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Portsmouth CITY COUNCIL

NOTICE OF MEETING

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING

WEDNESDAY, 28 JANUARY 2015 AT 4PM

CONFERENCE ROOM A, SECOND FLOOR, THE CIVIC OFFICES

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CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING
Councillor Robert New (Conservative)

Group Spokespersons

Councillor Sandra Stockdale, Liberal Democrat
Councillor John Ferrett, Labour
Councillor Steve Hastings, UK Independence Party

(NB This agenda should be retained for future reference with the minutes of this meeting).

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

A G E N D A

1 Apologies for Absence

2 Declaration of Members' Interests

3 Government consultation - prevent duty guidance (Pages 1 - 8)

Purpose.
To update the Cabinet Member for Environment & Community Safety on the guidance and to approve the response.

RECOMMENDED that the Cabinet Member for Environment & Community Safety on the guidance to approve the recommended responses in section 6.

4 Domestic abuse review - distance travelled. (Pages 9 - 16)

Purpose.
To update the Cabinet Member for Environment & Community Safety on the progress made monitoring the implementation of the recommendations of the domestic abuse scrutiny report and ongoing demand on resources.

RECOMMENDED that the Cabinet Member for Environment & Community Safety note the progress made.

5 Waste regulations - assessment of compliance. (Pages 17 - 100)

Purpose.
The EU Waste Framework Directive, transposed in the UK as The Waste (England and Wales) Regulations 2011, states requirements for waste collections of paper, metal, plastic and glass to be by way of separate collection from 1st January 2015.

The legislative requirement of separate collection should be implemented where it is necessary to improve quality and quantity of recycling, and where it is technically, environmentally and economically practicable (TEEP).

A 'route map' guide to demonstrating compliance with the regulations has been produced and is recommended by the Environment Agency (EA) for local authorities to follow.

The purpose of this report is to advise on the completion of PCC's route map assessment and its outcome.

RECOMMENDED that the Cabinet Member for Environment and Community Safety:

1. **Note the legislative requirements of the Waste Regulations (section 3 of the report).**
2. **Approve the assessment document as sufficient evidence of compliance with the Waste Regulations (section 3.1.1 of the report).**
3. **Agree the outcome of the assessment that the council does not need to provide separate collections for paper, metal, plastic and glass from January 2015 (section 3.1.12 of the report).**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

Portsmouth CITY COUNCIL

Agenda item:

Meeting:	Cabinet Member for Environment and Community Safety Decision Meeting
Subject:	Government consultation - Prevent duty guidance
Date of meeting:	28th January 2015
Report by:	Head of Health, Safety and Licensing
Wards affected:	All
Key decision:	No
Budget & policy framework decision:	No

1 Summary

The Counter-Terrorism and Security Bill, which is currently before Parliament, seeks to place a duty on specified authorities to "have due regard, in the exercise of its functions, to the need to prevent people from being drawn into terrorism". Draft guidance has been published for consultation where responses will be received up until noon on Friday 30th January 2015. The full document can be found at www.gov.uk/government/consultations/prevent-duty

2 Purpose of report

To update the Cabinet Member for Environment and Community Safety on the guidance and to approve the response.

3 Recommendations

3.1 To agree the recommended responses in section 6

4. Reasons for recommendations

4.1 While there are 25 questions embedded throughout the guidance, these provide a summary of the relevant responses for Portsmouth and for appropriate agencies accountable to members.

5 Background

5.1 Section 21of the Counter Terrorism and Security Act 2015 (the Act) places a duty on certain bodies (Appendix 1) to have "*due regard to the need to prevent people from being drawn into terrorism*". This guidance is issued under S24 of

the Act. The Act states that the authorities subject to the provisions must have regard to this guidance when carrying out the duty.

5.2 The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. It has 3 specific strategic objectives:

- Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- Work with sectors and institutions where there are risks of radicalisation that we need to address.

5.3 In complying with the duty all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body. This risk will vary greatly and can change rapidly; no area, institution or body is risk free. Whilst the type and scale of activity that will address the risk will vary, all specified authorities will need to give due consideration to it.

5.4 There are 3 themes in the guidance around

- **Effective leadership** - those in leadership positions to have mechanisms to understand the risks, ensure staff have the capabilities to respond to risk, communicate and promote the importance of the duty and implement the duty effectively.
- **Working in partnership** - demonstrate evidence of productive co-operation, in particular with local Prevent co-ordinators, the police and local authorities, and co-ordination through existing multi-agency forums, for example Community Safety Partnerships
- **Appropriate capabilities** - ensure frontline staff have the training and skills to be aware of Prevent, how to challenge the extremist ideology and able to respond obtain support for people who may be exploited by radicalising influences.

5.5 All specified authorities must comply with this duty and will be expected to maintain appropriate records to show compliance with their responsibilities and provide reports when requested. The guidance includes monitoring arrangements, primarily from existing inspection regimes. Where a specified body is not complying with the duty there is power to refer to the Secretary of State who can issue guidance or directions.

5.6 Section E of the guidance provides sector specific guidance for:

- Local authorities
- Higher education
- Further education
- Schools
- The health sector
- Prisons and probation
- Police

5.7 In preparation for this, communication has taken place with the local authority education and education partners.

6. Recommended response:

6.1 The guidance includes 25 questions embedded throughout. Rather than answer these individually the following response is proposed:

6.1.1 **Suggest further clarity on who has strategic responsibility**. The guidance states local authorities' role in coordinating activity (paragraph 29 states: "local authorities should establish or make use of an existing local multi-agency group to agree risk and coordinate Prevent activity. Many local authorities use Community Safety Partnerships (CSP) but other multi-agency forums may be appropriate") however little guidance whether:

- local authorities are accountable to any multi-agency groups
- if this is CSP's then whether there are plans to review the "Responsible authorities" as defined by the Crime and Disorder Act 1998 and
- how these would be managed across adjoining authorities and police constabulary areas.

6.1.2 **What would the level of resource made available for projects and activities look like (paragraph 42) and how this is funded?** Portsmouth has been identified as a "supported area" and while there is some support, this doesn't include any dedicated coordinator funded by the Home Office. Therefore what support would this be and who would deliver and facilitate this?

6.1.3 **Is there any financial support to support local authorities to embed this strategically and/or operationally?** There is a variable level of requirement for agencies (including risk assessing individuals who pose a risk, action plan, ensure staff are trained and develop systems for monitoring) but no indication whether further resource will be provided to assist with this.

6.1.4 **With monitoring being undertaken by existing inspection regimes how will this be coordinated and is it proposed to monitor a partnership or individual agencies?** The guidance identifies a variety of monitoring regimes (e.g. Home Office / Ofsted / commissioners / Higher Education Funding Council) however encourages the use of "existing local multi-agency groups to effectively monitor the impact of Prevent work" (paragraph 31). It is unclear who has overall accountability, frequency of monitoring, how this will be reported back and whether a "multi-agency panel" can approach a monitoring regime if they feel an agency isn't fulfilling their responsibilities.

6.1.5 **We suggest other agencies included in the guidance should be the voluntary and private sector, housing providers, armed services, and faith organisations.**

7. Equality impact assessment (EIA)

7.1 No equality impact assessment has been completed. These will be completed as required by individual agencies.

8. Legal implications

8.1 The questions in the recommendation section (6) are relevant and of themselves at this point do not give rise to any further comment, they aim to obtain clarification. This said sections 21 places upon the relevant authority a clear obligation to have "due regard…." and that means with respect to all aspects of the Local Authority functions.

9. Head of finance's comments

9.1 If there is no additional funding for the new duties under the Act then any legislative compliance requirements (e.g. staff training, monitoring etc.) will have to be funded from the existing Council budget.

……
Signed by Head of Health, Safety and Licensing

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Nil	
2	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for Environment and Community Safety on 28th January 2015.

……
Signed by Cabinet Member for Environment and Community Safety

Appendix 1

SCHEDULE 3

Section 21

SPECIFIED AUTHORITIES

Local government

A county council or district council in England.

The Greater London Authority.

A London borough council.

The Common Council of the City of London in its capacity as a local authority.

The Council of the Isles of Scilly.

A county council or county borough council in Wales.

Criminal justice

The governor of a prison in England and Wales (or, in the case of a contracted out prison, its director).

