

Consultation on consistency in household and business recycling collections in England: response from London Councils' Transport and Environment Committee and the London Environment Directors' Network

Q.	Question	Response
1	What is your name?	Kate Hand – Principal Policy and Project Officer
2	What is your email address?	kate.hand@londoncouncils.gov.uk
3	Which best describes you?	Other – local authority representative body
4	If you are responding on behalf of an organisation, what is its name?	London Councils Transport and Environment Committee (TEC) and the London Environment Directors' Network (LEDNet)
5	Would you like your response to be confidential?	No
Proposal 1: We propose that all LAs in England should be required to collect a core set of dry recyclable materials at kerbside from houses and flats		
5.	Setting aside the details of <i>how</i> it would be achieved,	Agree – local authorities should be required to collect a core set of materials

	do you agree or disagree with the proposal that local authorities should be required to collect a set of core materials for recycling?	We recognise that higher rates of recycling will be achieved through collection of a wider range of materials, and a more consistent offer to all London residents. Numerous London boroughs deliver materials to the same recycling sorting plants but have very different specifications for what is collected, due to differences in who prepared the tender documents and when the contract was awarded. We strongly welcome this proposal.
6.	We think it should be possible for all local authorities to collect the core set of materials. Do you agree with this?	<p>Agree</p> <p>However, we note that expanding their collection offer will represent a new cost for local authorities, and must therefore be funded under the New Burdens Doctrine.</p> <p>We also note that some authorities will be (and indeed have been) prevented from offering a wider collection due to contractual constraints. These authorities will incur additional costs relating to contract variations or other compensation to contractors, unless the transition period takes into account the duration of existing contracts and these costs. Often, the issue is downstream of the local authority collector, lying with the capabilities of the sorting facilities available for councils to use – which in turn can be driven by the operators’ views regarding which materials are marketable. Modulated fees under the new EPR proposals will remove some hard-to-recycle materials from the waste stream, but the Government will need to ensure that the stipulations regarding what is within the scope of the core list are clear, in order to genuinely aid clear national communications and reduce confusion. The requirement to collect a core set of materials will also need to be supported with sorting infrastructure, if the material collected is ultimately going to be recycled.</p> <p>We note that some London boroughs already collect additional materials at the kerbside or through bring banks, such as clothing and batteries. Local authorities are keen to offer a broad service to residents where it is cost effective to do so. If Government expands the core set in future, these new materials must also be funded under their own Extended Producer Responsibility (EPR) schemes, and the Government must support end markets to make this viable.</p>
7.	What special considerations or challenges might local authorities face in implementing this requirement for existing flats and	If the core list of materials is to be collected from all households, Government needs to recognise that costs and constraints are likely to be greater in dense urban areas, including those with many flatted properties, where space limitations and difficulties with ensuring that residents use the system as intended can limit cost-effective service provision and/or lead to poorer outcomes. Additionally, these housing types often have highly transient residents, adding to the difficulty with raising recycling rates. Finally, providing accessible recycling bring sites, and recycling transfer arrangements, is also more challenging in dense urban areas.

houses in multiple occupancy?	<p>Flats above shops, which make up 5 – 10% of housing in some London boroughs, represent a particular challenge and significant cost. There is rarely space for containers outside the home, meaning that sacks must be placed on the public highway, and typically authorities have to provide collections to these properties several times a week, if not twice or more times a day, so as to reduce the impact on the public realm. On top of these costs and impacts on public realm and air quality, additional cost arises from the need for a specialist sub-fleet of split-compartment vehicles for these properties to accommodate recycling and residual waste in a single round, and the inefficiency that arises from mid-shift tipping of these split-compartment vehicles.</p> <p>Local authorities need to retain the flexibility to deliver via commingled collections, because the constraints in relation to each estate or block of flat are such that they would need to be considered on a case by case basis (subject to significant capital investment by freeholders to improve waste containment areas). There is usually no specific pattern in the spatial distribution of blocks or estates such that those with similar characteristics can be built into rational distinct rounds.</p> <p>The use of the term ‘occupier’ in relation to obligations under s46 of the Environmental Protection Act 1990 and the deregulation of enforcement against offences under s46 are also problematic. Planning approval of residential developments with inadequate waste storage areas is a significant problem which will be exacerbated by requirements for separate food waste, and any additional separation of dry recyclables. The planning and building regulations frameworks should be reviewed in this regard.</p> <p>Furthermore, whilst additional powers are available to encourage compliance through landlords or property managers in relation to waste management from houses of multiple occupancy (HMOs), the reality is that housing enforcement officers have a wide range of priorities with few resources, and waste management is usually considered a low priority.</p> <p>A review of s46 is greatly needed in the context of Government’s wider proposals (and in any event) to ensure that obligations in relation to the correct use of waste management systems falls on the individual or institution best placed to manage compliance (whether that be the individual, the landlord or the managing agent), that requirements are backed by a credible enforcement deterrent and that the offences relate to waste management behaviour (including first offences), not narrowly those offences that have an impact on local amenity. Powers to charge householders or landlords/managing agents for the collection and (where additional costs are incurred) disposal of waste not in conformity with a s46 notice should be explicitly held by local government.</p> <p>Finally, the design of flatted properties is a key barrier to implementing these requirements. Planning law must be changed to ensure all homes have recycling designed in. The number of purpose-built apartments in London is increasing fast. Many new apartments are built with small kitchens with no space for a multi-compartment bin and the impossible task of carrying three bags of recycling to the bin stores adds to London’s recycling problem.</p>
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8.	<p>What other special considerations should be given to how this proposal could apply to flats? Please provide additional information on your answer.</p>	<p>Further to the above there are many examples in London where waste storage facilities will not be adequately able to accommodate the requirements proposed by government, even if significant investment is made in the waste storage infrastructure of these buildings. This is often because older buildings were constructed without consideration of the recycling requirements, or simply because buildings have been given planning approval irrespective of adequate storage.</p> <p>There are also instances where every attempt has been made to encourage residents to use waste systems correctly, but recycling services are still contaminated; this is particularly an issue under source separated systems where there is no downstream processing to remove moderate contamination. Local authorities should therefore have the ability to charge householders or managing agents for the collection and differential treatment costs of waste set out not in conformity with a s46 notice, or where additional collections where necessitated by their actions or building constraints.</p> <p>However, especially in the event that the charging and enforcement powers are not reviewed, there will be buildings that practically cannot be served by the 'standard offering' communal household waste collections. The collection of repeatedly contaminated bins and the provision of additional collections to poorly designed or operated buildings places a strain on services and risks the contamination of correctly presented materials. As such, the tests relating to exemptions on Waste Collection Authorities (WCAs) under s45 and s45A obligations for the collection of household waste and the provision of recycling services should be relaxed to allow these services to be removed under more realistically defined circumstances.</p>
9.	<p>Do you have any other comments to make about Proposal 1? Please use this space to briefly explain your responses to questions above, e.g. why you agree/disagree with proposals.</p>	<p>We agree that local authorities should transition to a consistent system at the cheapest point. However, this is not as simple as the point of collection contract renewal, as disposal/treatment contracts would also be a consideration. It should also not be assumed that in-house collection services would be able to transition immediately, due to vehicle depreciation cycles and other factors.</p> <p>Furthermore, lead in time will be needed to make transfer station and depot changes, which may require planning permission and permit changes. Additionally, all service changes require a mobilisation and rollout period, which may most rationally be phased to ensure that the process can be most effectively managed. This would particularly be an issue for flatted properties, since blocks of flats and estates often need individual consideration around the placement of bins, and may require physical development to accommodate changes.</p> <p>As such, each individual local authority area would need to be considered on a case-by-case basis to identify the optimal point of transition and any further reasonable period for the implementation of the service changes. Individual local authority areas should not be disadvantaged by the withholding of money and other support from extended producer responsibility on packaging or other sources while legitimately awaiting a rational point of transition.</p>

