

Cheshire East Council

REPORT TO: New Delivery Vehicles and Environment Overview and Scrutiny Committee

Date of Meeting:	January 8 th 2015
Report of:	Andrew Dunstone, Contract and QA Manager (acting) – Waste and Environmental Services
Subject/Title:	Assessment of Waste Collection compliance with new legislation (TEEP)
Portfolio Holder:	Cllr David Topping

1.0 Report Summary

- 1.1 Under the revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, Regulation 13 requires the **separate collection** of recyclable glass, metal, paper and plastic from householders from Jan 2015.
- 1.2 As a Council that collects dry recyclables in one 'silver bin' (not separate) we will need to demonstrate that it would be unnecessary and uneconomic to switch to a separate collection and that the quality of the processed recycling streams being produced through our contract with UPM is of the same standard as if it had been kerbside sorted.
- 1.3 The report in appendix 1 demonstrates that there is no 'necessity' to collect the four materials separately and that it is not 'technically, environmentally and economically practicable' (TEEP) to do so.

2.0 Recommendations

- 2.1 To review the 'Note for Cheshire East Council: TEEP assessment' prior to it being received and accepted at Cabinet in March 2015.

3.0 Reasons for Recommendations

- 3.1 This report provides essential evidence that Cheshire East Council followed industry best practice to demonstrate that its kerbside collection of recycled materials is compliant.
- 3.2 The Council would be open to legal challenge if this report is not accepted since this is the evidence of compliance.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All members

6.0 Policy Implications

- 6.1 This report is in line with the recently agreed Waste Strategy to 2030 which has as one of its aims to: “Provide all households with a simple, easy to use, kerbside recycling collection service”. This point was agreed by over 90% of residents who responded to the consultation.
- 6.2 If the report is not accepted the Council is open to legal challenge and having to change its kerbside collection methodology.

7.0 Financial Implications

- 7.1 This report gives evidence that the Council is compliant and therefore will not have to change its current collection methodology. If it were not compliant then the financial implications would be extensive since the collection of kerbside waste in a single silver bin would have to be changed to accommodate four different waste streams

8.0 Legal Implications

- 8.1 The Waste (England and Wales) Regulations 2011 (*SI 2011/988*) (Waste Regulations 2011) (herein referred to as the Regulations) have been challenged on the basis that they did not properly transpose into domestic law the European Waste Framework Directive, in that they did not require for the separate collection of recyclates. The Regulations have been amended and with effect from the 1st of January 2015 organisations are required to collect paper, metal, glass and plastic separately. However the Regulations do allow Authorities an element of discretion to co mingle those wastes where it is not technically, environmentally or economically practicable (TEEP) to have separate collections.
- 8.2 The Council has commissioned waste consultants to produce a ‘TEEP Assessment’ which has concluded that;
- ‘It should be clear that the current system has been chosen because it is seen as more technically practicable, environmental and economic than collecting the four materials separately.’
- 8.3 The Environment Agency has the ability under regulation 38 and 39 of the Regulations to issue a compliance notice requiring an operator or authority collecting any of the four waste streams to take specified steps within a period to ensure that a contravention does not continue or recur or a stop notice prohibiting any further activity until steps specified in the notice are complied with.

9.0 Risk Management

- 9.1 Whilst the report demonstrates the Council’s compliance, there is awareness within the waste industry that certain organisations who are insistent on waste being sorted at the kerbside (not co-mingled in a silver bin) may take legal action against authorities who do not do this. The report in appendix 1 is a robust demonstration of our compliance and should minimise the risk of legal challenge.

10.0 Background and Options

- 10.1 Under the revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, Regulation 13 requires the **separate collection** of recyclable glass, metal, paper and plastic from householders from January 2015 where 'necessary' and 'practicable'. Cheshire East Council does not do this.
- 10.2 The effect of the regulations is that where an authority collects paper, metal, plastic or glass, they must ensure that such collection is, or those arrangements are, by way of separate collection. These requirements apply where separate collection is both:
- Necessary, in effect, to provide high quality recyclates, and
 - Technically, environmentally and economically practicable (TEEP).
- 10.3 To ensure that the Council meets its statutory requirements, since it does not collect the 4 materials separately, it needs to
- Assess the extent to which separate collection is necessary and practicable within the terms of the regulations
 - Document the decisions and retain a record of the evidence underpinning them.
- 10.4 Guidance concerning the necessity and TEEP testing was not provided by the Environment Agency or Defra and so a waste industry led group developed a 'Waste Regulations Route Map' which was considered by the EA to be an excellent document. This 'route map' was used by WYG, the consultants who were commissioned to prepare the report.
- 10.5 The report in appendix 1 demonstrates that there is no 'necessity' to collect the four materials separately and that it is not 'technically, environmentally and economically practicable' to do so.

11.0 Access to Information

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