The governor of a young offender institution or secure training centre (or, in the case of a contracted out young offender institution or secure training centre, its director).

A provider of probation services within the meaning given by section 3(6) of the Offender Management Act 2007.

Education, child care etc

The governing body of an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992.

A person with whom arrangements have been made for the provision of education under section 19 of the Education Act 1996 or section 100 of the Education and Inspections Act 2006 (cases of illness, exclusion etc).

The proprietor of–

(a) a school that has been approved under section 342 of the Education Act 1996,

(b) a maintained school within the meaning given by section 20(7) of the School Standards and Framework Act 1998,

(c) a maintained nursery school within the meaning given by section 22(9) of that Act,

(d) an independent school registered under section 158 of the Education Act 2002,

(e) an independent educational institution registered under section 95(1) of the Education and Skills Act 2008, or

(f) an alternative provision Academy within the meaning given by section 1C of that Act.

A person who is specified or nominated in a direction made in relation to the exercise of a local authority's functions given by the Secretary of State under

section 497A of the Education Act 1996 (including that section as applied by section 50 of the Children Act 2004 or section 15 of the Childcare Act 2006).

A person entered on a register kept by Her Majesty's Chief Inspector of Education, Children's Services and Skills under Part 2 of the Care Standards Act 2000.

The governing body of a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004.

The provider of education or training—

(a) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and

(b) in respect of which funding is provided by, or under arrangements made by, the Secretary of State or the Chief Executive of Skills Funding.

A person registered under Chapter 2, 2A, 3 or 3A of Part 3 of the Childcare Act 2006 or under section 20 of the Children and Families (Wales) Measure 2010 (nawm 1).

A body corporate with which a local authority has entered into arrangements under Part 1 of the Children and Young Persons Act 2008.

The governing body of an educational establishment maintained by a local authority in Wales.

The governing body or proprietor of an institution (not otherwise listed) at which more than 250 students, excluding students undertaking distance learning courses, are undertaking courses in preparation for examinations related to qualifications regulated by the Office of Qualifications and Examinations Regulation or the Welsh Assembly Government.

Health and social care

An NHS Trust established under section 25 of the National Health Service Act 2006 or under section 18 of the National Health Service (Wales) Act 2006.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

A Community Health Council in Wales.

The Board of Community Health Councils in Wales or Bwrdd Cynghorau Iechyd Cymuned Cymru.

Police

A chief officer of police for a police area in England and Wales.

The British Transport Police Force.

A Port Police Force established under an order made under section 14 of the Harbours Act 1964.

The Port Police Force established under Part 10 of the Port of London Act 1968.

A Port Police Force established under section 79 of the Harbours, Docks and Piers Clauses Act 1847.

A police authority established under section 3 of the Police Act 1996.

The Metropolitan Police Authority established under section 5B of that Act.

The Common Council of the City of London in its capacity as a police authority.

A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.

The Mayor's Office for Policing and Crime established under section 3 of that Act.

The Civil Nuclear Police Authority.

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Portsmouth CITY COUNCIL

Agenda item:

Meeting:	Cabinet Member for Environment and Community Safety Decision Meeting
Subject:	Domestic abuse review - distance travelled
Date of meeting:	28th January 2015
Report by:	Head of Health, Safety and Licensing
Wards affected:	All
Key decision:	No
Budget & policy framework decision:	No

1 Summary

The Domestic Abuse Commissioning review was completed in 2012 which was subsequently scrutinised by members in 2014. A total of 20 recommendations were made in the final scrutiny report.

2 Purpose of report

To update the Cabinet Member for Environment & Community Safety on the progress made monitoring the implementation of the recommendations of the domestic abuse scrutiny report and ongoing demand on resources

3 Recommendations

3.1 To note the progress made.

4. Reasons for recommendations

4.1 For the recommendations that have not been achieved actions are underway for this to happen early in the New Year.

5 Background

5.1 A review of domestic abuse services in Portsmouth was commissioned by the Safer Portsmouth Partnership (SPP) and the Children's Trust Board (CTB) This was completed in January 2012 and available on the SPP website (http://www.saferportsmouth.org.uk/priorities/violence-and-hidden-violence/domestic-abuse/domestic-abuse-commissioning-strategy-for-portsmouth/#.VJGZ_6FFCzk)

5.2 In April 2014 the Traffic, Environment and Community Safety Scrutiny panel published their report on "An assessment of the progress made following Portsmouth's review of Domestic Abuse" (http://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=177&MId=2516&Ver=4)

5.3 The panel considered 5 strategic themes:

- Strategic community response
- Raise awareness and understanding
- Domestic abuse safeguarding training
- Managing demand in the workplace
- Creating capacity to support medium and standard risk cases

and made 20 recommendations (appendix 1)

5.4 Of the 20 recommendations:

- 6 have been achieved
- 11 are rated amber and
- 3 are rated red

5.5 Of the 3 recommendations rated red:

- Recommendation 6 - Discussions have been held to identify which are the best services to target within the Department for Work and Pensions. An initial meeting has been arranged for 21st January when any training and ongoing support options will be explored.
- Recommendation 14 - The lead Clinical Commissioning Group GP representative for domestic abuse has changed. Having met with her replacement on 3rd December 2014 and they will be liaising with mental health commissioners to discuss how to improve access to mental health provision for victims of domestic abuse.
- Recommendation 19 - Since completion of the scrutiny report Rights for Women (http://rightsofwomen.org.uk/) issued a high court challenge against the domestic violence gateways for family law legal aid. This was heard on 5th December with the outcome to be published in early January. The outcome of this will inform what action, if any, is necessary. It is proposed that this is taken to the domestic abuse commissioning group.

5.6 Domestic Abuse attracts significant national attention, both due to specific incidents or government legislation changes (e.g. in December a new domestic abuse offence of 'coercive and controlling behaviour' was announced). This, combined with domestic abuse being both a priority area of need and a significant demand on agencies resources, means there are continual ongoing challenges including a need for flexibility of specialist provision to meet the changing demands. Demands include:

1. Based on population CAADA[1] expects there to be 330 cases discussed at MARAC[2] and recommends 3.5 IDVA's[3]. In 2013/14 there were 618

[1] Coordinated Action Against Domestic Abuse

referrals to MARAC and a recommendation for 6.5 IDVA's based on demand, of which 0.5 is funded until March 2015. This leaves a 2 FTE resource shortfall from April 2015.

2. There has been a 29% (n251) increase in referrals to specialist Domestic Abuse services from 2013 to 2014
3. Contacts with the Joint Action Team where domestic abuse is an issue has continually increased (27% / n733 in quarter 1 2013/14 to 42% / n1,333 in quarter 2 2014/15)
4. In 2013/14 domestic abuse accounts for 32% (n1,047) of all assaults however there has been fall in the number of incidents recorded as crimes (37% / n1348 in 2006/07 to 33% n1,411 in 2013/14)
5. A cessation of financial contribution and the decommissioning of the Integrated Targeted Youth Support Service by Children Social Care towards provision for young people who experience domestic abuse.

5.7 To manage the increased demand:

1. A bid is being submitted to Hampshire's Police Crime Commissioner for increased IDVA provision for the Early Intervention Project and ongoing funding for the helpline and Specialist Domestic Abuse Court support by Aurora New Dawn
2. A bid is being submitted to the Department for Communities and Local Government for 2 young people's support workers by Stonham to support young people who live in a home where there is domestic abuse
3. The Early Intervention Project have lowered their minimum age to support young people aged 13+ within an intimate partner abusive relationship and increased support for children social care staff has also been identified to support them with this age group.
4. There is increased provision from April 2015 to support perpetrators of domestic abuse, including the whole family.
5. A group of Portsmouth City councillors are working together to set up a Domestic Abuse awareness and help group across the City.
6. The Safer Portsmouth Partnership will undertake further work in relation to contacts with the Joint Action Team where there is no further action and police outcomes to improve the City coordinated community response to domestic abuse
7. The Early Intervention Project will support other agencies in identifying and supporting victims of domestic abuse (e.g. University of Portsmouth, magistrates court, children's services and Probation)

6. Equality impact assessment (EIA)

6.1 No equality impact assessment has been completed. These will be completed as required by individual agencies.

7. Legal implications

[2] Multi-Agency Risk Assessment Conference
[3] Independent Domestic Violence Advocate

7.1 There are no legal implications with respect to the report in terms of the recommendations and the proposed focus.

8. Head of finance's comments

8.1 There are no immediate funding implications However if the bid to the Hampshire Office of the Police and Crime Commissioner is unsuccessful this may cause some funding pressure in 2015/16.