Proposal 2 - We propose that the core set of materials will be glass bottles and containers, paper and card, plastic bottles, plastic pots tubs and trays, and steel and aluminium tins and cans		
10.	Do you believe that all of these core materials should be included or any excluded?	<ul style="list-style-type: none"> • Glass bottles and containers: included • Paper and card: included • Plastic bottles: included • Plastic pots, tubs and trays: included • Steel and aluminium tins and cans: included
11.	What, if any, other products or materials do you believe should be included in the core set that all local authorities will be required to collect?	<ul style="list-style-type: none"> • Food and drinks cartons: included in the core set, but phased in over time • Plastic bags and film: included in the core set, but phased in over time • Other materials: N/A
12.	If you think any of these or other items should or should not be included in the core set immediately please use the box below to briefly explain your view.	<p>The core set of materials could in due course be expanded to mandate some form of collection arrangements (whether at the kerbside or via drop-off arrangements) for other potential recycling streams – some of which are already collected by some authorities – such as:</p> <ul style="list-style-type: none"> • textiles and shoes • small WEEE, batteries and other household hazardous waste • nappies and adult hygiene products, subject to the development of suitable reprocessing facilities • spectacles <p>Such collections would have to be supported through additional EPR arrangements to enable authorities to provide appropriate services.</p> <ul style="list-style-type: none"> •
13.	If you think these or other items should be considered for inclusion at a later stage, what changes	<p>Collections must be supported through additional EPR arrangements to enable authorities to provide appropriate services.</p>

	would be needed to support their inclusion?	
14.	Do you have any other comments to make about Proposal 2?	No
<p>Proposal 3 - We propose that this core set of materials should be regularly reviewed by government and, if appropriate, expanded over time provided that a) evidence supports the benefits, b) there are viable processing technologies for proposed materials, c) there are sustainable end markets, d) LAs would not be adversely affected, including financially.</p>		
15.	Do you agree that the core set should be regularly reviewed and, provided certain conditions are met, expanded?	Yes
16.	Do you believe that the proposed conditions a) b) c) and d) above are needed in order to add a core material?	<p>Yes.</p> <p>However, depending on the extent of separation required, this could place additional demands on transfer and processing infrastructure. Transfer infrastructure in London is particularly constrained.</p> <p>Introduction of new core materials could also be constrained by capacity in recycling containers; this may mean that containers have to be replaced with larger units, or that additional bins/ bags would have to be provided.</p> <p>Lead-in time should also be considered, in terms of the production and purchase of new containers (as above) and/ or new fleet.</p> <p>Adequate time must be allowed to communicate with residents (and businesses, if necessary) about any expansion in core materials collected, in order to ensure an effective introduction of the service.</p>

		Any assessment of additional costs and constraints on local government should take into account a wide range of costs and eventualities Finally, adequate consultation with relevant stakeholders should also be a condition of introduction.
17.	Do you have any other comments to make about Proposal 3?	No
Proposal 4 - By 2023 we propose to legislate for LAs to provide all kerbside properties and flats with access to at least a weekly separate collection service for food waste, including provision of containers and liners.		
18.	Which aspects of the proposal do you agree and disagree with?	(i) At least weekly collection of food waste: We agree that food waste should be collected separately from all street level properties (subject to test and exemptions) in the long term. However, significant consideration should be given to the most efficient transition to this point. Of particular concern for those Waste Disposal Authorities (WDAs) that currently have Mechanical-Biological Treatment (MBT)-based residual waste solutions is the impact of food waste collections on the Compost Like Output used on land generated by this treatment. As such, the relevant WCAs should only be required to transition at the end of current contracts. (ii) a separate collection of food waste (i.e. not mixed with garden waste): disagree; 'consistency' should focus on consistency of materials used and of messaging, not methods of collection. (iii) services to be changed only as and when contracts allow: agree (iv) providing free caddy liners to householders for food waste collections: agree, assuming it is fully funded, which includes not just the purchase of liners, but also getting them to the householders, which is more effective than expecting them to be collected at libraries etc.
19.	Are there circumstances where it would not be practical to provide a separate food waste collection to kerbside properties or flats?	Yes. Although we are supportive of increasing food waste collection, in line with the London Environment Strategy, our experience demonstrates that it is not always possible to provide an effective food waste service in flats above shops (5 – 10% of housing in some London boroughs) or properties without frontage in areas of high footfall. These properties can only realistically be served by on-street communal systems, but these often have extremely low yields, in part because the need to carry food a long way from the front door of each flat in biobags or other disposable containers, which have a tendency to split or leak. Finding a location for communal units that is convenient for householders is challenging. The lack of compulsion also reduces participation. The use of sacks or caddies for food waste is unlikely to be practicable. Communal food waste systems also need to be designed to avoid food waste littering the

