

MAYOR & CABINET

Report Title	'Let's Talk Rubbish' Consultation Results & Waste Regulations Assessment for Proposed Changes to Waste & Recycling Service		
Key Decision	Yes		Item No.
Ward	All		
Contributors	Executive Director Customer Services		
Class	Open	Date: 10 February 2016	

1. Summary

- 1.1. This paper reports back the results of two pieces of work that have been undertaken over the past few months. The first sections looks at the results from the 'Let's Talk Rubbish' consultation and later sections look at potential service scenarios against environmental performance, financial implications and operational deliverability and the likely compliance with The Waste (England and Wales) (Amendment) Regulations 2012. Any potential changes to the waste and recycling services will be to kerbside properties in the first instance, i.e. those typically who use a wheelie bin for their refuse and recycling collections. Services provided to estates will be looked at in later phases.

2. Purpose

- 2.1. The purpose of this report details the findings of the 'Let's Talk Rubbish' consultation and the Necessity and TEEP (Technical, Environmental & Economic Practicability) Assessment, which tests compliance with the Waste Regulations 2012. Recommendations are then proposed as to the potential future development of Lewisham's Waste & Recycling Services for kerbside properties, i.e. those that typically have wheelie bin collections for refuse and recycling.

3. Recommendations

The Mayor is recommended to:

- 3.1 Note the results of the 'Let's Talk Rubbish' consultation and Waste Regulations (TEEP) Assessment;
- 3.2 Introduce a subscription garden waste service from June 2016 at an annual fee of £60 p.a.;
- 3.3 Introduce a weekly food collection service and reduce refuse collections to fortnightly (earliest implementation date of Autumn 2016);
- 3.4 Keep a weekly comingled recycling service whilst options to share services and contracts with neighbouring boroughs are further explored.

4. Policy Context

- 4.1. Engagement activity is a core part of the Council's business. It is a tool through which policy and decision making can better reflect the priorities and aspirations of citizens, and services are better positioned to meet the needs of all users. In light of the recent years of government budget restrictions it is also a device to understand how difficult decisions can be made with the least detrimental impact caused. This culture of providing more, from less resourcing will continue to be a part of what local authorities are required to do going forward.

- 4.2. This is set against the Government having stretching recycling targets: to recycle and compost 50% by 2020. Further, there is an increasing requirement to improve the quality as well as the quantity of recycling, and this is partly being facilitated through the Waste Regulations 2012. From 1st January 2015, this piece of legislation required local authorities to separately collect paper, glass, plastics and metal unless it is not necessary to do so, or it is technically, environmentally or economically impractical to do so.
- 4.3. The findings of the 'Let's Talk Rubbish' consultation and the TEEP Assessment have taken into account the above, and they also contribute towards delivering the council's corporate and sustainable community priorities, especially in respect of 'clean, green and liveable' and 'inspiring efficiency, effectiveness and equity'.

5. Background

- 5.1. Previous reports have detailed the drivers for a potential change in Lewisham's waste & recycling services, but an outline of what these are, are detailed below.
- Improved environmental performance – Lewisham's recycling rate is the lowest in the country and by changing the services that are offered could have a significant impact on reducing waste in the first instance, increasing the amount that is recycled or composted and reducing the carbon footprint of waste and recycling collected and disposed of.
 - Financial – the waste & recycling services have had an efficiency review undertaken against the backdrop of identifying savings moving forward given the current climate of austerity. Further, the Council could face fines from Central Government if contribution to the 50% target is not improved upon.
 - Legislative – the key legislative drivers are ensuring compliance with the Waste Regulations, which include applying the Waste Hierarchy (Regulation 12) and separately collecting paper, glass, metals and plastics (Regulation 13). There is a further requirement that the authority contributes to the London and national recycling targets.
 - Future waste planning – The SELCHP Energy from Waste (EfW) contract ends in early 2024. The contract prices for EfW tend to be much higher than other forms of disposal and with a growing population producing more waste and recycling, it is necessary to explore all options for managing waste and recycling effectively and efficiently.
- 5.2. Resulting from this the Council has modelled a number of potential service scenarios which include looking at organics collections, changing the frequency of collections and either keeping a comingled recycling service or opting to collect some or all materials separately.
- 5.3. To see if these options comply with the Waste Regulations 2012 an Assessment has been carried out using the Route Map approach developed by local authorities and industry experts. The results of which are detailed in Section 8 below.
- 5.4. In addition to this it was important to seek the views of our residents who are the people who would be using the service. The approach and results of the consultation with our residents and stakeholders are detailed in the next section.