……
Signed by Head of Health, Safety and Licensing

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Nil	
2	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for Environment and Community Safety on 28th January 2015.

……
Signed by Cabinet Member for Environment and Community Safety

DA SCRUTINY RECOMMENDATIONS

	Recommendation	Action by	Lead	RAG	
1	The outcome of the PSHE pilot with particular regard to the healthy relationships elements be reported to the Domestic Abuse Review Group and the Domestic Abuse Forum.	Chairs of the Domestic Abuse Review Group and the Domestic Abuse Forum.	KM	Report due at DA review group on 16th January	(Amber)
2	The effectiveness of publicity campaigns that raise awareness of domestic abuse be reviewed.	SPP Communications officer	RO'R	Ongoing as part of SPP strategic assessment and reviewed through quarterly reporting to DA review group	(Green)
3	The midwifery support be audited by the Monitoring Evaluation Scrutiny Committee.	The Chair of the Monitoring Evaluation Scrutiny Committee.	HG	In progress with outcome report due at DA review group on 16th January	(Amber)
4	The referrals received by professionals who attended the domestic abuse training be monitored by the Domestic Abuse Review Group.	The Chair of the Domestic Abuse Review Group.	BM	Analysis has identified very few referrals so the training is being reviewed	(Amber)
5	A letter be written to the criminal and family courts to seek assurance that the impact that domestic abuse has on victims and children who witness it is taken into consideration.	The Hidden Violence & Young People Manager.	BM	Training being designed for courts. Date to be confirmed.	(Amber)
6	Liaise with the Department for Work & Pensions regarding supporting their staff in raising their awareness on how to support victims of domestic abuse.	The Hidden Violence & Young People Manager.	BM	**Meeting arranged 21st January 2015 to discuss.**	(Red)

7	Perpetrator programmes be flexible to respond to changing demand.	The Hidden Violence & Young People Manager.	BM	Completed	(Green)
8	A review be carried out into how the DVPOs and Clare's Law will be delivered in Portsmouth.	SPP	AH	Initial Hampshire pilot completed. Audit for Portsmouth to be undertaken in April 2015	(Amber)
9	The number of referrals to MARAC be monitored to assess resource capacity.	The MARAC steering group.	BM	Ongoing by steering group and CAADA	(Amber)
10	The effectiveness of IRIS in Portsmouth be monitored.	Domestic abuse review group.	BM	2 reports provided to DA review group	(Green)
11	An advice pack for victims of domestic abuse about court processes be developed.	The Hidden Violence & Young People Manager.	BM	Completed	(Green)
12	The process for identifying and logging housing service clients who disclose domestic abuse be monitored.	The Housing Manager	EB/BM	Initial discussions with housing have been held	(Amber)
13	The support offered by trained practitioners over the next year be monitored.	Domestic Abuse Review Group.	BM	EIP has been inspected by CAADA and is awaiting the outcome (expected January 2015)	(Amber)
14	Access to specialist mental health services be improved.	Portsmouth Clinical Commissioning Group.	EF	**New CCG lead identified and will liaise with Mental Health commissioners**	(Red)
15	On-going group support for young people who have witnessed domestic	Children's Social Care.	SN	Service to deliver this being de-commissioned. Young Persons	

	abuse be explored.			Violence Advisor trained to support CSC staff and EIP reduced minimum age to 13+. New provision to begin from 1st January 2015.	
16	All the council's Service Level Agreements make clear the role and responsibility of those concerned to identify and refer domestic abuse victims where appropriate.	The Hidden Violence & Young People Manager.	BM	In discussion with ICU	(Amber)
17	The Details of domestic abuse awareness training be sent to members.	HV&YP Manager	BM	3 training sessions offered to members	(Green)
18	The Domestic Abuse Forum consider recommending to its member organisations the introduction of an integrated IT system to enable all professionals involved in tackling domestic abuse to share information more easily.	The Chair of the Domestic Abuse Forum.	BM	Completed	(Green)
19	The government be lobbied to extend the eligibility criteria for legal aid	Members	BM	**High court legal challenge by Rights for Women on 5th December. Outcome will be known in January 2015 which will inform necessity of this.**	(Red)
20	The police review its procedures for identifying and dealing with domestic abuse incidents to improve identification and support for low/medium cases to increase conviction rates	Police	AH	Discussions at DA review group and with police have taken place	(Amber)

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Portsmouth CITY COUNCIL

Agenda item:

Decision maker :	Environment and Community Safety Decision
Date of meeting:	28th January 2015
Subject:	Waste Regulations - Assessment of Compliance
Report by:	Head of Transport and Environment
Wards affected:	All
Key decision:	No
Full Council decision:	No

1 Purpose of report

1.1 The EU Waste Framework Directive, transposed in the UK as The Waste (England and Wales) Regulations 2011, states requirements for waste collections of paper, metal, plastic and glass to be by way of separate collection from 1st January 2015.

1.2 The legislative requirement of separate collection should be implemented where it is necessary to improve quality and quantity of recycling, and where it is technically, environmentally and economically practicable (TEEP).

1.3 A 'route map' guide to demonstrating compliance with the regulations has been produced and is recommended by the Environment Agency (EA) for local authorities to follow.

1.4 The purpose of this report is to advise on the completion of PCC's route map assessment and its outcome.

2 Recommendations

2.1 **That the Cabinet Member for Environment and Community Safety notes the legislative requirements of the Waste Regulations (see 3)**

2.2 **That the Cabinet Member for Environment and Community Safety approves the assessment document as sufficient evidence of compliance with the Waste Regulations (see 3.1.1)**

2.3 **That the Cabinet Member for Environment and Community Safety agrees the outcome of the assessment that the council does not need to provide separate collections for paper, metal, plastic and glass from January 2015 (see 3.1.12)**

3 Background

3.1 Regulation 13 of The Waste Regulations (England and Wales) 2011 (as amended 2012) transposes article 11 of the EU Waste Framework Directive (WFD) as follows:

13.—(1) This regulation applies from 1st January 2015.

(2) Subject to paragraph (4), ***an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection.***

(3) Subject to paragraph (4), every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.

3.2 Portsmouth City Council's current domestic recycling collections from the kerbside contain paper, metal cans and plastic bottles in a co-mingled one bin system. Glass is not collected in this way, but recycled through local bring bank sites. The legislation above (3.1) states these items should be collected by way of 'separate collection' as opposed to 'co-mingled'. For clarification; paper, metal cans and plastic bottles are not collected separately in Portsmouth; glass is collected separately, however, not from the kerbside.

3.3 Separate collection is defined in the WFD (article 3) as:

"a collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment."

3.4 Regulation 13 of The Waste Regulations (England and Wales) 2011 (as amended 2012) continues:

(4) The duties in this regulation ***apply where separate collection—***

(a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and

(b) is technically, environmentally and economically practicable

3.5 The legislation details above (3.4) describe that separate collection should be applied where necessary and where practicable whilst applying the WFD waste hierarchy (appendix i)

3.6 The Waste Regulations Route Map was designed to help reduce the need for local authorities to seek advice for interpretation of the regulations, as well as to bring clarity and consistency for all to ensure compliance. The EA stance regards following the route map as good practice and will give authorities a high assurance of acting reasonably (in line with the legislation).

3.7 Project Integra (PI) obtained endorsement of the route map through legal advice, and provided partners with some of the required data. Local analysis and decision making is carried out by PCC.

3.8 Portsmouth City Council has applied the route map to its assessment of compliance, taking the 'necessity' test and the 'practicability' test (also known as TEEP).

3.1 The Assessment

3.1.1 The full assessment (attached in appendix ii) has been carried out by PCC in order to demonstrate compliance and document sufficient evidence of this.

