

## OVERVIEW AND SCRUTINY COMMITTEE

13 September 2023

<b>Title:</b> Waste Strategy	
<b>Report of the Cabinet Member for Public Realm and Climate Change</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
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<b>Accountable Director:</b> Rebecca Johnson – Director of Public Realm	
<b>Accountable Strategic Leadership Director:</b> Leona Menville – Strategic Director of My Place	
<b>Summary</b> LBBD as the Waste Collection Authority (WCA) have a statutory responsibility to collect waste from the Borough and work in conjunction with East London Waste Authority (ELWA) who are the statutory Waste Disposal Authority (WDA).  In January 2022 Cabinet approved the Joint Strategy for East London's Resources and Waste (the Joint Strategy) for the period from 2027 to 2057 around the future of waste management. This joint strategy was developed by ELWA and the Constituent Councils, collectively the Partner Authorities (Barking and Dagenham, Havering, Newham and Redbridge Councils).  The Joint Strategy's aims and objectives were; <ul style="list-style-type: none"><li>• to promote and implement sustainable municipal resources and waste management policies in East London as part of our contribution to transitioning to a more Circular Economy;</li><li>• to minimise the overall environmental impacts of resources and waste management;</li><li>• to engage residents, community groups, local business and any other interested parties in the development and implementation of the above resources and wastes management policies; and</li><li>• to provide customer-focused, cost-effective, best value services</li><li>•</li></ul> Whilst the Joint Strategy technically does not come into play until 2027, this report provides an update on the progress and plans for how LBBD in conjunction with ELWA and the other Constituent Councils aims to achieve the objectives of the Joint Strategy. This report also provides an update on current operational performance, as well as current and future national legislative requirements that will impact the Borough.	
<b>Recommendation(s)</b>  The Overview and Scrutiny Committee is recommended to:	

(i) Note the contents of the report and the actions being taken to contribute to the Joint Strategy within Barking and Dagenham

(ii)

**Reason(s)**

The Councils approach to waste strategy supports the Councils Corporate priority of 'Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods'.

**1. Introduction and Background**

- 1.1. LBBD as the Waste Collection Authority (WCA) have a statutory responsibility to collect waste from the Borough and work in conjunction with East London Waste Authority (ELWA) who are the statutory Waste Disposal Authority (WDA).
- 1.2. In January 2022 Cabinet approved the Joint Strategy for East London's Resources and Waste (the Joint Strategy) for the period from 2027 to 2057 around the future of waste management. This joint strategy was developed by ELWA and the Constituent Councils, collectively the Partner Authorities (Barking and Dagenham, Havering, Newham and Redbridge Councils).
- 1.3. The Joint Strategy encompasses the national and local aims of preserving resources by minimising waste, promoting resource efficiency and moving towards a circular economy, all of which will help to protect the natural environment and reduce carbon emissions.
- 1.4. Driving the Council's progression around waste management are several national and regional policies including the national Resources and Waste Strategy (RWS). Published in 2018, it includes many new proposals that will change how local authorities deliver recycling and waste services, and how communities interact with them.
- 1.5. These include the setting up of a Deposit Return Scheme (DRS) for drinks containers, extended producer responsibility (EPR) for the costs of managing packaging waste and establishing more consistent household and business recycling services across the country (Consistency).
- 1.6. The Mayor of London also published the London Environment Strategy (LES) in 2018, which covers a broad range of environmental issues including waste management. The LES includes an aspiration for London to be a 'zero waste city' by 2050. The regional waste policies contained within the LES are similar to the national Consistency proposals, and waste authorities in London must demonstrate 'general conformity' with them. The national and regional strategies both set ambitious targets for reuse and recycling, which LBBD will contribute towards.
- 1.7. Underpinning the RWS and LES, the overarching Environment Act 2021 has brought in measures for improvement of the environment in relation to waste, resource efficiency, air quality, water, nature and biodiversity, and conservation. This includes the legal requirement for separate weekly food waste collections from households, communal properties, and flats above shops. LBBD committed to delivering against this legislative requirement in an approved report to Cabinet in February 2022.