		<p>highways, which not only has animal by-products implications, but can in turn attract fly-tips and unpaid commercial waste. Communal systems also introduce additional street furniture onto the public highway.</p> <p>As such the costs of such systems are likely to be high (including the costs of fly-tips and the wider streetscene impact), and participation is in many cases so low that collections would arguably not be an effective use of public money.</p>
20.	<p>Do you have any other comments to make about Proposal 4 including on circumstances where it may not be practical to provide a separate food waste collection?</p>	<p>If the proposal is to be implemented it should be subject to full cost recovery for local government, in the knowledge that the net costs are likely to be considerable – particularly for flats – and that considerable changes are needed to transfer station infrastructure, which will lead to high up-front costs. The net costs will reduce if there are also credible enforcement powers to compel residents to use the services. Even then, there will be buildings where a communal food waste bin cannot be accommodated or highways where the potential street scene impacts outweigh an imperative to provide a service at any financial cost.</p> <p>We are looking at the issue of food waste services in flatted properties, and would be keen to discuss this issue further after this round of consultation closes. One long-term barrier is the design of flatted properties. Planning law must be changed to ensure all homes and developments have recycling designed in. The number of purpose-built apartments in London is increasing fast. Many new apartments are built with small kitchens with no space for a multi-compartment bin and the impossible task of carrying three bags of recycling to the bin stores adds to London’s recycling problem.</p>
<p>Proposal 5 - We will provide funding and support to LAs to help put in place the necessary collections infrastructure.</p>		
21.	<p>If you are responding on behalf of a local authority, what kind of support would be helpful to support food waste collection?</p>	<p>Specific financial support: yes</p> <ul style="list-style-type: none"> • Such support needs to cover transition and operational costs, and to cover the actual additional cost of collections, rather than an over-simplified or narrowly scoped funding formula that does not represent the real cost of collections. • Funding should also support authorities required to extend services to properties not currently served; in London, many flatted properties fall into this category. • To ensure an equitable approach, government should fund services regardless of whether they have already been rolled out, or not; failing to adopt this approach will disincentivise authorities from implementing services until after the ‘new burden’ date, meaning that far fewer will be in a position to implement services in or before 2023 than the 66% the government envisages. This will lead to lower performance, the undermining of excellent work by many boroughs to develop proposals to introduce food waste collection and an unnecessarily steep ramp up if every authority is trying to roll out in a short window after funding becomes available. Indeed, with many collection contracts (and treatment contracts) coming up for renewal prior to 2023, there is a risk that local authorities become locked in to arrangements that do not readily permit the introduction of new services in or soon after 2023. If local authorities are effectively required to make a sudden change in the 2023-26 window, it could lead to inefficiency, infrastructure constraints and higher overall costs due to the need to change established contracts well into their lifespan.

- Government should also take steps to support the development of sufficient food waste bulking, transfer and treatment infrastructure to accommodate the additional material that will be collected. Food waste can only be collected if authorities have a location at which to tip it, and many will face space constraints and a lack of suitable skips at their existing depots or transfer stations. Where space constraints are severe, significant extra costs may need to be incurred to provide new facilities. Transfer station infrastructure in London is considerably constrained; any need for vehicles to triangulate to more remote/multiple tipping locations is a cause of concern with regards congestion and air quality, over and above the direct financial impact. There are only so many tipping bays in London with limited capacity to expand existing facilities. The need to provide separate dry recycle collections (potentially alongside commingled collections where that is not practicable) will present considerable pressures in itself. Therefore, leaving aside the planning challenges, the costs relating to the necessary development of the transfer station infrastructure would be considerable.
- In respect of treatment, gate fees in the anaerobic digestion (AD) market are currently quite low, in part due to an oversupply of capacity and the subsidy support historically available to AD plants for electricity generation. A sudden increase in food waste arisings could push up the cost of treatment across the market, and new, non-subsidised AD plants could result in the market price settling at a level rather higher than it is at present. Similarly, notably because of the effect of banded gate fees in residual waste contracts, any reduction in tonnages will not be accompanied by a proportional reduction in costs. Government should recognise these potential costs, and support the development of sufficient treatment capacity to keep supply and demand in balance. Councils that already collect food waste should be indemnified against the additional costs they may incur in rising gate fees as a result of a government policy that could cause an oversupply of food waste on the market.
- Since securing public participation in food waste services can be challenging, Government should provide local authorities with effective enforcement powers where these are needed to prompt residents to make full and proper use of recycling/organics services.
- Government should treat the requirement to implement food waste collections a new burden, given that it goes beyond the requirements of the Household Waste Recycling Act and subsequent legislation.

Procurement support, (e.g. free advice on renegotiating contracts; centralised purchasing of containers): yes

Communications support, (e.g. free collateral that can be adapted and used locally): yes

Technical support, (e.g. free advice from a consultant about round re-profiling): yes

Other (please specify ...): Enforcement costs and the costs of any wider impact on the streetscene of the proposed policy changes.

