



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
8 February 2024

Key Decision [Yes/No]

Ward(s) Affected:

Title Simpler Recycling and Food Waste Collection

Report by the Director of Resources & Sustainability

Officer Contact Details

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Executive Summary

The Government published its Resource and Waste Strategy in 2018. Subsequently, the Environment Bill was published and following consultation resulted in the Environment Act being enshrined in law in 2021. The Act is a vehicle for the implementation of key policies set out in the strategy as well as the legal framework for significant reforms to local authority waste and recycling services. It also creates new statutory duties for local authorities on nature recovery.

As part of the strategy the government outlined plans to implement:

- Consistent recycling for households and businesses, with the intention of boosting recycling rates
- A Deposit Return Scheme (DRS) for plastic and metal drinks containers to drive high recycling rates, to incentivise citizens to recycle and to bring positive behaviours into public consciousness.
- Packaging Extended Producer Responsibility (EPR) to move the cost of dealing with household packaging waste from taxpayers and councils to the packaging producers.

In part due to the covid pandemic and its impact on businesses and waste, the adoption of the Environment Act was delayed, as was the roll out of consistency in recycling, DRS and EPR. All three initiatives were subject to further consultations in 2022 and 2023, with the latest proposals announced in the autumn of 2023. The latest position in terms of EPR and DRS are summarised in the table below.

The remainder of this report focuses on the government's *simpler recycling scheme*, which is an evolution of *consistency in collections*. The scheme will have significant implications for our residential and commercial waste and recycling services.

Table 1 - Summary of Extended Producer Responsibility and Deposit Return Scheme

Scheme	Summary implications	Time-scale
Extended Producer Responsibility	<p>Full details of the scheme are yet to be confirmed but local authorities will receive payments based on the 'efficient' and 'effective' collection of packaging from households, litter bins and on-street recycling bins. The scheme does not apply to packaging that has been littered. Local Authorities will be required to provide data so that the efficiency and effectiveness of their services can be assessed and payments made. Payments will be made according to performance. If Local Authorities are underperforming they will be placed on an improvement plan but it is unlikely that any deductions will be made initially. The scale of payments is unknown and will need to be off-set against any cost increases associated with the requirements associated with Simpler Recycling.</p>	Phased introduction in 2024, with first payments made in 2025.
Deposit Return Scheme	<p>In scope containers for England have been confirmed as Polyethylene terephthalate (PET) drinks bottles from 50 ml to 3 litre containers, steel cans and aluminium cans.</p> <p>Consumers will pay a deposit on every in scope container purchased. Retailers selling in scope containers in store will be required to host a return point, where consumers can return the empty container and receive their deposit refund.</p>	Commencement date of 1st October 2025.

	<p>The collection targets will be introduced in a phased manner. In year one, at least 70% of in-scope containers that producers place on the market must be collected. In year two, this will increase to 80%, and then 90% from year three onwards.</p> <p>It is likely that the DRS scheme will have a significant impact on the material collected from households in Adur and Worthing through the current household collection service. If it is highly effective we will collect a much smaller volume of plastic bottles and drinks cans.</p>	
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1. Purpose

- 1.1. The National Waste Strategy adopted in 2018 set ambitious targets for recycling and waste minimisation. The Environment Act forms one of the vehicles for the delivery of the strategy, and after numerous consultations and delays, the Government published its proposals in relation to 'simpler recycling' in October 2023.
- 1.2. The simpler recycling scheme has significant operational and financial implications for our residential waste and recycling services as well as for commercial services. These are set out in the report.
- 1.3. The report highlights key risks including:
 - 1.3.1. Simpler recycling places additional burdens on the Councils, the most significant one being the requirement to provide food waste collections from all residential properties by 1 March 2026. The Government has made a commitment to new burdens funding, and ongoing funding through extended producer responsibility (a levy raised on the manufacturing industry). On 9 January the Government announced the capital funding awarded to councils and we are awaiting information on revenue funding. Given the financial position of the Councils, we will only be able to introduce the new services, and comply with the new statutory requirements, if they are fully funded in terms of both revenue and capital.