## 2. Current operational performance

2.1. Table 1 shows the current service delivery model and disposal/treatment type.

Service	Frequency	Container	Treatment
General waste	Weekly	Households - 140lt wheeled bin Communal – 660lt-1100lt wheeled bins	MECHANICAL BIOLOGICAL TREATMENT (MBT) Removes metals, glass and stone for recycling and then dries waste to produce a refuse derived fuel and a compost-like output
Dry Mixed Recycling	Fortnightly	Households – 240lt wheeled bin Communal – 660lt-1100lt wheeled bins	MATERIALS RECOVERY FACILITY Uses machines and some manual labour to separate out different recyclable material streams
Chargeable garden waste	Fortnightly (Mar-Nov)	240lt wheeled bin	OPEN WINDROW COMPOSTING Garden waste is laid out in long rows, turned regularly to produce compost to be used in agriculture

Table 1

2.2. The East London boroughs face some considerable challenges relative to other parts of England and London in achieving the high recycling rates and reductions in residual waste more widely attained elsewhere. This is due to certain barriers associated with our Borough including low home ownership, high percentage of flatted / communal properties, a low age profile and properties with small or no gardens, all of which studies have shown are associated with lower recycling figures.

2.3. However over recent years, LBBD in conjunction with ELWA have worked hard to increase recycling performance, of which there has been an improvement. Table 2 shows the recycling performance over the last five reporting years, of which LBBD has seen over a 9% increase in recycling. In addition, it shows a decrease in waste production by person, which is an important factor in the waste hierarchy.

Reporting year	% household waste sent for reuse, recycling or composting (Ex NI192)	Collected household waste per person (kg) (Ex BVPI 84a)
2018/19	23.70%	404.8
2019/20	25.20%	422.9
2020/21	26.90%	416.7
2021/22	30.50%	390.3
2022/23	33.22%*	

Table 2

\*Unofficial performance figure – figure to be ratified by DEFRA and generally published up to a year in arrears

2.4. This improved performance can be attributed to several factors including increasing the number of materials accepted in the comingled recycling stream for the kerbside

recycling service in 2021, proactive engagement with residents around recycling by internal teams and separation of recyclates from the bulky waste stream at the disposal point.

### **3. Waste Disposal Contract post 2027**

- 3.1. ELWA is the statutory joint waste disposal authority for the London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge (the Constituent Councils) and has a statutory duty to make arrangements for the treatment and disposal of the Local Authority Collected Waste (LACW) collected by (or on behalf of) the four Constituent Councils.
- 3.2. These arrangements are currently discharged through the Private Finance Initiative (PFI) Integrated Waste Management Services Contract (IWMS Contract), which was awarded to ELWA Ltd. (the IWMS Contractor) in December 2002 for a period of 25 years and due to expire on 23 December 2027. The IWMS Contract is operated by Renewi (the IWMS Operator).
- 3.3. As the contracting authority, ELWA in 2022 commenced the complex work associated with the procurement of future waste disposal arrangements and contract expiry of the current contract. This is being undertaken in conjunction with the Constituent Councils and in July 2023 Cabinet agreed the Outline Business Case (OBC) put forward by ELWA for ratification by the Constituent Councils.
- 3.4. The OBC represents the first step towards the implementation of the procurement plan and has been produced to determine the preferred service delivery model for the new services at the expiry of the IWMS Contract.
- 3.5. The key objectives that this exercise aims to achieve is around reducing future waste arisings, increasing recycling rates, reducing carbon impact, maximising opportunities for local regeneration, increasing social value and to manage waste in the most economically efficient way possible. The options proposed within the OBC creates an opportunity for a new stage of waste disposal management and partnership working between ELWA and the Constituent Councils.
- 3.6. The key takeaways from the proposals are for disaggregated contracts split by material type with a mix of various contract terms, to reflect adaptation to market forces and legislative requirements of those material streams.
- 3.7. This approach aims to provide greater flexibility around cost and the ability to adapt to potential changes in the market and legislation, all whilst incentivising and encouraging Boroughs to reduce waste and increase recycling.

### **4. Separate Food Waste Collections**

- 4.1. The Environment Act 2021 and the Resource Waste Strategy set out key legal requirements around the future of waste collections and disposal.
- 4.2. The Act requires Local Authorities to provide a weekly separate food waste collection from all households by March 2025 – this includes communal blocks and flats above shops.