6. 'Let's Talk Rubbish' Consultation Approach

- 6.1. Mayor & Cabinet granted permission to go out to consultation in July 2015. The aim of the consultation was to garner residents' views about how Lewisham might change the way in

which waste & recycling services are collected from houses and flats in houses (i.e. all households that typically have collections from a wheelie bin).

- 6.2. Given the possible extent of service changes, the consultation necessitated a considered and well-managed approach.
- 6.3. 'Let's Talk Rubbish' was a programme of public engagement activities that ran for 8 weeks between 21st August and 18th October 2015.
- 6.4. Questions were devised to gain people's views in the following areas:
 - Appetite for recycling more and what their priorities are;
 - Appetite for helping improve the quality of our recycling;
 - Appetite for weekly food waste collections with fortnightly refuse;
 - Appetite for a subscription garden waste service;
 - Views on any special arrangements.
- 6.5. The main method of consultation was by an online survey using uEngage. This online survey was accompanied by a video which clearly set out the issues in an animated format.
- 6.6. Other methods of consultation included:
 - *Citizen's Forum* – A Citizen's Forum full day deliberative event was attended by 50 residents who were diverse and broadly representative of the borough's population profile, as well as having a mix of opinions with regards to recycling. The event took place on a Saturday in September and was organised and facilitated by the consultancy, Ricardo E&E.
 - Focus Groups – Participants were selected by household type, particularly those that could present operational difficulties when delivering the proposed service changes, and potentially where residents may have more resistance to change. Invitations were sent to households with very minimal or no frontage, were accessed by steps or were multiple occupancy flats. Five, two hour sessions took place in 3 different venues located in close proximity of the targeted households and was attended by 22 Lewisham residents.
 - Ward Assemblies – 16 out of the 18 ward assemblies were visited during the consultation period to promote the online survey and the video. Some of the assemblies had a presentation, whilst at others the 'Let's Talk Rubbish' consultation was an information item. The animated video was shown at the majority of the assemblies. Sixteen of the ward assemblies had information on the consultation in their Door to Door leaflets. For those residents who didn't have access to the internet a short poll was available for completion, the results of which are detailed in section 7 below.
 - Presentations & Workshops – a series of presentations were undertaken with various stakeholders. These included presentations to staff members and unions, an all member briefing and ten workshops were undertaken with the refuse and recycling operatives.
- 6.7. The online survey was heavily promoted through a variety of means, the most successful was through Lewisham Life and the Lewisham Life e-zine. To ensure that particular groups were targeted a number of outreach activities were undertaken including library pop in sessions and attending events such as at the Lewisham Disability Coalition and Young Advisors Meeting. Further, over 100 community groups and organisations were also contacted to promote participation in the survey.

7. 'Let's Talk Rubbish' Consultation Results

7.1. The results of the online consultation, the Citizen's Forum and the short polls are detailed below. The full results of the consultation can be found in Appendix 1.

'Let's Talk Rubbish' Online Survey

7.2. The online survey was the most popular online survey the Council has undertaken to date. The survey achieved 5,884 responses, with 3,519 additional comments in the free text box of the survey. The animated video was viewed over 1,500 times.

