can be collected as part of the garden waste stream or the food waste stream, as windfall fruit constitutes food. Also note that [open windrow composting facilities can accept windfall fruit](#). Waste collection authorities are required to collect these items if presented in either the food or garden waste stream. However, waste collection authorities can communicate a preference as to which waste stream householders should place the items in.

## **Collecting from premises**

For some flats and communal properties, it may be more suitable to collect residual waste from a communal on-site bin. In these cases, it may be appropriate to similarly collect food waste from communal on-site bins.

A set of two bins should be provided for food waste: a caddy for internal use and an external bin for presentation at kerbside. Where food waste is collected communally from flats and communal properties, waste collectors should provide an internal caddy per dwelling alongside the communal on-site bin.

## **Collection frequency**

Section 45A of the Environmental Protection Act 1990 requires that waste collection authorities collect food waste from households on at least a weekly basis.

In order to maximise garden waste yields, we recommend that garden waste collections are made from all households with gardens over a period no less than 36 weeks in any calendar year. It is recommended that, as a minimum, collections are made during March to October (inclusive).

## **Treatment of food and garden waste**

Where householders have the facilities to do so, home composting is the ideal solution for diverting some food and garden waste from the residual waste container, and has the added benefit of providing a soil improver for use in gardens. Further information on home composting can be viewed [on the WRAP website](#).

The legislation requires that separately collected food waste and garden waste must be recycled or composted. The preferred method for treating food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser.

Composting is also permitted, and in some circumstances where wet AD is not suitable (such as, where food and garden waste have been co-collected) composting may be a more appropriate method of treatment.

## **2.1.3 Residual Waste**

### **Collection frequency**

Government wants to ensure that householders can dispose of putrescent or odorous waste frequently. Government expects a minimum service frequency for residual waste collections of at least fortnightly in England. Local authorities therefore should provide a minimum standard of a fortnightly collection for residual waste (alongside a weekly food waste collection), i.e. they should not provide a residual waste collection service any less frequently than fortnightly.

The government actively encourages councils to collect residual waste more frequently than fortnightly; this minimum standard provides a backstop, not a recommendation. The combination of the backstop on residual collections alongside the new weekly food waste collections will ensure frequent collections of smelly waste, and will stop a trend towards

three or four weekly bin collections seen in some local authorities across the UK, particularly in Wales.

## 3. Statutory guidance on the collection of waste from non-household municipal premises

As outlined in section 45AZA of the Environmental Protection Act 1990, relevant non-domestic premises are: residential homes; premises forming part of a university or school or other educational establishment; premises forming part of a hospital or nursing home; or premises of a description specified in regulations made by the Secretary of State.

For collections from premises that produce commercial and industrial waste, “relevant waste” is waste which is similar in nature and composition to household waste.

Together, relevant non-domestic premises and premises that produce commercial and industrial waste are referred to as non-household municipal premises.

### 3.1 Duties of waste collectors

The recyclable household and recyclable relevant waste streams must be collected separately from other household or relevant waste, for recycling or composting. For non-household municipal premises, the requirements for each waste stream are explained below.

#### 3.1.1 Dry recyclable materials

Sections 45AZA and 45AZB of the Environmental Protection Act 1990 outline the requirements for separate collection of the dry recyclable waste streams: paper and card; glass; plastic; and metal.

##### Collection requirements

Waste collectors must collect the dry recyclable waste streams separately from residual waste and food waste in all circumstances.

Waste collectors can decide how to collect dry recyclable waste streams, i.e. in multiple recycling bins (or bags), or co-mingled in one bin. An exemption has been provided in regulations to allow for the co-collection of dry recyclable waste streams, and therefore waste collectors are **not** required to complete a written assessment to justify this.

Note that while loose metal lids should be included in the metal waste stream, metal lids and caps on glass containers (for example, metal jam jar lids) can be left on and recycled with glass. Putting the lids or caps back on glass jars and bottles and recycling them with glass reduces the chance of them getting lost through the sorting process.

### **3.1.2 Food waste**

Sections 45AZA and 45AZB of the Environmental Protection Act 1990 set out the requirements for separate collection of the food waste stream.

#### **Collection requirements**

Waste collectors must collect food waste separately from the dry recyclable waste streams and residual waste in all circumstances. Where a non-household municipal premises does not produce any food waste, it is not required to arrange for its separate collection.

#### **Treatment of food waste**

The legislation requires that food waste must be collected separately for recycling or composting. The preferred method for treating food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser.

Composting is also permitted, and in some circumstances where wet AD is not suitable (meaning, where food and garden waste has been co-collected) composting may be a more appropriate method of treatment.

## **3.2 Exemptions for micro-firms**

Micro-firms are exempt from the requirements set out in sections 45AZA and 45AZB of the Environmental Protection Act 1990 until 31 March 2027. This applies to the food waste stream and dry recyclable waste streams. Micro-firms are defined as relevant non-domestic premises and businesses that have fewer than 10 full-time equivalent (FTE) employees. Micro-firms may choose to implement the new requirements ahead of 31 March 2027, however, before this date there is no legal obligation to do so.