3.1.2 **The waste hierarchy** has been applied, analysing Portsmouth's current position for a number of main material types. Some potential options for moving up the hierarchy have been identified as followed:

- Food waste - anaerobic digestion (kerbside food collection)
- Glass - kerbside glass collection could double the current yield
- Other plastics ie. Pots, tubs and trays - Project Integra (PI) capture and treatment review in place considering the introduction of these plastics to the co-mingled recycling bin
- WEEE (waste electronics) - kerbside collection

3.1.3 **The necessity test** examines the quantity and quality of recyclable materials collected through the co-mingled system in Portsmouth and compares this to predictions for a separate collection scheme (kerbside sort).

3.1.4 The quantity comparison uses WRAP's Indicative Costs and Performance report (2008) to estimate that separate collection in Portsmouth would lead to a lower yield of paper, cans and plastic than is currently achieved through a co-mingled service. This is most likely due to the extra difficulty for residents in needing to store and use multiple containers (also addressed in the practicality test) for a separate collection system.

3.1.5 Central Government guidance acknowledges that glass is the culprit for the highest reduction in recyclate quality. The Judicial Review judge also appears to support co-mingled collections that exclude glass (such as in the case of Portsmouth):

"…whilst glass is a well-recognised potential contaminant, metal and plastic can be separated at a stage later than kerbside without any significant contamination or other… disadvantage."

3.1.6 Portsmouth has a low recycling contamination rate of 7.4% (inputs), with only 0.07% of PI Materials Recovery Facility (MRF) outputs rejected by re-processors for not meeting the required specification (5.5 tonnes per annum in Portsmouth).

In comparison Southampton's input contamination rate is almost double Portsmouth's at 14.2%.

3.1.7 After completion of the necessity test, the results consider separate collection as unnecessary. However, on route map advice, the practicability test was carried out for completeness.

3.1.8 **The practicability test** demonstrates whether the separate collection of the recycling materials is TEEP.

3.1.9 Technically practicable EU Commission guidance: *"Technically practicable means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice."* A comparison of practicalities between co-mingled and separate collection prove that it is not practical in a dense urban city such as Portsmouth to introduce a system that would require numerous containers.

3.1.10 *"Environmentally practicable should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection."* The negative and positive effects on the environment has been analysed for the different collection systems. The main conclusion is that a separate system would require more vehicles than co-mingled, resulting in extra fuel usage even if bio-diesel is still used. Portsmouth has a legal responsibility under the Climate Change Act (2008) to reduce emissions.

3.1.11 *"Economically practicable refers to a separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality."* According to WRAP's Indicative Costs and Performance (ICAP) report the estimated costs per household per year show that co-mingled is the less expensive option in Portsmouth (a difference of £1.76). The set-up of a change in collection system would require a large amount of capital investment. Without available funding to cover the capital costs at this time, the amount is not economically practicable within present tight local authority budgets.

3.1.12 **Conclusion**

Guided by the route map, Portsmouth City Council has carried out the necessity and practicability tests in order to demonstrate compliance with the Waste Regulations 2012. The tests have indicated that separate collection is not necessary at this time, however the regulations will need to be considered again when any changes occur in the future, for example the introduction of mixed plastics (currently being considered by PI in a resource review; outcome in February 2015).

4. Monitoring

4.1 Step 5 of the route map assessment will create a process for regular review.

4.2 The route map will need to be taken into consideration every time a change in service is considered.

5. Reasons for Recommendations

5.1 The requirements of the Waste Regulations affect future and current service decisions.

5.2 By following the recommended route map assessment, PCC's compliance is documented sufficiently in order to defend any legal challenges.

5.3 The route map outcome has demonstrated that according to the legislation, co-mingled recycling collections can still continue in Portsmouth from January 2015.

6 Equality impact assessment (EIA)

6.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

7 Head of Legal comments

7.1 The legal basis for the requirement to assess the way that waste collection and recycling are carried out in Portsmouth are set out in the body of the report. The [draft] Assessment appended to the report analyses the current waste collection and the possible alternatives in accordance with the relevant legislation and case law appropriately.

8 Head of Finance comments

8.1 An assessment has been carried out as prescribed by the Waste Regulations. The outcome of the assessment has been to conclude that Portsmouth City Council does not need to provide separate collections for paper, metal, plastic and glass.

8.2 Therefore, there are no financial implications arising as a result of the approval of the recommendations of this report.

……
Signed by:
Simon Moon
Head of Transport and Environment Service

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet Member for Environment and Community Safety on the 28th January 2015.

……
Signed by:
Councillor Rob New
Cabinet Member for Environment and Community Safety.

Appendix i.

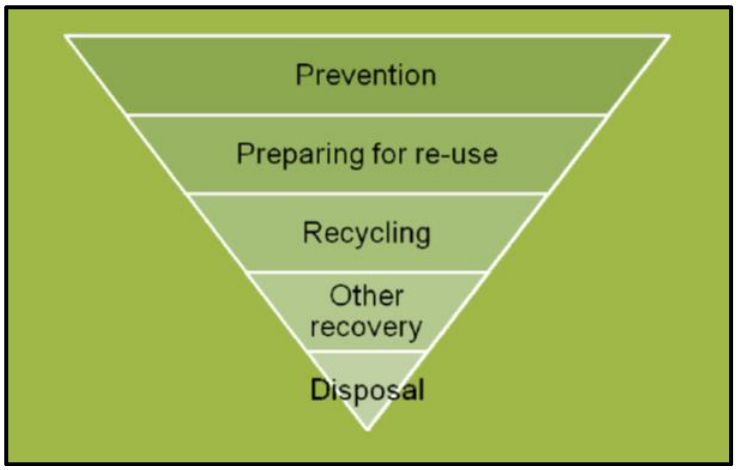

Figure 1: Waste hierarchy (from Defra)

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PORTSMOUTH CITY COUNCIL

Assessment of Compliance with Regulations 12 and 13 of the Waste (England and Wales) Regulations 2011 (amended 2012)

Including TEEP Analysis

December 2014

By following the 'Waste Regulations Route Map', this document demonstrates Portsmouth City Council's compliance with the Waste Regulations 2011 (amended 2012) in relation to separate collection of paper, glass, plastic and metal.

Contents

Portsmouth City Council

Introduction - Legislative Context

The requirements for separate collection originate from the revised Waste Framework Directive, via the Waste (England and Wales) Regulations 2011. These pieces of legislation, plus the subsequent judicial review and Defra guidance, are outlined below.

Revised Waste Framework Directive (2008/98/EC) – found here

The revised Waste Framework Directive (2008/98/EC) places particular emphasis on need to move materials up the waste hierarchy, and to maximise "high quality" recycling. The following articles are of particular relevance to the issue of separate collections.

Article 4 refers to the principle of the waste hierarchy:

"Article 4

1. *The following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy:*
    a) *Prevention*
    b) *Preparing for re-use*
    c) *Recycling*
    d) *Other recovery e.g. energy recovery; and*
    e) *Disposal*

2. *When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. Member States shall take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts, in accordance with Articles 1 and 13."*

Article 10 refers to "recovery" and links back to article 4 (the principle of the waste hierarchy) and article 13 (meaning a manner which does not endanger human health or the environment). It introduces the formal requirement for separate collections. It also refers to "waste" – meaning all waste streams are applicable here:

"Article 10:

1. *Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with articles 4 and 13.*

2. *Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties."*

Article 11 (paragraph 1) refers for the first time to "high quality recycling." The below introduces what is now known as the "practicability" (TEEP) requirement and the "necessity" requirement:

"Article 11:
Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors."

Article 11 also specifies the key materials, as outlined below:

"Subject to Article 10(2), by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass."

Note that "separate collection is defined elsewhere (article 3) as:

"a collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment."

Revised Waste Framework Directive (2008/98/EC) Guidance – found here

This guidance document is not legally binding, but does describe what is meant by "technically, environmentally and economically practicable" in paragraph 4.4:

"'Technically practicable' means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice. 'Environmentally practicable' should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection (e. g. additional emissions from transport). 'Economically practicable' refers to a separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality."

The guidance says the following about the possibility of co-mingling (paragraph 4.3.4):

"The WFD does not include an explicit statement covering the co-mingled collection of different recyclable waste streams (as one co-mingled stream). As a starting point, it should be borne in mind that in accordance with Article 11(1), paragraph 3 WFD, and subject to the conditions set out in this provision, there is an obligation to have in place by 2015 separate collection for paper, metal, plastic and glass. Separate collection is defined as waste-stream-specific separate collection (see above).