7.3. It should be remembered that this is a self-selecting survey and responses received are the views of respondents 'top of mind' rather than informed through awareness of the issues.

7.4. Of those that responded to the survey and provided the relevant information:

- *Over three-quarters (78%, 4,424) were of White ethnicity (63% were White British)*
- *Six out of ten (60%, 3,413) were female*
- *Over half (51%, 2,971) were aged between 30-49 years*
- *415 (7%) considered themselves to be disabled*

7.5. The key point here is that the survey isn't representative of Lewisham's demographic as per the 2011 Census, which is 54% White (42% White British). Further the response by people who consider themselves to be disabled is lower than the Census return of 15%. However, the response from white females in the 30-49 age bracket is typical of a self-selecting survey.

7.6. With regards to the property types that the potential service changes will be targeting, typically those who live in a house with a wheelie bin and properties with gardens, the response rate was high.

- The vast majority were Lewisham residents (99%, 5,668)
- Over four-fifths (85%, 4,939) lived in a house, or converted house, with a wheelie bin
- Over four-fifths (83%, 4,835) had a garden

7.7. The main findings from the online survey are below.

7.8. *Priorities* - The two top priorities were making it easier for residents to recycle and reducing our impact on the environment. The bottom priorities were meeting recycling targets to avoid fines, although 94% felt that we should try to recycle more, and saving money.

7.9. *Separate Collection of Paper* - Nearly three quarters agreed that paper should be separately collected for an income, and eight out of ten respondents said that they would be prepared to separate out the paper into a separate box.

7.10. *Food Waste Collections* - Over two thirds agreed with the introduction of a weekly food waste service.

7.11. *Frequency of Collections* - When asked about fortnightly refuse with weekly food waste collections the results were mixed across the board with 46% in agreement and 41% in disagreement.

7.12. *Garden Waste Collections* - Majority agree with introducing a garden waste service (70%), with just over two fifths not agreeing with a charge. Only half answered the question about the level of charge but of those that answered and had a garden, two thirds would pay £80.

7.13. *Exemptions* - Nearly half agree properties should be exempt from additional containers, but over four fifths believe that those properties should still be offered a food waste service and three quarters stated that those properties should share bins.

7.14. Full analyses of the survey results are available upon request (see 'Further Information' section at the end of the report).

Citizen's Forum

7.15. As this was a deliberative event the results are qualitative, and key findings are as follows:

- Discussing the issues resulted in people being more open to changing the service, and increasing and improving recycling was seen as a priority;
- The success of any service change is dependent on residents playing their part effectively – there needs to be clarity on what goes where and there must be minimal 'hassle';
- Different collection frequencies should be explored, as it was felt that this leads to behaviour change resulting in more recycling and less residual waste;
- There was widespread support for a weekly food waste collection service;
- An annual subscription garden waste service with a charge of £80 to £120 would be very unpopular;
- It was felt that there should be no exemptions if there were service changes, the Council should be creative about how to make it work;
- Having had discussions and therefore gaining a better knowledge about service pressures and performance made people more open to changing it.

7.16. A full report of the Citizen's Forum undertaken by Ricardo E&E is available upon request.

Short Polls

7.17. A short poll was featured in the Lewisham Life magazine, the intention of which was to capture the views of people without access to the internet or of those not wishing to complete the longer online survey. A total of 397 responses were received. The same short poll was also distributed at the ward assemblies, whereby a further 129 responses were received. The results of both are detailed below.

7.18. The short poll was returned via Lewisham Life or the Ward Assemblies and in both instances the majority of respondents think that it is very important / important to recycle more and making it easy to recycle and reducing our impact on the environment are the most important factors the Council should consider when making changes to the waste and recycling services.