- 1.3.2.** The time-lines for the implementation of the changes (1 March 2025 for commercial services and 1 March 2026 for residential services) are extremely tight, taking into account the remaining uncertainty around funding and procurement timelines, particularly for new vehicles.
- 1.4. The purpose of the report is to make members aware of the requirements of the simpler recycling scheme and the remaining uncertainties, implications and risks associated with meeting these requirements.

2. Recommendations

- 2.1. That the Committee note the requirements set out under the simpler recycling scheme
- 2.2. That the Committee notes the significant additional obligations both financially and operationally and the risks to the Councils associated with non-compliance.
- 2.3. That, informed by the new statutory requirements and the aspirations set out in Our Plan and the priorities of the individual Councils, the Committee approves the development of a Waste and Resources strategy for Adur and Worthing.

3. Simpler Recycling

- 3.1 DEFRA state that the aim of simpler recycling is to make recycling easier, creating consistency in the materials that are collected across the country. These materials are paper and card, plastic, glass, metal, food waste and garden waste. Non household premises (eg schools, hospitals and most businesses) must make arrangements to have the same recyclable waste streams (with the exception of garden waste) collected for recycling or composting.
- 3.2 Following consultation two significant changes to the original proposals include:
- 3.2.1 The requirement for local authorities to collect recyclable materials in separate containers has been dropped. The proposal was seen as a backward step by many councils, requiring households to have more containers than absolutely necessary, making it more complicated and less efficient with only a marginal impact on recycling quality;
- 3.2.2 The requirement to provide free garden waste collections has been dropped. The concern from many councils regarding this proposal

was that it would provide an additional free service to those properties with gardens, which would effectively be subsidised by all households, including those with no garden. It would also discourage home composting. Under simpler recycling garden waste does have to be collected but a charge can be made for the service, which we already do.

3.3 The main implications of simpler recycling are set out below.

3.4 Collections of dry recyclable materials (except plastic film)

3.5 The requirement to collect paper, card, cans, glass, and plastic containers comes into force for:

3.5.1 Households by the 31 March 2026, which is the end of the financial year in which EPR for packaging commences

3.5.2 Businesses and relevant non-domestic premises: by 31 March 2025

3.5.3 Micro-firms: by 31 March 2027

3.6 We already provide a comprehensive recycling service for these materials from households so there are no financial or operational implications regarding this and as there is no change. It will not affect our recycling rate.

3.7 We offer a recycling service which mirrors our domestic recycling service to our commercial waste customers. Currently we have 1,821 active commercial customers ranging from micro businesses, to SMEs to large organisations including schools and the hospital. To date 473 businesses have taken up recycling services (26% of our customers) and we have 44 food waste customers. We are actively encouraging customers to take up recycling services, to reduce their environmental impact and their disposal costs, and the statutory requirement will be an additional driver.

3.8 In order to ensure that all our existing and future customers are compliant we will need further investment in our collections, in terms of revenue and capital costs (vehicles and containers). Any additional costs will need to be recovered through reduced disposal costs and income generation.

3.9 Operational implications for businesses include having the space for multiple containers (particularly challenging for some businesses in our town centres) as well as engaging and training staff.

3.10 Collections of plastic film

3.11 Households, businesses, non-domestic premises and micro-firms will need to recycle plastic film by 31 March 2027. Plastic film is not widely collected by local authorities at present (and not collected at all in West Sussex) as markets for this material are less well established, and the County Council, as the Waste Disposal Authority, does not provide a route for it to be separated and recycled.

3.12 The Councils will work with WSCC on a route to implement the collection of this new material. Plastic film can be bulky, but weighs very little, so it will not have a significant impact on our recycling rate.

3.13 Collections of garden waste

3.14 Under simpler recycling councils have to provide residents the option of a garden waste collection service, for which they can make a charge. The service has to be in place by 31 March 2026.