On the other hand, setting up a separate collection is also subject to the principle of proportionality (subject to Article 10(2) WFD: necessity and technical, environmental and economic practicability). Considering that the aim of separate collection is high-quality recycling, the introduction of a separate collection system is not necessary if the aim of high-quality recycling can be achieved just as well with a form of co-mingled collection.
So, co-mingled collection of more than one single waste streams may be accepted as meeting the requirement for separate collection, but the benchmark of 'high-quality recycling' of separately collected single waste streams has to be examined; if subsequent separation can achieve high-quality recycling similar to that achieved with separate collection, then co-mingling would be in line with Article 11 WFD and the principles of the waste hierarchy. Practically, this usually excludes co-mingled collection of bio-waste and other wet waste fractions with dry fractions such as e.g. paper. On the other hand, subject to available separation technology, the co-mingled collection of certain dry recyclables (e.g. metal and plastic) should be possible, if these materials are being separated to high quality standards in a subsequent treatment process."

Waste (England and Wales) Regulations 2011 (as amended 2012) – found here with amendment here

These regulations are the transposition of the WFD into national legislation. Regulation 12 transposes Article 4 (waste hierarchy) as follows:

***12.**—(1) An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order—*
(a) prevention;
(b) preparing for re-use;
(c) recycling;
(d) other recovery (for example energy recovery);
(e) disposal.

(2) But an establishment or undertaking may depart from the priority order in paragraph (1) so
as to achieve the best overall environmental outcome where this is justified by life-cycle thinking on the overall impacts of the generation and management of the waste.

(3) When considering the overall impacts mentioned in paragraph (2), the following considerations must be taken into account—
(a) the general environmental protection principles of precaution and sustainability;
(b) technical feasibility and economic viability;
(c) protection of resources;
(d) the overall environmental, human health, economic and social impacts.

Note there is no definition of "reasonable in the circumstances" – this is open to interpretation.

Regulation 13 transposes article 11 (as amended in 2012) as follows:

13.—*(1) This regulation applies from 1st January 2015.*
(2) Subject to paragraph (4), an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection.
(3) Subject to paragraph (4), every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.
(4) The duties in this regulation apply where separate collection—
(a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and
(b) is technically, environmentally and economically practicable.".

Judicial review – judgement found here

The Campaign for Real Recycling (CRR), representing various UK reprocessors, applied for a judicial review of the transposition of the WFD into national law. Their objection concerned four key points, and included an insistence that the separate collection of waste met the Practicability Test in all possible circumstances of collection throughout England and Wales (and by implication, separate collection was in all instances required). This claim was dismissed by Mr Justice Hickinbottom, as were the other three points.

Parts of the judgement which are of interest include:

When referring to the EU WFD Guidance (paragraph 19):

"This guidance suggests that the phrase "technically, environmentally and economically practicable" is used in the Directive as a term of art, importing the principle of proportionality and demanding a sophisticated context-driven exercise of judgment, balancing (amongst other things) the positive and negative environmental and economic effects of separate collection."

When considering glass (paragraph 62):

"It appears to be common ground that, whilst glass is a well-recognised potential contaminant, metal and plastic can be separated at a stage later than kerb-side without any significant contamination or other relevant disadvantage."

Guidance from Central Government

In response to the uncertainty surrounding the Judicial Review, Defra minister Lord de Mauley issued a letter in October 2013 found here.

The letter re-emphasised the legal position, stating that:

"It appears that some local authorities may be taking the view that co-mingled collections of paper, glass, plastic and metal waste streams will remain permissible in all circumstances after 1st January 2015. I therefore thought it would be helpful now to remind local authorities of the effect of the Regulations."

The letter also referred to the issue of glass, in a similar vein to the JR judgement:

"It is clear that the intention is that these requirements should represent a high hurdle. I am aware that co-mingled metal and plastic are relatively easy to separate at a MRF. However, at present many of our existing MRFs struggle to keep glass shards out of the paper stream. In addition many MRFs produce low quality mixed glass which needs further sorting and can be uneconomic to re-smelt."

Finally, the letter was clear that this is an issue in particular for any authorities considering making changes to existing collection arrangements:

"Any local authorities considering new collection or disposal plans should take care to ensure that they are placing themselves in a position to fulfil their legal duties from 2015. This is particularly important for local authorities who may be considering moving away from separate collection, or including glass within a co-mingled stream. Local authorities should consult their own lawyers as necessary, and should keep a clear audit trail given the potential for legal challenge."

Defra had been intending to issue detailed guidance for local authorities when considering the implications of the Regulations. However, in January they announced (see here) that they would not be doing so.

Waste Regulations Route Map – found here

In response to this statement from Defra, a national working group was formed to prepare a document that could help local authorities. The working group consisted of members from Waste and Resources Action Programme (WRAP), London Waste and Recycling Board (LWARB) and the Waste Network Chairs, which itself comprises representation from 10 national and regional waste networks.

This document became known as the Route Map. The Route Map was:

"commissioned in order to reduce the extent to which individual authorities need to invest in advice, and to help bring consistency and clarity to the way that the Waste England and Wales Regulations 2011 (as amended)1 ('the Regulations') are interpreted."

The published Route Map is not legal advice, but is designed to help authorities understand their legal obligations. The Route Map is clear for authorities that separate collections are required and this should be the starting point for the work required. You are applying the necessity and practicability tests to separate collections, not co-mingled collections. An excellent summary of the key points of the Route Map is provided in the legal advice obtained by PI in Appendix I – point 22.

Environment Agency Briefing Note on Separate Collections, June 2014 – found here

The EA issued this briefing in June 2014. It sets out the background and includes key points such as:

- The Environment Agency is the enforcement authority and it will be their responsibility to see that the legislation is applied. They are working with Defra and WRAP to develop a risk-based regime for regulation
- It will be their aim that the regime will help collection authorities to meet their obligations, and for them to wish to do so willingly. They will take enforcement action where necessary, but want to keep that to an absolute minimum

Of the Waste Regulations Route Map, the EA says:

"We think this is an excellent move and regard it as good practice. If collectors follow it, we will believe this will give them high assurance of acting reasonably."

When considering local circumstances as part of their enforcement, the EA says:

"It is clear that practicable solutions will vary according to the type, size and make-up etc of each Waste Collection Authority."

PI Partners Separate Waste Collection from 2015, Legal Advice – see appendix I

PI, through Basingstoke and Deane Borough Council, appointed Francis Taylor Building (FTB), a public law set with particular expertise in planning, land valuation, infrastructure, environmental, public law, licensing, religious liberty and ecclesiastical law and regulatory law.

As well as responding to some specific queries, FTB were also asked to comment on the robustness of the Waste Regulations Route Map, and the proposed PI approach, which is outlined within this pack.

The full advice received is included as appendix I, and where appropriate the judgements from it have been incorporated into the overall pack. In summary, subject to some recommended alterations which have been made, the QC was:

"*satisfied that the Route Map provides a sound framework for the relevant assessments".*

Introduction to the Project Integra approach to the Waste Regulations

The Head of PI (Chris Noble) presented this issue to Board Members in February 2014, and outlined the approach suggested at the Strategic Board meeting in June 2014.

Following the endorsement given to the Route Map by both the EA and the independent legal advice obtained by PI, this PI approach is based on the same 7 steps as the Route Map, and should be read in conjunction with the Route Map itself.

Individual PI partners, in this case Portsmouth City Council (PCC), will come to their **own decision** about whether they feel they are compliant with these regulations. The Waste Regulations Route Map has created a framework for how to carry out the required work. Some of the required work has been facilitated and collated by the PI Exec and the RCTR Steering Group with input from all partners, but **local analysis, data gathering and decision making** is carried out by PCC.

The issue of separate collection is not the only consideration for local authorities regarding the Waste Regulations. There is also an important requirement regarding the waste hierarchy (Reg 12). The waste hierarchy must be applied to each type of material collected, regardless of current collection/treatment method. Waste should be dealt with as high as possible in the hierarchy. Departure from it is only allowed where it would not be “reasonable in the circumstances,” to move waste up the hierarchy or by taking into account environmental protection principles, technical feasibility, economic viability, protection of resources, overall environmental, human health, economic and social impacts.