8. Waste Regulations Assessment

8.1. Regulation 13 of the Waste Regulations states that from 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately. This duty is to ensure that recyclate is of a high quality and that the quantity of recyclate collected is improved. The duty is subject to two tests:

- The Necessity Test: This is to ensure that waste undergoes recovery operations to facilitate or improve recovery, which tests if the material is of a sufficiently high quality. If it is of sufficiently high quality, then it is not necessary to collect the materials separately from each other.
- The Practicability or TEEP Test: Is it Technically, Environmentally or Economically Practicable (TEEP) to collect the materials separately from each other? If one of

these is not the case, then it is not necessary to collect the materials separately from each other.

8.2. The Assessment has been carried out using an accepted 'Route Map' developed by local authorities and other industry representatives, and is considered by The Environment Agency as a best practice approach, to assess compliance with the Waste Regulations. The main findings considering Lewisham's proposed options are outlined below.

- **Technical** - The lack of a Waste Transfer Station makes the separate collection of recyclables and twin stream options technically impracticable currently;
- **Environmental** - Greenhouse Gas modelling does not provide evidence that comingled or twin stream options would lead to substantially better performance than the kerbside sort option;
- **Economic** - The costs for the separate collection option are excessive compared to the current budget, and the savings required moving forward;

8.3. Given the above and Lewisham's current circumstances, namely not having access to a waste transfer station, the comingled recycling is the best option. However, Lewisham will need to ensure that materials are managed and handled in a way that retains and maximises their value.

8.4. Potentially there may be better options for the future but further discussion and negotiation with potential local authority partners and private contractors would be needed to try and secure a facility to make other options feasible. Discussions have already begun with Bromley, Bexley, Greenwich and Southwark.

9. Proposed Future Options

9.1. Ten potential options have been explored through the Efficiencies Review (final report November 2014) and subsequent work. Additional options have evolved following the Efficiency Review, and eight options have been assessed for their improved environmental performance, operational deliverability and financial implications against the current service.

9.2. In looking at the key drivers of cost, improving environmental performance, compliance with legislation as well as the ability to operationally deliver each of the options, it can be seen in the table below that options 2,3,4 & 6 are marked 'Dark Grey' as they are not operationally deliverable at this current time (the Council doesn't have access to a waste transfer station to make separate collections or twin stream recycling viable). In addition, in the case of option 6 the costs are excessive compared to the current cost of the service, and savings required moving forward.

9.3. Option 1 is highlighted 'Mid Grey' as although the Council could deliver the service, and this option costs less, the improvement in environmental performance is not as great as the remaining options highlighted in 'Light Grey', numbers 5, 7 & 8.

9.4. The options that can be delivered within the Council's current circumstances are Options 5, 7 & 8.

- Option 5 delivers financial savings, is operationally deliverable and improves performance, but will be more challenging to deliver;
- Option 7 – whilst the worst case is more costly than current service, this option does improve performance and is operationally deliverable with minimal disruption;

- Option 8 provides a middle ground option, being within the current budget, improves performance and is operational deliverable.

9.5. Option 7 & 8 will allow the Council to develop its waste strategy over time, enabling discussions to be had with neighbouring authorities to determine whether sharing services and contracts are possibilities in the future.

9.6. It is recommended that Option 8 be delivered.

	Financial	Improved Environmental Performance	Operational Deliverability
Current: Refuse Weekly; Recycling Comingled Weekly; Garden On Request	£7.8 - £8.2m	18.69%	Yes
Option 1: Current + Subscription Garden Waste	£7.1 - £7.6m	23.92%	Yes
Option 2: Refuse Fortnightly; Recycling Twin (paper separately) Fortnightly; Food & Subscription Garden Waste Weekly	£6.2 - £7.3m	34.25%	Not currently
Option 3: Refuse Weekly; Recycling Twin (paper separately) Fortnightly; Subscription Garden Waste Fortnightly (No food)	£6.3 - £7.4m	23.92%	Not currently
Option 4: Refuse Fortnightly; Recycling Twin (paper separately) Fortnightly; Food Weekly; Subscription Garden Fortnightly	£6.1 - £7.3m	34.25%	Not currently
Option 5: Refuse Fortnightly; Recycling Comingled Fortnightly; Food Weekly; Subscription Garden Waste Fortnightly	£6.2 - £7.3m	34.25%	Yes
Option 6: Refuse Fortnightly; Recycling Kerbside Sort Weekly; Food & Subscription Garden Weekly	£9.3 - £10.3m	34.25%	Not currently
Option 7: Refuse Weekly; Recycling Comingled Weekly; Food and Garden Waste Weekly	£7.7 – £8.7m	28.9%	Yes
Option 8: Refuse Fortnightly; Recycling Comingled Weekly; Food and Garden Waste Weekly	£7.1 - £8.2m	34.25%	Yes