3.15 Adur and Worthing Councils already provide a weekly, subscription, garden waste service which is very popular with residents. Currently 19,889 active subscribers are signed up across Adur and Worthing, an increase of 3.55% based on the same period last year. We also provide a service where residents can purchase garden waste sacks if they are less frequent producers of garden waste. From April 2023 to date we have sold 115,800 sacks to retailers. From April 2022 to March 2023 we sold 159,050.

3.16 Garden waste arisings vary significantly year on year, depending on the growing season. In recent years warm wet weather has extended the growing season, while very dry summers significantly reduce the amount of garden waste generated. The requirement under simpler recycling will not have any implications on our operating model or recycling rate as we are already compliant.

3.17 Collections of food waste and implications for residual waste collections

3.18 Collection of food waste is the most significant change under the simpler recycling scheme. It requires a kerbside food waste collection from all households by 31 March 2026. The requirement applies to businesses and other non domestic premises from 31 March 2025 and micro businesses by 31 March 2027.

3.19 In anticipation of the requirements, the Councils commissioned a WRAP funded study into options for food waste collection. This work was carried out by Eunomia Consulting and completed in October 2022. At this point, there was still a potential requirement to collect recycling materials separately (rather than in one co-mingled bin as we currently do) and provide a free garden waste collection and six different collection options were modelled. The option of moving to a fortnightly garden waste collection was included in the six options, but this did not show any significant benefit in terms of recycling rate or efficiency, so this was not pursued further.

3.20 Appendix 1 shows a summary of the six options modelled.

3.21 The removal of the requirement to separate dry recycling and provide a free garden waste collection reduces the number of options to be considered down to two which are summarised in the table below.

3.22 Both Option 1 and Option 2 show the continued fortnightly co-mingled recycling collection and weekly, optional, garden waste collection. In both options, food waste is collected weekly with a kitchen caddy and an external food waste bin.

Material	Baseline	Option 1	Option 2
Dry Recycling	Fortnightly Co-mingled/ Standard RCV		
Food	None	Weekly Dedicated 7t vehicle	
Garden Waste	Weekly, charged, 240l bin Standard RCV		
Residual Waste	Fortnightly, 140l bin Standard RCV		Three weekly, 180l bin Standard RCV
Projected Recycling Rate*	43%	52%	54%
Cost**		£1.38 million	£1.11 million

*Note:

**The Projected recycling rate and costs are those projected by Eunomia at the time. These figures are indicative, based on Eunomia's database of performance of schemes elsewhere in the country.*

***The costs are based on Eunomia's modelling. Actual costs will be significantly higher as costs have increased since the report was commissioned, and officers will carry out more detailed financial modelling.*

3.23 The difference between Options 1 and 2 is the frequency of residual waste collection. Option 1 assumes continued fortnightly residual waste collection, while Option 2 adopts the 1,2,3 Model with food waste collected weekly, recycling fortnightly and residual waste every three weeks. The rationale for a three weekly residual waste collection is that with a comprehensive recycling service and a weekly food waste service, residual waste, including organic waste, will be minimised. The model would encourage households to participate fully in the recycling and food waste service, and would result in the highest recycling rate and subsequently lower residual waste rates.

3.24 The 1,2,3 Model has been rolled out successfully across many councils including Stratford-on-Avon, Mid Devon, East Devon, Somerset, Warwick District Council to name a few. It has also been trialled by Mid-Sussex and Arun District Councils, with both councils reporting positive results.

3.25 The current details of simpler recycling rule out the 1,2,3 model, with DEFRA stating:

Furthermore, the government is committed to delivering comprehensive, frequent rubbish and recycling collections. Through statutory guidance, we propose requiring local authorities to collect residual (non-recyclable) waste at least fortnightly, if not more frequently, to protect local amenity and prevent unintended consequences of cutting residual waste collection frequency. The government actively encourages councils to collect residual waste more frequently than fortnightly – this minimum standard provides a backstop, not a recommendation. The combination of the backstop on residual collections, alongside the new weekly food waste collections, will ensure frequent collections of malodorous waste, and will stop the trend towards 3 or 4 weekly bin collections.