22.	Do you have any other comments to make about Proposal 5?	No
<p>Proposal 6 - We believe it would be desirable for LAs that have contractual commitments with IVC facilities, which needs mixed garden and food waste, to require separate presentation of food waste but then be able to mix it with garden waste for treatment purposes.</p>		
23.	What are your views on proposal 6?	This may be necessary and rational at least in the short/medium term, subject to tests ahead of a rational point to transition to food waste collections where food is presented separately for treatment. However, the consideration should encompass existing vehicle depreciation cycles, transfer station capacity (pending expansion) and existing waste collection contracts.
<p>Proposal 7 - We are seeking views on whether households generating garden waste should be provided with access to a free collection service. If introduced this would be a minimum fortnightly collection service of a 240-litre capacity container (either bin or sack). LAs may provide additional capacity or more frequent services and would be able to charge for this additional provision</p>		
24.	Which aspects of the proposal do you agree or disagree with?	<p>(i) a free garden waste collection for all households with gardens: disagree</p> <p>(ii) A capacity to 240l (bin or other container e.g. sack): not sure</p> <p>(iii) A fortnightly collection frequency (available at least through the growing season): disagree</p> <p>(iv) ability to charge households for additional capacity/ collections/ containers over the set minimum capacity requirement: agree</p> <p>(v) this new requirement to start from 2023 (subject to funding and waste contracts): disagree</p>
25.	Do you have any other comments to make about Proposal 7?	In line with producer responsibility, householders should pay for the disposal of garden waste if they do not wish to use home composting. Whilst free garden waste may increase tonnage for recycling targets, we do not believe that this justifies the costs that would be involved, and furthermore we think the impact would be smaller than envisaged: the assessment that significant amounts of garden waste are being diverted into the residual waste stream or into backyard burning as a result of the introduction of charging does not seem to be widely supported through benchmarking exercises that waste consultancies have carried out. Additionally, this policy seems inconsistent with the focus on carbon-based metrics, which would imply that one should not encourage the collection of garden waste – a service that yields very low carbon benefits.

		<p>In London in particular, free fortnightly garden waste collections are likely to be relatively inefficient, with vehicles having to undertake lengthy rounds on which many householders with smaller gardens will not have set out bins. The charged garden waste system, by contrast, focuses the service on larger producers of garden waste, enabling vehicles to work on more of a “point to point” basis, reducing vehicle emissions per tonne collected. The principal advantage of charging is to remove smaller households from the system – and charging only larger producers would therefore tend to be counterproductive.</p> <p>Garden waste is also not similar in nature to other materials under discussion: there is no requirement to increase flows in order to support a secondary market in grass clippings. It would be far better financially and environmentally for such materials to be composted at home, or disposed of through a paid-for service, which many millions of residents are already content to use.</p> <p>Implementing this requirement would enshrine in law a requirement on people without gardens tend to effectively subsidise those that have them, which could be regressive in its effect. This is an equality issue that is of particular concern to London and other metropolitan areas, where a large (and increasing) proportion of the population do not have gardens.</p>
<p>Proposal 8 - In addition to the new core set of materials, we want to promote separate collection of materials where this is feasible and can help to improve quality. We propose to amend the law to clarify this and will include guidance in our proposed statutory guidance on minimum service standards to help LAs and waste operators in decision making on separate collection.</p>		
26.	<p>Do you agree the proposed approach to arrangements for separate collection of dry materials for recycling to ensure quality?</p>	<p>No, we do not support the mandating of separation (and by extension the collection system).</p> <p>‘Consistency’ should focus on consistency of materials used and consistency of messaging, not methods of collection. Prescribing the method of collection of recycling as described currently does nothing to support the goals listed in this consultation. The same method cannot be appropriate for a five-bedroom house with a garden, a terraced house, a maisonette with a shared front door, a basement studio and a purpose built flat.</p>
27.	<p>What circumstances may prevent separate collection of paper, card, glass, metals and plastics? Please be as specific as possible and provide evidence.</p>	<p>London local authorities face particular challenges in providing high levels of source separation across all of the households they serve. While there are examples of multi-stream authorities in London, they are few in number.</p> <p>In many cases, there is inadequate in-home recycling storage, especially for the growing proportion of Londoners who live in flats. There are particular difficulties in providing services to communal bin properties, especially those with limited bin storage space. In such premises, the normal benefits of source separation – higher quality material – can be thwarted by residents’ behaviour. When a resident finds that the bin for the material they wish to dispose of is full, they are likely to either (a) dump their recycling beside the bin, leading to untidiness and a risk of “broken window” syndrome, or (b) put their material in whichever container has space, resulting in contamination.</p>

Additionally, the extra sorting of materials may have health and safety implications concerning increased manual handling, traffic and emissions, and there has been increasing scrutiny in recent years of the impact of noise levels in separate glass collections (e.g. LB Bexley).

The government should make clear, so far as possible, where separate collections are unlikely to be helpful, and should not seek to mandate them where they are impractical or will not bring about the desired results.

Enforcement powers to ensure that residents use the communal bins provided in the correct way are likely to be helpful. In addition, there is an important role for developers, landlords and managing agents in making sure that sufficient space is made available for bin storage, and that residents understand and follow reasonable separation requirements. It may be helpful if local authorities were able to charge the landlord/agent for extra waste collections where small bin storage areas make a reasonable s46 notice impossible and give rise to a need for more frequent collections than normal for properties of the type, or contribute to bin contamination problems.

Clearer guidance on the law on separate collections would be helpful if it does more than simply restate the regulations. Guidance would need to explain in detail how to interpret some of the key, vague terms that authorities are tasked with applying:

- What are “disproportionate costs”? What value should be placed on higher recycling rates or better quality material? How should this criterion be applied in the context of EPR, where costs are met by producers rather than by local authorities?
- What constitutes “technical feasibility”? Does a service have to be feasible in all parts of the authority? If there are examples of similar authorities providing separate collections, does that mean they are technically feasible, even if those authorities experience significant difficulties in providing the service? If it is feasible for some properties, but not feasible for others, what should authorities do? Properties of the same type (e.g. flats) may in practice differ considerably as regards the practicalities of waste collections, and what is feasible at one block may be far more challenging at another. Authorities need to create reasonably consistent services that can be communicated to residents, and implement coherent, efficient collection rounds that allow geographically proximate buildings to be serviced in the course of a single day’s work. In practice, this means that the service that can be offered to all properties of a certain type may need to reflect the “lowest common denominator” – the service that can be accommodated in all properties of that type. If more commercial waste collections can be integrated into communal bin collections, this may offer a little more flexibility, but guidance will need to address the level of granularity at which decisions about technical feasibility must be assessed.
- How are authorities to weigh different environmental costs and benefits against one another? If a separate collection service results in additional vehicle movements (and therefore additional air pollution) but increases recycling or reduces sorting, how should these different factors be weighed against one another?