9.7. Given the extent of the refuse, recycling and food service proposals a change programme will have to be devised and it's likely that implementation won't start until Autumn 2016 at the earliest. A garden waste service could be implemented in the summer.

10. Financial Implications

10.1. As can be seen from the table in section 9 above, the cost of providing the current service is between £7.8m and £8.2m, depending on the recycling market, a volatile market that is difficult to predict.

10.2. The proposed service, shown as option 8 in the table is estimated to cost between £7.1 and £8.2m, applying the same assumption on recycling disposal costs as used in calculating the costs of the current service.

10.3. This gives a potential saving to the Council of up to £0.7m in a full year. It should be noted that the level of saving is also dependent on the take up of the garden waste service.

10.4. Should the take up of the garden waste service be lower than estimated, the costs of providing the service set out in option 8 can still be met from existing budgets. It is only the level of savings that will be reduced.

11. Legal Implications

- 11.1. The revised Waste Framework Directive (2008/98/EC) (“The Directive”) requires EU member states to set up separate waste collection where necessary and practicable. Where waste paper, metal, plastic or glass has been collected separately all reasonable steps must be taken to keep that stream separate from other waste streams wherever this is necessary to provide high quality recyclables.
- 11.2. Article 4 of The Directive sets out five steps for dealing with waste, ranked according to environmental impact – the ‘waste hierarchy’. The ‘waste hierarchy’ has been transposed into UK law through The Waste (England and Wales) Regulations 2011 (as amended by the Waste (England and Wales) (Amendment) Regulations 2012). Consequently, from 1st January 2015, waste collection authorities, (LB Lewisham as a Local Authority is defined as a “waste collection authority”,) must collect waste paper, metal, plastic and glass separately. It also imposes a duty on waste collection authorities, from 1st January 2015, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.
- 11.3. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 11.5. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 11.6. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 11.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

11.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

12. Equalities Implications

12.1. An Equalities Analysis Assessment has been conducted relating to the potential changes to the waste & recycling services.

12.2. The protected characteristics that are most affected by the potential service changes are 'Age', 'Disability', 'Ethnicity' and 'Pregnancy & Maternity'.

12.3. In analysing the data, research and equalities monitoring from the Let's Talk Rubbish survey, and having due regard to Equality Duty, the following action plan has been developed:

Possible Issues	Protected Characteristic Affected	Assessment of Potential Impact (+/-): High, Medium, Low, Neutral	Actions to be Taken	Expected Outcome
Physical ability to handle additional containers.	Age Disability	Medium (-)	Promote the Assisted Collections service so that those in need can access the service.	Assisted Collection service will be used by those in need.
Mental ability to understand a new collection system, especially if additional containers or frequency of collection changes.	Age Disability	Medium (-)	Ensure communications are in plain English and use alternative formats such as showing information pictorially and producing collection calendars so households can identify their collection dates. Engage with amenity groups and target organisations who can assist people in understanding the services. Consideration will be taken to make the service as easy to use by residents as is possible.	The service will be understood and utilised by those that may have difficulties in understanding a more complex system.
Impact of additional containers obstructing the pavement	Age Disability Pregnancy & Maternity	Medium (-)	The size and visibility of bins will be given consideration when designing new services. Education as to the appropriate storage of bins will be given to householders. Consideration will be given to certain property types as	Containers will be placed out and stored in the correct way.