Step 1 - Determine what waste is collected and how

1.1 Waste Composition

A national analysis of municipal waste was carried out by DEFRA in 2008/9 using data from 2006/7 - found here. This is referenced in the Waste Regulations Routemap.

There has not been a comprehensive waste compositional analysis for in Hampshire since the early 2000s. Such a study, if done comprehensively and with statistical significance across the county, is prohibitively expensive at the current time.

A 2008 HCC review of waste composition analyses highlighted the many issues associated with taking data from other LA studies and using it to draw conclusions about PI waste composition, namely the differences in:

- Sampling methodologies and time of year sampling was carried out between different compositional analyses
- Categorisation of different waste streams
- Collection systems available which will affect capture and waste generation levels
- Demographics and other factors which affect waste generation and composition

However, in the absence of Hampshire specific information, a very recent (13-14) compositional analysis carried out in a south-east authority has been used as a basis for estimating Hampshire waste composition. These figures relate to the composition of household:

- Kerbside collected residual waste
- Kerbside collected recyclables/organics waste
- Bring site material

But they do not include composition of:

- Commercial waste
- Street cleansing, litter or fly-tipped material
- HWRC waste
- Bulky waste

Table 1 below is a comparison between % composition for the DEFRA study and the estimated composition of waste in Hampshire.

Table 1. Waste composition data

Material	Estimated composition of municipal waste (Defra compositional analysis, 2006/7)	Estimated composition of kerbside collected household waste, PI,	Estimated composition of kerbside collected residual waste, PI
Food waste	17.84	29.92	31.16

Garden waste	14.08	3.57	14.06
Paper & Card	22.69	13.73	16.50
Glass	6.64	3.41	3.94
Metals	4.30	2.87	2.17
Plastic	9.99	14.08	11.04
Textiles	2.83	5.57	3.24
Wood	3.73	1.44	0.96
WEEE	2.19	0.94	0.62
Hazardous	0.53	0.43	0.29
Sanitary	2.51	10.20	6.83
Furniture	1.34	0	0
Mattresses	0.25	0.13	0.09
Misc combustible	2.37	4.69	3.11
Misc non-combustible	2.82	0.32	0.21
Soil	0.18	1.75	1.17
Other waste	4.05	5.66	3.75
Fines	1.66	1.29	0.86
Total	100	100	100

1.2 Which materials to focus on?

The key fractions in terms of 'separate collection' are paper, metal, plastic and glass. However, Defra's "Guidance on applying the Waste Hierarchy" found here focuses on the following:

- Paper and card
- Glass
- Metal
- Plastic
- Food
- Garden waste
- Textiles
- Wood
- WEEE
- Black bag (residual) waste

The first 9 above account for almost 84% of household waste composition in Hampshire, according to the composition calculation.

1.4 How is waste collected?

The waste collection service provided by Portsmouth City Council as at 2013-14 can be summarised in the table below. Note that:

1. All waste collected by the authority are subject to the Regulations, including commercial waste, and street cleansing waste. Unless otherwise stated, tonnages include material from all sources.

2. On the subject of HWRCs, the legal advice obtained for PI states that:

"I see no reason why the Partners cannot rely on evidence provided by the operators of household waste recycling centres to demonstrate compliance with the Regulations. What matters is not the source of the evidence i.e. who provides it but whether it is relevant evidence demonstrating either that (a) waste is being separately collected or, to the extent that it is not, further separate collection arrangements would enhance neither the quality nor quantity of the waste stream being recycled or (b) would fail the practicability test e.g. because the costs of providing a further collection service would far outweigh any environmental benefit of doing so".

Table 2. Collection methods

Collection Method	Targeted Materials	Collection Frequency	Predominant Container Types/Sizes	No. Households offered scheme	Tonnes collected 13-14
Kerbside Co-mingled recycling from households	Paper & card, metal cans and aerosols, plastic bottles.	Fortnightly - houses Weekly - flats	**Houses** - 240l wheeled bin, 140l wheeled bin or 55l box **Flats** - 360l, 660l or 1100l wheeled bin	89,110	**9,047.86**
Kerbside Separate collection from households	Green garden waste	Fortnightly	240l wheeled bin, or compostable sacks	89,110 - opt in; chargeable	**723.15**
Kerbside Refuse from households	Mixed non-recyclable household waste	Weekly	**Houses** - black sack **Flats** - 360l, 660l or 1100l wheeled bin	89,110	**47,240.00**
Bring sites for household use	Textiles, glass	Variable	**Glass** - 1280l wheeled bin	89,110	**2,694.00**
Bulky waste collections from households	Mixed household materials, including WEEE, furniture etc	By appointment	n/a	89,110	**1,607.30**
Clinical waste	Sharps, infectious waste	As required	Bags, sharps boxes	89,110	**8.08**

Household Waste Recycling Centre	Segregated containers for a range of materials. Including garden waste, WEEE, rubble, soil, wood, and residual waste	n/a	n/a	89,110	Garden waste - **2,441.09** Total - **12,781.00**
Street cleaning material	Mixed material from street cleansing operations (litter, flytipping, street sweepings)	n/a	n/a	n/a	**3,563.00**
Total					**77,663.61**

1.5 Collection methods used (by material) – household waste

Table 3. Collection materials and tonnages

	Material	Collection Channel	Tonnes 13-14	Separately collected from other recyclate?	Collected in sub-streams?
Material collected for recycling or reuse	Paper & card	Kerbside co-mingled recycling	6,785.43	N	N
		Bring sites	83.86	Y	N
		HWRC	346.04	Y	N
		Total	**7,215.33**		
	Glass bottles and jars	Bring sites	2,185.26	Y	N - mixed colours
		HWRC	190.51	Y	N - mixed colours
		Total	**2,375.77**		
	Plastic bottles	Kerbside co-mingled recycling	653.45	N	N
		Bring sites	1.75	Y	N
		Total	**655.20**		
	Metal cans	Kerbside co-mingled recycling	435.99	N	N
		Bring site	0.47	Y	N
		Total	**436.46**		
	Garden waste	Kerbside garden waste	723.15	Y	N
		HWRC	2,441.09	Y	N
		Total	**3,164.24**		

	Batteries	Bring site	N/A		
		HWRC	23.94	Y	N
		Total	**23.94**		
	Books	Bring sites	**197.59**	Y	N
	Bric a brac	HWRC	**354.99**	Y	N
	Scrap metal	HWRC	**649.64**	Y	N
	Soil and rubble	HWRC	**2,494.12**	Y	N
	Hazardous waste	HWRC	**143.33**	Y	N
	Textiles	Bring sites	207.00	Y	Y - separate shoe banks available
		HWRC	93.58	Y	Y - separate shoe banks available
		Total	**300.58**		
	WEEE	Bulky waste collection	102.64	Y	N
		Bring sites	17.70	Y	
		HWRC	339.65	Y	Y
		Total	**459.99**		
Material collected for disposal or recovery	Mixed residual waste	Kerbside residual waste collection	47,239.96	N/A	N
		HWRC	3,168.87	N/A	
		Total	**50,408.83**		
	Bulky waste (mostly furniture and non-WEEE)	Kerbside collection	**1,504.66**	N/A	
	Healthcare waste	Kerbside collection	**8.08**	N/A	N
	Street cleaning material		**3,563.07**	N/A	
	Hazardous material	HWRC	**138.36**	N/A	
	Wood	HWRC	**2,396.44**	Y	
	MRF residue	Kerbside co-mingled	**1,172.99**	N/A	

1.6 Collection Contract Costs

The table below is populated locally based on financial data held, applicable to 13-14:

Table 4. Expenditure - contracted waste collection per year

		Amount (£)	**Amount per Household**
(a)	Transport	33,350	0.368
(b)	Staffing	411,941	4.551

(c)	Supplies and services	138,165	1.526
(d)	Recharges	27,817	0.307
(e)	Premises	51,002	0.563
(f)	Contractor costs	3,266,706	36.096
(g)	Gross expenditure	3,928,981	43.414
(h)	Income	181,722	2.007
(i)	Net expenditure	3,747,259	41.406