		Unless guidance is clear and robust, there is a risk that it may result in a wave of wasted effort as authorities struggle to apply the new rules; or that the route to clarifying the meaning of the law turns out to be through litigation.
28.	Do you have any other comments to make about Proposal 8?	<p>It is accepted that the quality of recyclate presented to the market needs to improve, as international markets increasingly reject poorer quality material and the benefits to the environment of better quality materials have crystallised.</p> <p>There is nothing specifically inherent to split stream source separated collections that results in lower contamination. Indeed, all other factors being equal, a contaminated split stream recyclate container is more likely than a commingled container to lead to an entire load to be rejected as there is less likely to be downstream processing to remove moderate contamination. However, it is accepted that split stream collections are more likely to be from containers other than wheeled bins from which operatives can identify contaminants at the point of collection and, because there is a greater emphasis within the economics of source segregated systems on the quality of the recyclates, this will be more of a consideration. It is, however, difficult to act on contamination irrespective of whether a split stream or single stream system without appropriate enforcement powers that still allow containers to be cleared from the public highway, and no such powers are currently available.</p> <p>Kerbside sort models can effectively address contamination for street level collections but the slow progress of the vehicles, lack of compaction in most cases and the difficulty with optimising the respective compartments and the need for multiple co-located tipping bays can make them impractical for many parts of London where air quality and congestion are key considerations.</p> <p>As such split stream systems should not be considered a panacea to address contamination (in some cases, such as some communal systems, they can be counter-productive) and the matter of quality should be considered both holistically and on a case-by-case basis.</p>
<p>Proposal 9 - Assuming [a core set of materials], the government welcomes views on whether England should move to standardised waste container colours for those materials, together with residual waste, food and garden waste.</p>		
29.	Do you agree or disagree with this proposal?	<p>We understand the government's desire to make it easier for residents to understand what they should put in each container, and colour coding is a tried and tested solution to this. In principle, standardisation of container colours is a good idea, but implementing it is far from straightforward. One issue is that it will not in all cases be practical to use bins. Sacks (whether reusable or single use) can be colour coded, but there are advantages in single use recycling sacks being transparent so that contamination can be identified.</p> <p>A major programme of replacement would have significant costs, both for new containers, and for the logistical work necessary to effect the changeover. Producing a very large number of new bins in a short period of time could also be challenging for bin manufacturers. As such our support for the proposals is contingent upon the proposals being rational and well planned as well as</p>

		<p>being fully funded, including the costs of changing over containers/ lids and the costs of removing/ storing/ managing any containers removed.</p> <p>In our view, considering the significant costs and challenges involved, the government has not done enough to demonstrate that the colours of bins are a cause of confusion, and that standardising colours would bring about a change in behaviour. The costs of the policy are dependent on the transition period envisaged and, whilst we do not believe anything other than a long-term transition would offer value for money we do not oppose the proposal on the basis above.</p> <p>The government should also consider what the fate may be of the bins that are to be replaced. Clearly, it would be unfortunate if large quantities of bins needed to be disposed of due to a lack of recycling outlets; this might – justly or otherwise – undermine public confidence regarding the environmental benefits of the Government’s policies.</p> <p>In view of these issues, it might be wise to wait and see the impact of other measures that are being implemented before spending money and effort on changing bins.</p> <p>Alternatively, the government may wish to consider a number-based system, where each product category is also then assigned a permanent number, correlating with the same number placed on bins and recycling containers across the country.¹</p>
30.	<p>There would be potential for significant costs from introducing standardised bins colours from a specific date. What views do you have on a phased approach or alternative ways to standardising the colours of containers</p>	<ul style="list-style-type: none"> • Phased approach 2 – as and when old/unserviceable bins are replaced

¹ <https://www.suez.co.uk/en-gb/news/press-releases/181009-recycle-by-numbers-system-could-provide-solution-for-confused-consumers>

	for different materials?	
31.	Do you have any other comments to make about Proposal 9?	No
Proposal 10 - We are proposing to prepare statutory guidance on minimum service standards to which LAs will be required to have regard. The detail of this guidance will be consulted upon in our second consultation.		
32.	Do you agree or disagree with the proposal to publish statutory guidance?	<ul style="list-style-type: none"> Disagree – government should not publish statutory guidance <p>We do not believe that it is appropriate for the Government to publish statutory guidance on minimum service standards, because we believe that these are decisions that are best made at local level, taking into account local circumstances.</p>
33.	We propose reviewing the guidance every few years, revising it as required and then allowing sufficient lead-in time to accommodate the changes. Do you agree or disagree with this timescale?	<ul style="list-style-type: none"> Not sure/no opinion/not applicable
34.	Subject to further analysis and consultation we propose to use the guidance to set a minimum service standard for residual waste collection of at least every	<ul style="list-style-type: none"> Not sure/no opinion/not applicable <p>We believe that this is a matter for local democracy; given the need to deliver greater waste minimisation in line with the waste hierarchy, the option for less frequent collections should be left open to councils if they wish to adopt it.</p>

