



Briefing 11/46

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Review of waste policy in England

To: All Chief Executives, Main contacts and Environmental services contacts (England)

Cc: All Chief Executives, Main contacts and Environmental services contacts (Northern Ireland, Scotland and Wales)

This is a briefing paper on the review of waste policy in England, which contains actions and commitments, which will form the implementation plan.

Key issues

This briefing contains:

- Publication of Defra's review of waste policy in England

- Focus on waste prevention, engaging with the public and businesses and rewards/recognition

- Removal of specific enforcement powers

- LATS will end from 2013

1. Introduction

Defra has issued its review of Waste Policy in England. The aim of the review is to ensure waste policies and ways of delivering them are fit for purpose, meeting society's expectations and reflecting the Government's ambitions to be the greenest ever. Waste management has come a long way over the last 10 years; waste going to landfill has nearly halved since 2000 and household recycling rates have climbed to 40%. However, the review calls for progress to go further and faster. The government wants to move beyond a throwaway society towards a zero waste economy; and using the waste hierarchy, want to work to prevent waste, then reuse and recycle – and throw away only as a last resort. Therefore, the review promotes efficient product design and manufacture and targets those waste streams with high carbon impacts.

This briefing paper identifies some of the key issues for local authorities. To access a copy of the full report, please click [here](#).

2. Key issues for local authorities

a) Prevention of waste

The review highlights waste prevention as a priority and the government will create a Waste Prevention Fund, a small rotating fund to support organisations including local authorities to undertake waste prevention activities, which will be managed by WRAP. A Waste Prevention Programme for England will be developed by December 2013.

b) Engaging with customers

The review calls for all local authorities to seek the views of their customers when designing and delivering waste services. This includes providing opportunities for people who want to do more than the minimum and tell them what happens to their waste. The government will be encouraging local authorities to sign up the new Recycling and Waste Services Commitment (which builds on the 2009 WRAP 'Waste Collection Commitment'). This will be published shortly and is a stronger statement by local authorities of a willingness to consult fully, to listen to and work with householders, to provide information on recycling and re-use, and to make it easier for householders to do the right thing.

The government is committed to building a Big Society and will, in the short term, consider opportunities for greater civil society engagement with the work delivered by WRAP and the Environment Agency; engage civil society groups in policy development and delivery (e.g. waste prevention), consider how to build on best practice examples of partnership working between civil society and the public sector, encourage businesses to follow best practice examples and make it easier for civil society groups to provide waste services.

c) Frequency and quality of collections

The review states that householders have a reasonable expectation that waste collection services should be weekly, particularly for 'smelly waste' and the government will be working with local councils to increase the frequency and quality of rubbish collections and make it easier to recycle.

They will also tackle measures which encourage councils specifically to cut the scope of collections. They have already moved to remove Audit Commission guidance and inspections which marked down councils who do not adopt fortnightly rubbish collections and to abolish Local Area Agreements which they argue created perverse incentives to downgrade waste collection services.

The government is opposed to charging for the mainstream collection and disposal of waste from householders and believe that bin charging is counter-productive. They are removing powers via the Localism Bill for councils to charge householders based on the amount of waste they produce.

d) Recycling on the go

WRAP will support councils who want to work with local businesses to explore how the necessary street infrastructure can be funded to allow recycling on the go to grow. WRAP will also work in partnership with Keep Britain Tidy to enable groups participating in Big Tidy-Up activities to recycle the materials they collect.

e) Litter

'Love Where You Live' will make an important contribution to moving towards a zero waste economy, through formulating a new single message on litter, encouraging partnership and shared responsibility and facilitating the sharing of best practice.

f) Business waste collection

The government wants to make it easier and cost effective for SME's to recycle. They will be working with local authorities to develop the recycling services offered. They want to encourage local authorities to consider whether Household Waste Recycling Centres and other bring bank recycling facilities could be adapted to accept business waste and recycling at an affordable cost to the business user. They will also be working with local authorities and other organisations to raise awareness amongst SME's of their waste responsibilities and encouraging SME's to participate in collectively procured recycling contracts. They will be encouraging local authorities to sign up to the principles in the Business Waste and Recycling Collection Commitment, which will be published in the summer 2011. They have also developed a Responsibility Deal with the waste management industry ([click here](#)), which will also promote quality in the way recyclable materials are sorted through an industry-led Code of Practice.

g) Enforcement

The government want to see a shift from enforcement powers that may infringe civil liberties towards reward and encouragement. They are repealing certain powers of entry in England that currently enable local authorities to inspect household waste under section 108 of the Environment Act 1995. They are also reforming the Regulation of Investigatory Powers Act, restricting the use of directed surveillance by local authorities to serious criminal offences and requiring a magistrates' warrant.

They are removing the criminal sanction and £1,000 fine for householders who present their waste in the wrong way and replacing them with more appropriate, smaller fines. As an alternative, local authorities will have the option to issue a fixed penalty notice at a lower level (between £75 and £110).

They are proposing to set 'harm to local amenity' as a test before a civil penalty can be imposed by a local authority in all cases. This will allow action to be taken against the small number of people who blight the majority of the public's lives.