- 4.3. The Resource Waste Strategy sets out further potential requirements around key recyclates but is subject to the outcome of the Consistency consultation, which is still outstanding.
- 4.4. The requirement around food waste is now in law, but the implementation of that requirement is subject to further regulations.
- 4.5. In February 2023, Cabinet approved a report that noted these legislative requirements and accepted that a further report on how LBBDD would adhere to these. At that time, the current unofficial target set by DEFRA was to have this implemented by March 2025, however a published delay in the implementation of EPR to October 2025 and further delays on the outcome of the Consistency consultation has meant that local authorities are unsure as to whether the current target date is still applicable.
- 4.6. A separate food waste recycling disposal stream is part of the scope for the new ELWA waste disposal procurement programme, but work is currently being explored by ELWA and the Constituent Councils around the feasibility of introducing this pre contract end and its subsequent implications.
- 4.7. LBBDD are currently in the process of commissioning consultants to undertake a modelling exercise on the waste collection service to obtain an understanding on the potential operating model and financial implications of introducing a food waste service.
- 4.8. A key variable to executing this service is Governments previous commitment to capital and revenue funding to assist in implementation, which due to the current delays and uncertainties around wider policy changes remains uncertain.

## **5. Behaviour Change**

- 5.1. The Joint Strategy and new waste disposal contract arrangements won't come into play until post 2027, which potentially means that any significant improvements in recycling performance because of the operating model will not be realised for many years.
- 5.2. LBBDD recognises that it has a responsibility to continue to drive up performance despite the current restrictions and is committed to undertaking activities that will build a positive foundation for how we engage with our residents now, to enable the right platform to communicate and deliver successful operational service changes in the future.
- 5.3. In April 2023 the new Behaviour Change Cabinet Member Working Group was established where a 12-month Public Realm Communication and Engagement Plan was approved for implementation.
- 5.4. For objectives around waste strategy to be successful, it will require significant behaviour change from Borough users. We need to empower residents and Borough users to take a more active role in doing their bit to keep the borough clean, by managing their waste correctly and working alongside the council.

- 5.5. The Plan is the fourth phase of the Cleaner, Greener Campaign which was first launched in 2019 and aims to build on the success of the earlier phases of the campaign to ultimately make the borough a cleaner, greener place to live, work and visit.
- 5.6. It is about calling on residents to do quick, easy things to help, from putting the right things in the right bin, to recycling more, joining community litter picks and reporting anti-social behaviour like fly-tipping.
- 5.7. The key elements of the plan are as follows;
  - 5.7.1.1. Three bursts of campaign activity between Spring 2023 and Spring 2024 alongside ongoing communications.
  - 5.7.2. Support residents to minimise the amount of waste they produce and show them how to dispose of their rubbish in the right way, recycling and reusing where possible.
  - 5.7.3. Increase the number of residents and groups (including schools, businesses and community groups) to take an active role in helping to clean up their local areas and use them as advocates to help share key messaging.
  - 5.7.4. Contribute to an improvement in street cleanliness by reducing fly-tipping, littering and eyesore gardens.
- 5.8. The campaign launched in June 2023 in conjunction with the Great Big Green Week, with key achievements including launching a new A to Z guide on what to do with different waste items on our website, holding an Eco Fair for residents, distribution of a 'Green One Borough' newsletter, social media engagement, an online waste and recycling quiz competition, promotion of Friends of Parks groups and other community initiatives and promotion of waste minimisation initiatives.
- 5.9. The Plan's next steps are to undertake focus groups with residents via the Community Hubs, to facilitate conversations around getting a better understanding of local behaviours and issues around waste and recycling and feeling about climate change. This will be used to inform the borough-wide advertising campaign in Autumn.
- 5.10. This next stage will also be developing and launching the new Waste Champions initiative for LBB, which is about enlisting local residents from across the Borough to work in partnership with the Council to increase the effectiveness and efficiency of Council waste strategies.
- 5.11. Finally, the Plan will be used as part of a wider Council pilot around a new approach to engagement with our younger population via social media, more specifically Instagram, to increase our reach to our predominant demographic.

## **6. Consultation**

- 6.1. The Joint Strategy went through a formal public consultation during July to September 2021 and the Joint Strategy was approved by Cabinet in January 2022.
- 6.2. This report was considered and endorsed by the Executive Team week commencing at its meeting on 28 August 2023.