	alternative week. Do you agree or disagree with this proposal?	
35.	Do you have any other comments to make about Proposal 10?	<p>We believe that frequency of residual waste collection is a matter for local authorities, based on their local democratic mandate. There are parts of central London where space constraints and use of communal bins means that low frequency collections will not be appropriate. In these places, constraining bin size can be a more effective and appropriate tool to increase recycling rates; recycling and food waste collection would also continue to be frequent services in these areas. We therefore believe that authorities should retain the discretion to limit residual waste capacity – whether through collection frequency, bin size, or the use of “no side waste” policies.</p> <p>If the government elects to mandate collection frequencies, it will need to put in place:</p> <ul style="list-style-type: none"> • Appropriate funding to transition services, based on the New Burdens doctrine; • More accessible enforcement powers to incentivise residents to put material in the right containers. While local authorities do not want to be in the position of penalising residents for failing to use their bins correctly, our experience indicates that this is one of the most effective ways to achieve compliance. The revised enforcement powers resulting from the Deregulation Act 2015 have significantly hampered local authorities’ efforts to change residents’ behaviour, and should be reversed. • The powers to charge for residual waste, whether in the form of “Pay As You Throw” or charges to landlords of communal bin premises that have inadequate bin stores and therefore necessitate very frequent collections. It would be helpful if landlords/managing agents had a degree of legal responsibility for ensuring that residents make correct use of the containers provided, and that where, for example, residents contaminate recycling containers to the point where they must be collected as residual waste, landlords/managing agents of communal bin properties can be charged or penalised. • Clearer, more enforceable planning and building regulations to ensure that new developments make proper provision for waste management. • Alternative tools to encourage residents to recycle – such as communications campaigns. <p>The combined effect of the new service requirements (to collect food waste, free garden waste, and a specified set of (perhaps increasingly source-separated) dry recycling materials) will represent a major change for some authorities. Underlying their waste collection arrangements is some necessary infrastructure – typically, depot space to park vehicles, and waste transfer station bays in which waste can be tipped. The mandatory service standard could increase the number of vehicles and amount of bulking space required. In some cases, these pressures may require depots and transfer stations to be redesigned – or even relocated to larger sites. The Government needs to recognise that the potential additional costs of new infrastructure are likely to represent new burdens for authorities.</p>

Proposal 11 - We will continue our support for Recycle Now and the tools produced by WRAP to help LAs to communicate effectively on recycling.		
36.	Do you have any comments to make about Proposal 11?	We support Recycle Now and the tools produced for local authorities by WRAP. However, WRAP should expand its communications to include those that effectively target harder to reach segments of the population; it could also helpfully allow materials to be localised, as this would help with take up without needing to lose the element of consistency. Further consideration should also be given to ensuring that communications and other engagement efforts are leading to real behaviour change.
37.	What information do householders and members of the public need to help them recycle better?	<p>Clear information on what can and can't be recycled, what happens to recycling and waste after collections and the potential environmental impacts if it is not managed responsibly. They would also benefit from instructional information for any service changes and on how to report issues.</p> <p>Local authority branded communications are still a very effective means of communication with residents. Although we are not able to present quantifiable evidence at this time, experience from individual campaigns shows that communications are most effective where informational and motivational messages are mixed with enforcement messages, and clarity around the return of s46 enforcement powers and consistency around their application would be welcome in this regard.</p>
Proposal 12 - We will work with LAs and others to improve transparency of information available to householders on the end destination for household recycling		
38.	Do you agree or disagree with this proposal?	<ul style="list-style-type: none"> Agree – government should work with local authorities and other stakeholders on this
39.	Do you have any other comments to make about Proposal 12?	<p>Residents have a legitimate interest in understanding that the material that they set out for recycling goes to beneficial uses. It is right that local authorities take reasonable steps to report the end destinations of recyclable material. However, government must recognise that establishing end destinations with certainty is not straightforward given the complex international waste management system. As it is bulked, sorted and brokered, material from various sources is likely to be brought together, and a single facility may send material to a number of different reprocessors. Answering the question “where does the material go” can be genuinely complicated – and ultimately of little interest to most residents.</p> <p>Rather, what is important is that at a national level there is confidence that recycling does not end up where it should not. A key part of this is to ensure that the UK as a whole can say that recycling is only exported to destinations that apply broadly equivalent environmental standards to those in force in the UK. This demands action by the Government, the Environment Agency and HM Revenue and Customs – not just local authorities.</p>
Proposal 13 – End markets for recyclable materials [discussion - no proposal]		

40.	Please use this space to briefly explain any comments you have on the issues discussed in this section.	<p>EPR and any Deposit Return Scheme (DRS) will move market risk from local authorities to producers, but producers are better able to influence those markets through purchasing power and standardisation of packaging materials. Exposure to commodity markets will act as a natural hedge against material prices for producers.</p> <p>This underlines the case for EPR to be extended to other parts of the household waste stream.</p>
Proposal 14 - We propose developing a set of non-binding performance indicators for local authorities to use to monitor waste management and recycling and to highlight where services can be improved to delivery higher recycling and minimise waste.		
41.	Do you agree or disagree that introducing non-binding performance indicators for waste management and recycling is a good idea?	<p>We recognise the importance of being able to measure and compare performance, so that good practice can be identified and shared, and the reasons for underperformance found and addressed. However, it should not become a target regime by the back door.</p> <p>Any indicators that are adopted need to properly reflect the challenges that London authorities face which can be different to urban areas outside London. These challenges include to transience, and number of people who do not have English as a first language. We note the following:</p> <ul style="list-style-type: none"> • A simple weight-based recycling indicator is not appropriate. Instead, indicators must be set that reflect what is realistically achievable in each area. Further work needs to be done to develop a meaningful approach to indicators – or there is a risk that they simply become discouraging for London authorities. • Any recycling indicators should take account of items that have their deposit redeemed within a particular local authority area to give a picture of recycling performance “in the round”. • It is sensible to also look at indicators related to residual waste arisings (e.g. residual waste per capita) as a measure that incentivises waste prevention as well as recycling. <p>In principle, a mandatory set of data could be very useful in driving behaviour; and even if not framed as indicators, the data will need to be gathered in order to enable national performance to be measured. Any such data set should be funded by obligated producers to the extent that this applies to their materials.</p> <p>In order to provide the data that is needed to allow more meaningful indicators to be developed, WasteDataFlow will need to be further developed. More consistent reporting (e.g. around contamination) and more granular information about the sources of material (e.g. tonnages collected from flats vs kerbside properties) are likely to be needed. This will be of benefit beyond benchmarking and service design – it will allow more efficient and effective apportionment of EPR funding and government support. In view of the lead time for WasteDataFlow developments, specifying and implementing improvements to the reporting system should be a priority.</p>