3.26 This proposal has been subject to further consultation (in the autumn of 2023) with further details expected to be published soon, to include statutory guidance. In line with many councils Adur District Council and Worthing Borough Councils have responded to this point in the consultation, expressing the view that local authorities

are best placed to assess what model of service delivery best meets the requirements for their communities, rather than this being determined nationally.

3.27 While the Government position on the frequency of residual collections is being clarified officers are carrying out detailed modelling of both options, in terms of cost and performance. In the event that the Government allows councils to make their own decisions regarding the frequency of residual waste collection a report will be brought back to Committee to enable it to make an informed decision about any future service based on this data. In the absence of a change in the Government position, any food waste service will be introduced alongside the current residual waste and recycling collection regime. The indicative resource and funding requirements set out in this report assume food waste being added to the current alternate weekly collection service, rather than moving to a 1,2,3 model. The cost associated with the 1,2,3 model will be lower than those for alternate weekly collection of refuse and recycling with weekly food waste.

4. Resourcing Implications

4.1 We are now awaiting statutory guidance on the duties arising from the Environment Act 2021 which will inform what councils will be required to do to comply with the law. There is no clear time-scale for the publication of this guidance, the Government stating it will be published 'in due course'.

4.2 In its response to the consultation, the government confirmed its commitment to funding the reasonable net additional costs arising from the new statutory duties. Furthermore, the Government has stated that the new duties will be funded through

4.2.1 reasonable new burdens funding to local authorities to provide weekly food waste collection from households. Funding will include capital costs (such as vehicles and containers), as well as resource costs (such as vehicle re-routing, communications and project management) and ongoing service costs (such as collection and disposal costs).

4.2.2 EPR for packaging payments will be provided to local authorities, with packaging producers responsible for the costs of collecting and managing packaging waste through efficient and effective services. This includes the collection of additional packaging materials for recycling, such as plastic films and flexibles. Initial estimates are that local authorities in England will collectively receive payments in the region of £900 million per annum for managing household packaging

waste. Payments modelling is currently under way to refine this estimate in readiness for the implementation of EPR for packaging.

4.2.3 *It remains the case that under section 45(3) of the Environmental Protection Act 1990, and the Controlled Waste (England and Wales) Regulations 2012, waste collection authorities may, as they can now, recover a reasonable charge for the collection of garden waste.*

4.3 It clarifies that funding will be based on modelled estimates of costs and savings and includes capital costs which will fund new vehicles and containers as well as additional transitional costs. It goes on to say that there should be no expectation that the government will meet all additional expenditure by local authorities regardless of value for money.

4.4 On 9 January 2024 the councils received a letter from DEFRA confirming the capital funding to be made available for food waste collections. The allocations for the two councils are as follows:

Council	Kitchen caddies	Kerbside caddies	Vehicles
Adur District Council	£60,900	£140,070	£306,900
Worthing Borough Council	£110,397	£253,913	£511,500
Total	£171,297	£393,983	£818,400
Grand total capital	£1,383,680		

4.5 Early analysis of the figures indicates that the capital funding falls significantly short to cover the full costs of the kitchen and kerbside caddies or of new vehicles. We anticipate the shortfall to be between £736,000 and £896,000. We have written to DEFRA advising them of the anticipated shortfall and stated that we can not see a way of implementing the new requirements without our costs being covered. Details of revenue funding were not available at the time of writing.

4.6 The current information available leaves significant uncertainty regarding how much of the revenue and capital costs associated with compliance with the simpler recycling scheme will be met by additional funding. The capital funding for new

vehicles will not include the higher costs associated with electric vehicles compared to diesel vehicles, or any costs associated with changes to depot requirements to accommodate a larger fleet. These, and other risks are summarised in the section below.