Possible Issues	Protected Characteristic Affected	Assessment of Potential Impact (+/-): High, Medium, Low, Neutral	Actions to be Taken	Expected Outcome
			to whether they will receive certain services and in what type of containers.	
Volume of wastes for certain households if collection frequencies lessened e.g. nappies, bins becoming too heavy	Pregnancy & Maternity Age Disability	Low (-)	Consideration will be given to additional bins for householders who may produce additional waste due to circumstance. Promote the Assisted Collections service so that those in need can access the service.	Assisted Collection service will be used by those in need and temporary assisted collections may be provided if the need is justified.
Ability to understand information about services and how to access or utilise them	Age Disability Ethnicity	Medium (-)	Ensure communications are in plain English and use alternative formats such as showing information pictorially. Engage with amenity groups and target organisations who can communicate service changes with their communities.	Any changes to the service will be understood and will ensure high levels of participation.
Whilst bins for garden waste are seen as a positive for ease of use, the cost of garden waste service could be seen as too expensive	Age Disability	Low (-)	Benchmarking with other authorities will be undertaken and consideration for reducing the annual fee from that which was set out in the consultation will be given.	Engagement in the use of the garden waste service.

13. Environmental Implications

13.1. Environmental considerations have been taken into account in the main body of this report.

14. Crime & Disorder Implications

14.1. There are no direct crime and disorder implications.

15. Conclusion

15.1. Waste management is a large service area that affects all Lewisham residents and as such a programme of consultation has been undertaken.

15.2. The aim of the consultation was to find out people's views about how the Council might change the way we collect waste and recycling from houses and flats in Lewisham (those that typically have collections from a wheelie bin).

15.3. Residents felt that it should be made easy for them to recycle, whilst we should also be reducing our impact on the environment. Respondents seemed supportive of separately collecting paper, should the need be required. Whilst respondents were supportive of weekly

food waste collections there was mixed support as to whether there should be fortnightly refuse collections alongside weekly food. Finally, whilst the majority of respondents felt that a garden waste service should be introduced there was negative feeling towards it being a charged for service.

- 15.4. With regard to compliance with legislation, namely the Waste Regulations 2012 and the requirement to separately collect materials unless it is not necessary or technical, environmentally or economically impractical to separate collect, operating a comingled recycling service would be the preferred option. The reason for this is the Council's current circumstances in not having access to a waste transfer station. However, the Council will need to ensure that materials are managed and handled in a way that retained and maximised their value.
- 15.5. To further improve the Council's environmental performance a weekly food waste service and subscription garden waste service could also be implemented. Refuse collections would become fortnightly to help shift people's behaviours towards the food waste service. Recycling collections would remain comingled and weekly.
- 15.6. Given the legislative and economic pressures that are facing the Council, and a desire to improve its environmental performance, waste and recycling services have been reviewed to be more efficient and effective, at the same time as identifying savings moving forward. A recommended approach for delivering against these pressures and drivers is set out in Section 3.

16. Background Papers and Further Information

16.1. Background papers include:

- a) Consultation on Potential Waste & Recycling Service Collections, Mayor & Cabinet Report, July 2015
- b) Let's Talk Rubbish Focus Group Report, October 2015
- c) Lewisham Citizen Forum Project Report, Ricardo E&E, October 2015
- d) Waste Regulations (TEEP) Assessment of Kerbside Collection Options, Anthesis, November 2015
- e) Equalities Analysis Assessment, November 2015

16.2. For further information relating to the report, please contact Sam Kirk, Strategic Waste & Environment Manager on 020 8314 2076 or email sam.kirk@lewisham.gov.uk.

Appendix 1

Let's Talk Rubbish Consultation Results