42.	Do you agree or disagree that the proposed indicators are appropriate?	<p>Disagree.</p> <p>We do not believe that garden waste should be included as an indicator. The function of garden waste within the system is merely to push up tonnage, and in doing so it demonstrates the importance of moving away from systems wholly based on weight, as the Resources and Waste Strategy proposes.</p> <p>We support indicators on dry recycling, food waste and residual waste. Of these, residual waste is the most important, given that it can reflect minimisation efforts and thus support the waste hierarchy. Consideration should be given to producing these indicators by service type (i.e. street level, purpose-built flats etc.), to create a more meaningful data set that can drive performance. As it stands, this information is already available as averages through WasteDataFlow.</p> <p>Additionally, commercial waste and recycling data should be collected, which would inform further action by local authorities.</p>
Proposal 15 - We will look at metrics that can sit alongside weight-based metrics and will work with stakeholders to develop these as set out in the Resources and Waste Strategy.		
44.	Do you agree that alternatives to weight-based metrics should be developed to understand recycling performance?	Agree
45.	Do you agree that these alternatives should sit alongside current weight-based metrics?	Agree
46.	What environmental, economic or social metrics should we consider developing as alternatives to	<p>For London boroughs, the existing tonnage-based targets are not ideal. Low garden waste arisings combined with challenging housing stock and demographics make achieving very high levels of diversion a particular challenge. We are therefore happy to explore alternative metrics, but are concerned that such metrics should be transparent to the public, easy to calculate, and responsive to the efforts made by authorities and residents. A residual waste per capita measure, for example, would be a meaningful measure that would allow many different types of authorities' performance to be compared.</p>

	weight-based metrics?	<p>We are concerned that carbon-based metrics may not always meet these criteria. Any carbon metric relies on a set of carbon footprints for materials. These are complex to calculate and need to be updated regularly. Scotland updates the carbon metric every two years to take account of variables such as new technologies, more efficient processes and the growth of renewable energy. Sometimes the environmental benefits of recycling a particular material change significantly. If a carbon metric was used as a target, the effect of such an update could be to alter councils' apparent performance in a way that is unrelated to any change in activity on the ground – confusing for officers and local residents alike.</p> <p>However, we recognise the need to measure and reduce the carbon intensity of our waste and resources system, in line with our climate change targets and the circular economy package. We therefore offer our assistance in developing an approach to carbon measurement that achieves this aim in the most effective way, looking at the waste and resources system/ supply chain as a whole.</p>
Proposal 16 - We want to support and enable greater collaboration and partnership working between authorities where this would accelerate the move to consistent collections and improve recycling and delivery of services.		
47.	Do you agree that greater partnership working between authorities could lead to improved waste management and higher levels of recycling?	<p>Agree.</p> <p>London has excellent partnership and joint working arrangements – the Statutory Joint Waste Disposal Partnerships and the South London Waste Partnership – in place. We recognise the value of partnership and welcome Government's encouragement of this practice. However, partnerships have their own challenges, with pooled decision-making tending to move services away from local democratic accountability. It is important that, in encouraging partnership, the Government does not leave local authorities with limited control over one of their key public-facing services.</p>
48.	What are the key barriers to greater partnership working?	<ul style="list-style-type: none"> • Political barriers • Contract terms • Lack of long term certainty on policy • Lack of shared commitment to objectives • Lack of resources to commit to the partnership <p>We note that sharing anonymised data on learning in this space would be useful.</p>
49.	How might government help overcome these barriers?	<p>Partnership working will develop organically where it is appropriate and workable based on local decisions. Central government does however have a role to play in making the interaction between the parties in two tier arrangements (in London this is the relationship between relevant boroughs and the Joint Waste Disposal Authorities) clearer and more conducive to shared objectives. Examples include clarifying the future role of Joint Municipal Waste Strategies.</p>

50.	Do you have any other comments to make about Proposal 16?	No
Proposal 17 - We want to increase recycling from businesses and other organisations that produce municipal waste. We think the most effective way of doing this would be to legislate so that these establishments have to segregate their recyclable waste from residual waste so that it can be collected and recycled by waste operators.		
51.	Do you agree or disagree that businesses, public bodies and other organisations that produce municipal waste should be required to separate dry recyclable material from residual waste so that it can be collected and recycled?	<p>Agree</p> <p>We welcome the attention that the consultation gives to household-like commercial municipal waste.</p> <p>We are supportive of new obligations being placed on businesses to source-separate waste for recycling. Under current rules, the obligation to source separate falls upon commercial waste collectors, who have a very limited set of levers to pull to encourage their customers to change their behaviour – especially when a customer can very easily opt for a different collector.</p> <p>As a result, the rules introduced by the Waste (England and Wales) Regulations 2011 appear to have had little real effect on the behaviour of businesses. This may in part be due to enforcement responsibilities sitting with the Environment Agency, which did not receive additional resources for the task, and which does not routinely inspect commercial premises. Local authorities are considerably better placed to enforce any new legislation, if properly resourced to do so; if local authorities also have a major role in any franchising arrangements, and retain responsibility for dealing with issues such as fly-tipped unregulated commercial waste, the case for giving them relevant enforcement powers becomes increasingly compelling. Further thought should also be given to where obligations fall, given that many businesses have their waste managed by third parties, such as waste brokers, facilities managers, estate managers or managing agents.</p>
52.	Which of the 3 options do you favour?	<ul style="list-style-type: none"> • Something else (please expand ...) <p>The guidance should not be prescriptive about the end point with regards the separation of dry recycling. The overall objectives and tests should be set by government, but the requirements on separation should be set at a local level by local government, such that they conform with the same requirements on householders in the area and take into account the waste produced by local businesses.</p>
53.	We would expect businesses to be able to segregate waste for recycling in	<ul style="list-style-type: none"> • No – some exceptions are needed for particular circumstances (please provide examples below)

	all circumstances but would be interested in views on where this may not be practicable for technical, environmental or economic reasons	Space constraints mean that segregation will not always be possible, but it should be the default with the local authority then deciding whether it is possible. Under such a scheme, we would expect the exceptions to those businesses required to segregate waste for recycling to be limited.
54.	Should some businesses, public sector premises or other organisations be exempt from the requirement?	No
55.	Do you have any other comments to make about Proposal 17? For example, do you think that there are alternatives to legislative measures that would be effective in increasing business recycling?	<p>We believe that it is extremely unlikely that anything other than legislative measures will increase business recycling.</p> <p>In line with our comments under Q.51, we believe that further thought should be given to enforcement in this area and where obligations fall, given that many businesses have their waste managed by third parties, such as waste brokers, facilities managers, estate managers or managing agents.</p>
Proposal 18 - Where a business, public body or other organisation produces sufficient quantities of food waste we propose to legislate for this to be separated from residual waste and arrangements made for it to be collected and recycled.		
56.	Do you agree or disagree that businesses, public bodies or other organisations that	<p>Agree</p> <p>We believe that this is in line with efforts to drive a more circular economy.</p>