Table 5. Breakdown of material income 2013-14

Material	Income from material sale		Income from Recycling credit		Total income	
	Per tonne	Total	Per tonne	Total	Per tonne	Total
Glass	Ave £32.65	**£ 2,116.32**	N/A	N/A		**£ 65,959.00**
Co-mingled recycling	Ave £45.29	**£ 358,331**	N/A	N/A		**£ 358,331.00**
Other materials:						
Textiles	Ave £482.50	**£ 42,656.96**	N/A	N/A		**£ 42,656.96**
Total						**£ 466,946.96**

1.7 Waste Collection Contract

The Route Map makes it clear that the requirements for separate collection need to be considered if there is a fundamental change in service provision – e.g. a new collection system, new collection contract etc. Whilst existing contract may make changing collection systems (i.e. from co-mingled to source segregated) difficult, when a contract is up for renewal or re-letting, that position needs to be revisited. Below demonstrates Portsmouth City Council's current position:

Table 6. Waste contract details

Contract Provider	Biffa Municipal Ltd
Contract Start Date	1st October 2011
Contract length	8 years
Projected End date (no extension)	30th September 2019
Extension Options	Up to 2 years
Details of process for extension (enter contract clauses)	1.2.2 The Authority shall have the option to extend the Initial Term for a period of 2 years by giving written notice to such effect to the Provider no later than 6 months prior to the expiry of the Initial Term.
Projected End date (with extension)	30th September 2021
Contract clauses associated with significant changes in collection systems.	Major Variation 3. A Major Variation is a Variation that satisfies at least one of the following criteria:

- estimated implementation costs of £20,000 or above
- estimated onward annual costs or savings of £20,000 or above
- permanent service changes to an entire round, or across more than one round
- changes to the Authority Premises which will last longer than the lifetime of the Agreement
- changes to the Performance Standards

(a "Major Variation")

3.1. Major Variations are likely to involve significant impacts on services or finances and therefore they need to be properly researched via a project management approach, prior to decisions being made. Partnership working and using expertise from both Authority and Provider is likely to achieve the best possible outcome.

3.2. Examples of Major Variations could include the following:

- change in number or type of vehicle, staff, depot (location or facilities), collection rounds bin type and start and finish times
- change in the IT systems required to deliver the contract
- change to residual and/or recycling collection frequency
- change of waste receptacle
- change of acceptable recyclable material
- introduction of new services
- change of collection day
- restriction or withdrawal of non-statutory services such as bulky waste collection
- changes to contract Price
- changes to communications such as calendars, hangers etc (this could also be a Minor Variation)

3.3. The process of carrying out a Major Variation is set out in the flow diagram shown in Appendix 2.

3.4. A Major Variation could be initiated as a result of:

- a desire for change by the Authority
- a desire for change by the Provider
- an enforced change, such as legislative changes

3.5. A provisional Major Variation Notice ("pMaj") can be initiated by either party using a standard format which will act as a record. It should include the following:

- date of initiation
- name of initiator - Authorised Officer or Provider's Manager
- details of the proposed Variation, including date of start
- anticipated impact of the proposed Variation on:
  - residents
  - the Service
  - the Authority
  - the Provider
  - the environment (e.g. with regard to fuel efficiencies or improved waste recycling / recovery outcomes)

	(it is possible that the impact could be nil for some or all of these) 3.6. Both parties should agree that the proposed variation is a Major Variation. Agreement to this delivers buy-in from both parties and formalises the process. This is important for major changes as the costs and implications are likely to be significant. 3.7. If any party does not accept the proposal as a Major Variation, either party may have recourse to clause 17 (*Dispute Resolution*) of the Agreement. 3.8. If, after due consideration, both parties believe the proposal should not be treated as a Major Variation, the process stops. The Partnership will then decide whether the proposal should instead be treated as: • a Minor Variation • a non-contract variation (i.e. day to day management) 3.9. Once a proposal is accepted as a pMaj, the project process begins. Both parties will agree the extent of each party's involvement, the potential resources required, a target timetable and who will manage the project. The standard position is that the Authority will provide the project manager. 3.10. Following an appropriate project management approach, either the Authority or the Provider will then produce a business case. 3.11. Providing both parties approve the business case, a Variation Notice will be signed by both parties who will then commit resources to the project. 3.12. To minimise the chances of the business case being rejected its initiator should consult with decision-makers of both parties to understand likely issues of concern that may inform their decision. 3.13. If one of the parties rejects the business case, the initiator will decide if the proposed Variation is to be withdrawn or whether they wish to proceed to dispute resolution. 3.14. If either party rejects the proposed Variation, they should identify the reasons why. These could include: • unacceptable financial implications (either positive or negative) • unacceptable impact on customers • contradictory to other policies/strategies Alternatives can be proposed for further consideration by both parties. 3.15. If both parties reject the proposed Variation, the reasons should be identified. 3.16. An alternative Variation may be produced. In this instance a new pMaj is raised and the process begins anew. 3.17. Dispute resolution is the final option if agreement cannot be reached via the partnering structure.
Contract clauses associated with early	<u>16.5 Voluntary Termination by the Authority</u> 16.5.1 The Authority may, subject to clause 15.6 (Compensation on

termination of contracts	Termination) terminate the Agreement at any time on or before expiry of the Term by complying with its obligations under this clause 15.5. 16.5.2 Where the Authority wishes to terminate the Agreement under this clause 15.5, it must give written notice to the Provider stating: (a) that the Authority is terminating the Agreement under this clause 15.5 (Voluntary Termination by the Authority); (b) that the Agreement will terminate on the date falling 90 calendar days after the date of receipt of the notice; and (c) the amount of the Compensation Sum payable to the Provider. 15.5.3 The Agreement shall terminate on the date falling 90 calendar days after the date of receipt of the notice referred to in clause 15.5.2 above. 16.6 Compensation on Termination 16.6.1 Where the Authority serves written notice on the Provider of its intention to terminate in accordance with clause 15.5 (Voluntary Termination by the Authority) then the Authority shall pay the Compensation Sum to the Provider on or before the Termination Date. 16.6.2 If there is partial termination of the Agreement then the Compensation Sum will be reduced proportionately to reflect that part of the Services that has been retained and not terminated. 16.6.3 The Compensation Sum paid pursuant to this clause 15.6 shall be in full and final settlement of any claim, demand and/or proceedings of the Provider and shall be the sole remedy of the Provider in relation to termination of the Agreement or any part of it (and the circumstances leading to such termination) and the Provider shall be excluded from all other rights and remedies in respect of any such termination, save in respect of any antecedent claims, including claims for payment. 16.7 Termination Upon Force Majeure 16.7.1 If a Force Majeure Event prevents either party from performing its obligations under the Agreement in any material respect for a period of 3 consecutive months then provided the notification requirements set out in clause 4 (Force Majeure) have been complied with without prejudice to any accrued rights or remedies under the Agreement, either party may terminate the Agreement by giving 30 calendar days' notice in writing to the other party. For the avoidance of doubt, the provisions of clause 15.6 shall not apply to any termination by the Authority under this clause 15.7.1. 16.8 Expiry 16.8.1 The Agreement shall terminate automatically on expiry of the Term unless it shall have been terminated earlier in accordance with the provisions of the Agreement. The Provider shall not be entitled to any compensation on expiry of the Term. 16.9 Effect of Termination 16.9.1 Notwithstanding that a party may have a right to terminate the Agreement that party may elect to continue to treat the Agreement as being in full force and effect and to enforce its rights under the Agreement. 16.10 Survival 16.10.1 Termination of the Agreement for any reason shall not affect this clause 15.10 and the following clauses which shall continue in force after such termination: clause 1.1 (Definitions and Interpretation); clause 5.4 (Assistance in Legal Proceedings); clause 6.2 (Authority Liability to be