They also want to ensure that sanctions available act as a real deterrent to those responsible for waste crime; for example, they will bring into force stronger powers for local authorities and the Environment Agency to seize vehicles suspected of involvement in flytipping and waste crime.

h) Rewards and recognition

To promote reward and recognition, they have commissioned research into the best ways of rewarding people and have also launched a grant funding scheme to fund reward and recognition schemes. This scheme will be available to community groups, civil society organisations and local authorities.

i) Reducing the burden

The government have removed targets such as the waste national indicators 191, 192 and 193 and are in the process of replacing the Controlled Waste Regulations (1992) to remove market distortions, clarify terminology and responsibilities and allow local

authorities to improve the services they can provide to non-domestic properties at reasonable cost.

They are also looking to reduce the quantity of information that councils have to report and cut the amount of waste management legislation. This includes ending the Landfill Allowance Trading Scheme from 2013 and they will consult with local authorities on the statutory duty to produce Joint Municipal Waste Management Strategies (JMWMS). They are also reviewing data collected for Waste Data Flow to minimise the burden of data entry placed on local authorities.

j) Partnerships and joint working

The government will help local authorities to form partnerships to procure and provide services more effectively. They are also working with iESE and WRAP to improve local authority procurement skills.

k) Reporting requirements

Existing targets and data collection to date have focused on weight based measures of performance and this will remain necessary for some purposes (for example, recording performance against the recycling target in the Waste Framework Directive). The government will promote the use of a carbon metric reporting tool to help councils report the environmental impacts of waste management in carbon terms. They do not anticipate this requiring any additional data collection or reporting, but working as a conversion calculator from existing reporting.

l) Food waste

The government have stated that there is a need to cut down the estimated 16 million tonnes of food waste per year produced in Britain, while ensuring that much more of the food waste which is produced is not simply disposed of in landfill. They will work with and support businesses, local authorities and third sector organisations to help reduce avoidable food waste. Their evidence base shows that of the main options for the treatment of food waste, anaerobic digestion offers the greatest environmental benefit, followed by composting and then incineration with energy recovery. Almost 25% of UK food waste comes from manufacture, distribution and retail and WRAP are working with industry to deliver against Phase Two of the Courtauld Commitment (2010-12) which includes a supply chain waste prevention target for the first time.

m) Energy recovery

The aim is to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery. The publication argues that anaerobic digestion (AD) offers a positive solution to food waste and Defra have published an AD strategy and action plan ([click here](#)). The government will publish a guide to energy from waste and will look to identify and communicate the full range of recovery technologies available and their relative merits.

n) Reducing landfill

Landfill tax will remain the key driver to divert waste from landfill and they will maintain the landfill tax increases towards a floor of £80 per tonne in 2014-15. However, the government may introduce additional, legislative tools such as landfill bans or restrictions. In 2012, they will consult on introducing a restriction on landfilling wood waste. They will review the case for restrictions on sending other materials to landfill including textiles and biodegradable waste. They will also urge local authorities as owners of historic sites to look at capture of methane alongside remedial measures.

o) Infrastructure and planning

Government will provide advice and support for local authorities on science and technology and publish data on likely waste arisings and treatment capacity in future years. They will support efforts by local authorities to deliver better value for money through effective contract management and by working together to generate further efficiencies in waste collection, reprocessing and treatment. It states that local authorities need to work together and look at waste management needs across different waste streams and across administrative boundaries.

3. Conclusion

Some of the actions and commitments in the waste review will be expected by local authorities following on from the Localism Bill; including engaging with the public, the commitment to 'Big Society' and the removal of powers to charge for waste (based on the amount of waste produced).

The focus on schemes such as 'recycling on the go', food waste and energy recovery build on the good work already started by local authorities and there are examples of good practice as well as lessons learned. APSE's State of the Market for Refuse Survey 2011, which received 149 responses from local authorities throughout the UK, found that 41% of respondents already recycle food waste and 17% have anaerobic digestion facilities. Please [click here](#) to access the full briefing paper and for more information on case studies, please contact the APSE office on djohns@apse.org.uk

The focus on rewards and recognition as opposed to enforcement will received mixed responses from local authorities. APSE's State of the Market for Street Cleansing Survey 2011 ([click here](#)) found enforcement powers are used to varying degrees across councils; for instance, 32% of respondents issued on the spot fines where waste is left out at the wrong times, 80% issued on the spot fines for littering and 69% issue of litter clearing notices. The onus of the review appears to be on local authorities, who now need to carry out a 'harm to local amenity' test before a civil penalty can be imposed.

APSE welcomes that certain actions in the review are accompanied by proposed funding; although the amount of funding is yet to be published; for instance, the grant funding scheme to fund reward and recognition schemes and the creation of a Waste Prevention Fund. Local government front line services are facing huge pressures; 58.5% expect their refuse budget to either 'decrease' or 'decrease substantially' next year and 91.5% expect their street cleansing budget to reduce; and therefore, funding will need to be considered carefully. However, the review does not state that funding will be available for authorities to re-introduce weekly collections for 'smelly' waste, but the government will be 'working with' local councils to increase the frequency and quality of rubbish collections. Again, the approaches taken by authorities across England to recycling streams and frequencies varies considerably and APSE think that waste collection services should be a matter for locally democratic councils to decide for themselves.

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