5 Project Implementation Risks & Mitigations

5.1 The requirements under simpler recycling are low risk, in terms of the technology, systems and processes. Food waste collections are not new, and the feasibility study that we commissioned draws on the experience of other councils who already provide this service (approximately half of the councils in the UK).

5.2 As detailed in this report, there are significant risks linked to the cost of providing new services, the investment required in vehicles and infrastructure and the time-scales for implementation. The risks are summarised in the table below. The work and associated risks are being reviewed and managed through:

- 5.2.1 The establishment of a project team working closely with colleagues in finance, sustainability and legal
- 5.2.2 Working with neighbouring authorities and WSCC
- 5.2.3 Networking with organisations including LARAC and WRAP

5.3 A further report will be brought to this committee in the next few months setting out a potential implementation plan having due regard for the resourcing requirements.

Risk	Impact	RAG	Mitigation
Capital and revenue funding - new sources of funding do not cover the full capital and revenue cost to the councils	The councils are not able to deliver new additional services without the full cost being covered. Risk of enforcement action by the Office of Environmental Protection as a result of failing to comply with environmental law.	H	Decisions on implementation and commencing procurement processes are on hold until there is certainty regarding the financial sustainability of new services.
Availability of suitable EV vehicles for food waste collections.	We may need to use diesel vehicle for the service which will result in us not meeting our 2030	H	Research being carried out into options. Will be considered as part of Fleet Strategy which will be brought to committee later in the year.
Procurement time-scales for collection vehicles - currently time scales for procuring new fleet are 9-12 months. With many councils seeking to purchase new	Delay to the launch of new services	H	Reviewing procurement options, including joint procurement with neighbouring authorities.

specialist food waste vehicles at the same time, lead times are likely to be even longer and demand may drive up costs.			
Failure to meet 2030 net zero target if diesel food waste vehicles are purchased (which will depend on cost and availability of alternative vehicles)	Failure of the councils to meet their 2030 net zero targets (the fleet is responsible for xx% of scope 1 carbon emissions)	H	Research being carried out into options. Will be considered as part of Fleet Strategy which will be brought to committee later in the year.
Failure to implement food waste collection services/ failure to implement food waste collection by the March 2026 deadline.	Reputational impact - councils not delivering statutory service. Failure to meet statutory requirements	H	Planning for service implementation underway whilst resource situation is explored.
WSSC waste transfer infrastructure - the county council need to provide a facility where the councils tip food waste collected. The current waste transfer facility on the Lancing business Park (where residual waste and recycling is tipped) is at capacity and would probably not be able to accommodate this additional waste stream	If a local tipping facility is not provided our crews have to travel further, reducing the amount of time they are collecting waste, and if using EVs, reducing the range available for collection work. This will have both operational and financial impacts for the council.	M	On-going engagement with WSSC as the waste disposal authority to identify a suitable solution.
Commerce Way/ Meadow Road depots unable to accommodate requirements associated with new service in the absence of investment. Commerce Way depot is an ageing site and is close to capacity in terms of space. Meadow Road Depot is also limited on space and infrastructure.	Unable to operate new service effectively.	M	The operational requirements of the service are being assessed and considered in relation to depot requirements.
Unable to offer all commercial customers recycling and food waste collections by March 2026 resulting in them not complying with their legal requirements and seeking alternative contractors.	Loss of commercial income	M	Existing customers being offered recycling and food waste collection services, with a business case for further investment being drawn up.
Delays in obtaining caddies	Implementation delayed	M	Start the procurement process as early as possible once the new burdens funding has been announced. Look into opportunities for joint procurement with other West Sussex authorities.