## **7. Financial Implications**

Implications completed by: Katherine Heffernan, Head of Service Finance

- 7.1. The net operational budget for the Council's waste service in 23-24 is £4.556m. Currently the service is forecast to have a marginal overspend on staffing (£50k) but is otherwise broadly on budget. The Green Garden waste service is expected to be self funding from user fees.
- 7.2. The service has received growth funding in the MTFS. For 2023-24 there was growth of £0.791m to fund service improvements and recognising the increase in service resulting from household growth.
- 7.3. The implementation of the various legislative changes and the national, regional and local strategies set out in the paper is likely to require investment that will need to be built into the MTFS. There is currently a high-level growth line of £1m in each of the next two years. However, this is essentially only an estimate and will need to be replaced by more detailed modelling and implementation planning. The timescale when this funding is required also needs to be confirmed.
- 7.4. The resources available to the Council to meet its growth requirements is extremely limited and so the waste service will need to consider how they can reduce the need for it by prioritisation and efficiency improvements. Although waste services are a statutory requirement there are many models for how they can be delivered. The implementation of an entirely new Food Waste Collection will be an additional cost but there may be opportunities to offset it by other changes within the service.

## **8. Legal Implications**

Implications completed by: Dr Paul Feild, Principal Lawyer Standards and Corporate Governance

- 8.1. The development of a strategy for future waste management is an essential component to the proper administration of the Council as a Waste Collection Authority and a Constituent Council of the four boroughs (Barking & Dagenham, Havering, Newham and Redbridge) who together form the Joint Waste Disposal Authority (ELWA). ELWA is under a duty required by section 51 of the Environmental Protection Act 1990 to make arrangements for the disposal of waste collected by the Constituent Councils in its area. Furthermore, as ELWA is a best value authority, there is a further duty on the Authority under the Local Government Act 1999 in that it works to secure continuous improvement and achieve the best combination of quality and value for money in its function of waste disposal. Developing a coherent future waste joint strategy which serves both the interests of ELWA and the Constituent Councils requires proper consultation which ensures that the emerging joint strategy is fair and reasonable in how it impacts the residents of the four Constituent Councils. Furthermore section 32 of the Waste and Emissions Trading Act 2003 places a duty on both waste collection and disposal authorities to have a joint strategy for the management of municipal waste and carry out such consultation as they consider appropriate.
- 8.2. As explained in the body of this report the predominate function of waste disposal is carried out by ELWA through ELWA Ltd a long term PFI contract. It is an encompassing integrated waste management contract. This will come to an end in

December 2027 and work is progressing at pace to manage a smooth transition to a replacement service.

- 8.3. Regarding the Environment Act 2021, paragraph 4 above states the position. The picture is that it is increasingly unlikely the mandatory weekly waste food collection regime will be implemented in 2025. There will be significant procurement issues in terms of availability and standardisation of equipment and containerisation.

## **9. Other Implications**

- 9.1. **Risk Management** – Risks around adherence to legislative requirements need to be managed accordingly to ensure compliance at a National and Regional level. This is being managed by engagement with key stakeholders and partners including ELWA, GLA and DEFRA as well as monitoring of changes in policy and legislation.
- 9.2. **Contractual Issues** – The procurement and contract expiry programme related to the current and future waste disposal arrangements with ELWA have a significant impact on waste collection within Barking and Dagenham. This process is being managed by ELWA as the contracting authority in conjunction with the Constituent Councils.
- 9.3. **Corporate Policy and Equality Impact** – A proactive approach to waste strategy is a driving force around the Corporate Plan in supporting the objective of ‘Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods’. Potential service changes around waste collections will be assessed accordingly in relation to impact on residents to ensure applicable requirements are addressed.
- 9.4. **Health Issues** – Effective waste management and a proactive waste strategy contributes to the climate agenda by incorporating requirements around reducing carbon emissions as a result of waste collection and disposal activities where possible. This helps contribute to objectives around air quality and the subsequent impact on resident health.

### **Public Background Papers Used in the Preparation of the Report:**

[Joint Strategy for East London’s Resources and Waste](#)

### **List of appendices:**

- Appendix 1 - Public Realm Communication and Engagement Plan 2023/24