



APSE response to the consultation on amending the Waste Regulations 2011 on the separate collection of recycling

This briefing provides details of APSE's response to the consultation on amending the Waste Regulations 2011 on the separate collection of recycling. The changes proposed in the consultation apply in England and Wales.

Key Issues:

- This briefing includes APSE's response to the Department for Environment, Food and Rural Affairs (Defra) consultation on amending the Waste Regulations 2011 on the separate collection of recycling.
- The views of APSE's member authorities who sent their comments through to APSE have been included in this response.
- This briefing paper outlines APSE's views on the proposed changes.

1. Introduction

The Waste (England and Wales) Regulations 2011 transpose the revised Waste Framework Directive 2008/98/EC. A Judicial Review is challenging the inclusion of co-mingled collection as a form of separate collection in Regulation 13 as being contrary to the Directives aims and obligations to promote high quality recycling, and a failure to correctly transpose the Directive. Defra and the Welsh Government are proposing to amend Regulation 13 and sought views on whether the proposed amendments to the Regulations adequately transpose the requirements of the Directive.

APSE produced a briefing paper on the proposed changes which is available by clicking [here](#). The briefing paper summarised the changes proposed in the consultation and asked for responses/views of APSE member authorities.

On 13th April 2012, APSE responded to Defra with views on the proposed changes. The views of APSE's member authorities who sent their comments through to APSE have been included in the response. The full response is shown below.

2. APSE response to the consultation on amending the Waste Regulations 2011 on the separate collection of recycling

The Association for Public Service Excellence (APSE) represents officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as 'The Association which consults, develops, promotes, advises and shares on best practice in the delivery and provision of efficient and accountable public services'. APSE is currently working with 250 authorities within the United Kingdom, has advisory networks in waste and recycling and has been involved in a number of projects with a range of local authorities throughout the UK on waste related issues. APSE has consulted with its membership and has included their comments within this submission.

Whilst it is acknowledged that the present regulations need to be amended to accurately transpose the Directive into UK law, concerns have been raised by some member authorities in relation to the removal of regulation 13-2 which explicitly stated that co-mingled collections were a form of separate collection. The concerns relate to the need to protect co-mingled collections within UK law and the removal of this regulation would mean that the risk of challenge would now be on the local authority.

The approaches taken by authorities across England and Wales to recycling collections varies considerably and APSE believe that waste collection services should be a matter for locally democratic councils to decide for themselves. Therefore, APSE agrees with the clarification given in the consultation letter that *'The amendment does not alter our underlying position that the Regulations should not mandate a particular form of recycling collection. It remains the intention that local authorities and waste management companies should have the ability to determine the most appropriate collection system for their local*

circumstances, having regard to the need to meet the purpose of the Directive.' (Paragraph 5.12).

Local authorities have invested in the infrastructure to support their collection methods and are facing huge financial constraints. APSE's state of the market survey 2011, a survey to waste and recycling officers and elected members throughout the UK found that 58.5% expect their refuse budget to either 'decrease' or 'decrease substantially' in 2012; therefore any imposed changes to methods or systems used would need to be considered carefully against available funding from government to bring about these changes. Some councils have commented that to revert from co-mingled to kerbside sort in the current economic climate would be unaffordable and uneconomic/unpractical under the 'TEEP' (technically, environmentally and economically practicable) provisions.

As always, the guidance will provide further clarity on what constitutes TEEP and 'necessary to meet the appropriate quality standards for the relevant recycling sectors' and APSE looks forward to being consulted on this guidance in due course. However, when the guidance is drafted it is important that consideration is given to variety of approaches currently in existence throughout England and Wales, levels of investment made, budget constraints and the need for local discretion.

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