6. Development of a Waste Management Strategy for Adur and Worthing

- 6.1 The councils have been awaiting clarity regarding the implementation of the National Resources and Waste Strategy since it was published in 2018. In the intervening period the councils have responded to numerous consultations on specific elements of the strategy including extended producer responsibility, the deposit return scheme and consistency in recycling (now simpler recycling).
- 6.2 Statutory (and any non-statutory) guidance to implement the requirements of the Environment Act, as well as the detail around simpler recycling, are expected in the next few months, the Councils can develop their own Waste Strategy.
- 6.3 This report seeks committee approval to develop a strategy that sets out a road map for our own waste, recycling and cleansing service, as well as our work with partners and stakeholders in relation to the circular economy. The strategy will be informed by the new statutory requirements, our environment missions set out in Our Plan and the priorities for the individual councils. The strategy will be subject to meaningful consultation and engagement with communities and stakeholders and will support the delivery of the neighbourhood model.

3. Financial Implications

- 3.1 There are no financial implications for members to consider at this stage. Financial data will be provided in a future report once the revenue funding allocations have been announced and any response from DEFRA is received regarding the shortfall in capital allocations.

Finance Officer: Marie Maskell

Date: 30th January 2024.

4. Legal Implications

- 4.1 The Environment Act 2021 has far reaching implications to the ways in which waste is dealt with as set out in this report. It introduces new powers and amends existing legislation including the Environment Act 1995 and the Environmental Protection Act 1990 to ensure that the new commitments in the Resources and Waste Strategy are delivered.

- 4.2 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 4.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 4.4 Section 1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority

Legal Officer: Andrew Mathias.....

Date: ...18 January 2024.....

Appendix 1: Diagram showing the collection options considered in the feasibility study completed by Eunomia Consulting in October 2022

	Baseline	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Dry Recycling	Fortnightly Comingled, 240L Bin Standard RCV			Fortnightly, Two Stream, 240L bin and box Split Body RCV	Fortnightly, Two Stream, 240L bin and 140L bin (fibres) Split Body RCV	Weekly, Multi Stream, Boxes RRV	Fortnightly Comingled, 240L Bin Standard RCV
Food Waste	None	Weekly, Kitchen and External Caddy + Liners Separate Pass on 7T Vehicle				Weekly, Kitchen and External Caddy + Liners Co-Collected on RRV	Weekly, Kitchen and External Caddy + Liners Separate Pass on 7T Vehicle
Garden Waste	Weekly, Charged 240L Bin Standard RCV						Fortnightly, Charged 240L Bin Standard RCV
Residual Waste	Fortnightly 140L Bin Standard RCV	Fortnightly 140L Bin Standard RCV	Three weekly 180L Bin Standard RCV	Fortnightly 140L Bin Standard RCV	Three weekly 180L Bin Standard RCV	Fortnightly 140L Bin Standard RCV	Fortnightly 140L Bin Standard RCV
	Baseline	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6

Sustainability & Risk Assessment

- The risks associated with this report are set out in section 5.3 of this report.

1. Economic

- The requirement for businesses to enhance their recycling services can help them reduce their costs and improve their reputation. For some businesses it may present some practical challenges, eg in relation to the number of bins they require and storage space.

2. Social

2.1 Social Value

- These specific proposals have a limited impact on social value. The proposed Waste Strategy will have a focus on social value and partnership working to deliver our ambitions in relation to sustainable waste management.

2.2 Equality Issues

- New services will be subject to an Equalities Impact Assessment. Our waste collection services need to be accessible to all residents which will be a key consideration in the EIA. Assisted collections will apply to food waste collections, in the same way that they already apply to refuse and recycling collections.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- The requirements of simpler recycling are designed to increase recycling rates. Placing additional vehicles on the road for food waste collections will have a carbon impact, the scale of which will depend on whether diesel or EV vehicles are used. This will be considered as part of the implementation. The councils will continue to promote waste reduction as the most sustainable option at the top of the waste hierarchy.

4. Governance

- Increasing recycling rates through the proposals in simpler recycling aligns to our corporate priorities set out in Our Plan, and to the political priorities of Adur District Council and Worthing Borough Council. As part of the implementation we will need to continue to focus on the waste hierarchy prioritising waste minimisation and reuse over recycling.

- As detailed in the body of the report there are risks relating to time-scales for implementation and resourcing which are being managed prior to any final decisions being made.