	produce sufficient quantities of food waste should be required to separate it from residual waste so that it can be collected and recycled?	
57.	Do you agree or disagree that there should be a minimum threshold, by weight, for businesses public bodies or other organisations to be required to separate food waste for collection?	<p>Disagree</p> <p>We believe that all food businesses should be required to separate food waste (see our answer to Q.58 for more detail).</p> <p>For non-food businesses, public bodies and other organisations, we suggest that further consideration should be given to the merits of a minimum threshold of either weight or number of employees, taking into account its ability to capture organisations producing significant amounts of food waste and how straightforward it is to measure.</p>
58.	Do you have any views on how we should define 'sufficient' in terms of businesses producing 'sufficient' quantities of food waste to be deemed in scope of the regulations?	<p>Our understanding of the experience in Scotland is that very few food businesses produce only small quantities of food waste – unless they make use of macerators or similar technology to dispose of the waste to sewers. The problems London experiences with fatbergs suggests that this is a practice that should be discouraged. In practice, an obligation on food businesses that produce more than 5 or 10 kg of food waste per week would apply to every food business, and setting a de minimis level would only risk providing less scrupulous businesses with an excuse not to take up a service. We therefore believe that all food businesses should be required to separate food waste.</p> <p>For non-food businesses, public bodies and other organisations, we suggest that further consideration should be given to the merits of a minimum threshold of either weight or number of employees, taking into account its ability to capture organisations producing significant amounts of food waste and how straightforward it is to measure.</p>
59.	Do you have any views on how we should define 'food-	See answer to Q.58.

	producing' businesses?	
60.	In addition to those businesses that produce below a threshold amount of food waste, should any other premises be exempt from the requirement?	No
61.	Do you have any other comments to make about proposal 18?	As with residents, local authorities and businesses need communication tools to engage with staff; this will need to be funded to make business recycling successful.
Proposal 19 - If the proposals above are adopted, we would like to support businesses, public sector and other organisations to make the transition. In particular we would like to find ways to reduce the impact on small and micro businesses		
62.	What are your views on the options proposed to reduced costs?	<p>Of particular interest to London local authorities are the proposals regarding a franchise model for commercial waste. We have seen various Business Improvement Districts (BID) develop local arrangements, with variable results. In some cases, take-up has been very limited, as local businesses are under no obligation to take up the service. Indeed, chain stores will often be locked into national contracts, and will have little incentive (or even capability) to make alternative arrangements locally.</p> <p>In London, where shops and homes are intermingled, where air quality is a major concern, and where there are significant problems of unregulated commercial waste, there is a strong case for taking steps that would reduce vehicle movements, cut costs and allow waste to be managed holistically/ in a place-based fashion – something that the BID model has not been in a position to achieve, but which local authorities could offer.</p> <p>The highest priority for franchising would be areas, such as high streets, village centres and back streets, where commercial and residential waste can be collected together. Once EPR comes into effect, it may be possible in this model to provide dry recycling services at very low cost, and even (where vehicles permit) to integrate commercial and household food waste collections. Authorities would also be happy to collect from locations such as retail parks, trading estates and large superstores, but we believe there is also a case to leave this work to the open market. There may be a role for local consultation to give such business areas the option to join the franchise, or to make their own arrangements.</p>

		<p>Clearly, businesses will wish to be reassured that the service provided by councils represents good value for money. This could be achieved through benchmarking (especially where services are delivered in-house). Where councils outsource their collections, businesses would have the assurance that the work has been competitively tendered and that the most economically advantageous option has been selected.</p> <p>Taking on a greater share of commercial collections would strengthen authorities' ability to effectively manage the local street scene, and crack down on unregulated commercial waste. It would help reduce the amount of time that bins and sacks are out on the street – perhaps through wider use of time banded collections. It would enable authorities to be more effective in enforcing existing waste legislation – and to play the role of enforcement body for the new source separation obligations upon businesses.</p> <p>We therefore welcome the proposal, and look forward to its further development. The Government will need to consider:</p> <ul style="list-style-type: none"> • Who decides the franchise area and runs the franchising process? If this is the local authority, can the local authority also provide the collection service? • Would there have to be a bidding process – and if so, who designs and implements it? • How can the opportunities to offer better services, more recycling, fewer vehicle movements and better standards especially around staff welfare, health and safety, and street scene best be delivered? Local authorities may often be best placed to offer these benefits. • If as a result of a franchise arrangement, a local authority is excluded from collecting commercial waste in its area, would it be exempted from its duties under S45 (1b) EPA1990? • If local authorities incur upfront costs of collecting more commercial waste, would these constitute a 'new burden'?
63.	Are there other ways to reduce the cost burden that we have overlooked?	None that we are aware of.
64.	Do you have any other views on how we can support businesses and other organisations to make the transition to improved	A holistic approach is needed to provide local authorities with the right mix of powers and obligations to balance the impact of streetscene with the requirements of these proposals and facilitate solutions such as the provision of communal waste storage for businesses.

	recycling arrangements?	
Proposal 20 - As part of implementing consistency, we will work with waste producers and waste collectors in the non-household municipal sectors to improve reporting and data capture on waste and recycling performance of businesses and other organisations. Any requirements will be subject to consultation.		
65.	Do you have any views on whether businesses and other organisations should be required to report data on their waste recycling performance?	Agree More reliable data is needed in this area; Government could require waste management firms to provide this level of data. It will be good to get this information if possible, as it is not currently easy to get accurate non-household municipal waste data and it will help manage this element of the waste stream more effectively.
66.	Do you have any other comment on Proposal 20?	No