	Excluded); clause 7.6 (Transfer of Assets) clause 9.5 (Confidentiality); clause 9.7 (Information Laws); clause 11.1 (Indemnities) clause 13.3 (Disputed Invoices); clause 13.4 (Interest on Late Payments); clause 14.4 (Provider's Obligations and Indemnities); clause 14.5 (Measures on Termination of Agreement); clause 15 (Termination); clause 16.3.2 (Sub-Contracting); clause 17 (Problem Solving, Dispute Avoidance and Resolution); clause 18.5 (Notices); clause 18.8 (Duty to Co-operate and Transfer of Responsibility); clause 18.11 (Set-off); clause 18.13 (Law of Agreement and Jurisdiction).
Costs incurred as result of exiting/amending collection contracts	Schedule 7 - compensation on termination As set out in clause 15.6 of the Agreement: Where the Authority serves written notice on the Provider of its intention to terminate in accordance with 15.5 (Voluntary Termination by the Authority) then the Authority shall pay the Compensation Sum to the Provider on or before the Termination Date. The Compensation Sum shall be payable within ninety (90) days of the Termination Date, The Compensation Sum shall be made up of the following elements: 1. The Authority shall pay the Provider Assets at net book value; 2. The Authority shall pay the Provider a sum equal to a 5% margin on all costs (Target Cost of Service, Target Risk and Target Overheads) that make up the prevailing Target Price from the Termination Date until expiry of the Term 15.6 Compensation on Termination 15.6.1 Where the Authority serves written notice on the Provider of its intention to terminate in accordance with clause 15.5 (Voluntary Termination by the Authority) then the Authority shall pay the Compensation Sum to the Provider on or before the Termination Date. 15.6.2 If there is partial termination of the Agreement then the Compensation Sum will be reduced proportionately to reflect that part of the Services that has been retained and not terminated. 15.6.3 The Compensation Sum paid pursuant to this clause 15.6 shall be in full and final settlement of any claim, demand and/or proceedings of the Provider and shall be the sole remedy of the Provider in relation to termination of the Agreement or any part of it (and the circumstances leading to such termination) and the Provider shall be excluded from all other rights and remedies in respect of any such termination, save in respect of any antecedent claims, including claims for payment.

Any change to the contract due to legislation, ie. separate collections, would be classed as a major variation within the contract details demonstrated above.

1.8 Other contracts or agreements

Portsmouth City Council is both a Waste Collection Authority (WCA) and Waste Disposal Authority (WDC).

All Hampshire authorities are partners in Project Integra. The partnership is underpinned by two documents:

1. Joint Municipal Waste Management Strategy (JMWMS), found here – this document was produced by the PI partnership in 2006 and refreshed in 2012 The 2012 refresh outlined the strategic direction for PI authorities, re-affirming the existing collection and processing regime for DMR. Further information on the JMWMS is included under section 1.9 below
2. Project Integra Strategic Board Constitution, found here – details how the partnership is governed and how the decision making body operates

The collection systems used in PCC are closely linked to the processing arrangements currently in place - this is explored under Step 2.

1.9 Records of decisions taken in the course of adopting current collection systems

PI partners adopted the co-mingled collection of paper, card, plastic bottles and cans during the 1990s. Individual PCC record of decisions from here??

PI wide decisions include:

- JMWMS
    - Original strategy produced in 2006 and covering period to 2020 - All 5 options presented (Option 5 was chosen) included continuing with kerbside collection of dry mixed recyclables. This strategy was approved by the PI board and all individual PI partners
    - Refresh of core strategy in 2012 - This reaffirmed the commitment to Option 5, and again was approved by the PI board and all PI partners individually

In 2009-10, PI carried out a Collections and Processing Review. The final report concluded that, because of existing infrastructure, separate collections were not a viable option.

Any other decision making available from PCC?

Step 2 - How are collected materials treated and recycled?

2.1 Treatment of collected waste

Figure 1. Transfer of waste

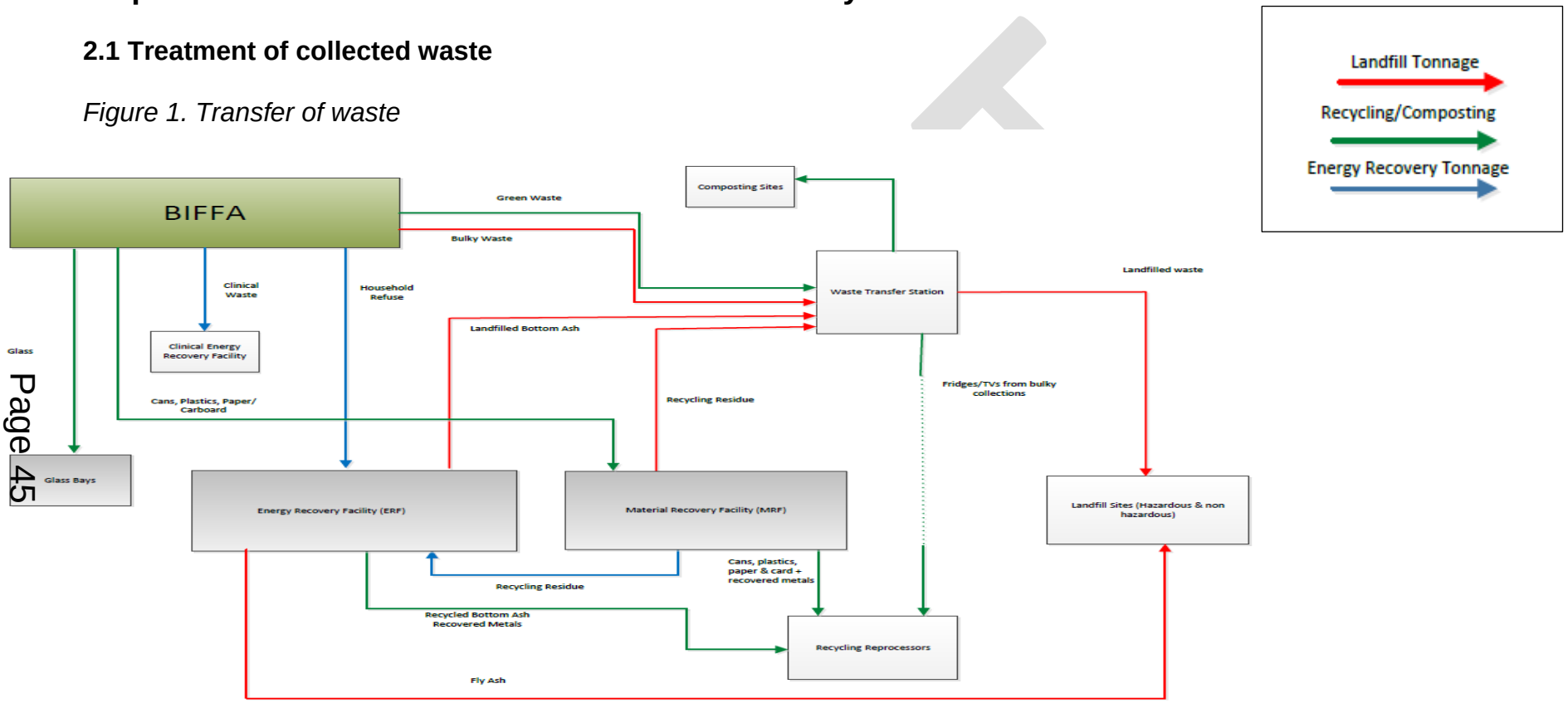


Table 7. Summary of waste treatment

	Material	Collection Channel	Sent straight to re-processor?	Separated from other recyclables in a MRF?	Where on the waste hierarchy does this lie?	Are closed loop processes used for some, all or none of the material?
Material collected for recycling or reuse	Paper & card	Kerbside co-mingled recycling	N	Y	Recycling	Some
		Bring sites	Y	N	Recycling	Some
		HWRC	Y	N	Recycling	Some
	Glass Bottles and Jars	Kerbside separate collection	N/A	N/A	N/A	N/A
		Bring sites	Y	N	Recycling	All
		HWRC	Y			
	Plastic Bottles	Kerbside separate collection	N	Y	Recycling	Some
		Bring sites	Y	Y	Recycling	Some
	Metal Cans	Kerbside separate collection	N	Y	Recycling	Some
		Bring sites	Y	N	Recycling	Some
	Garden waste	Kerbside separate collection	Y	N	Recycling	N/A
		HWRC	Y	N	Recycling	N/A
	Bulky waste (WEEE)	Kerbside collection	Y	N	Re-use/Recycling	N/A
	Textiles	Bring Sites	Y	N	Re-use	N/A
		HWRC	Y	N	Re-use	N/A
	Batteries	HWRC	Y	N	Recycling	None
	Bric a Brac	HWRC	Y	N	Re-use	N/A
	Scrap metal	HWRC	Y	N	Recycling	N/A
	Soil and rubble	HWRC	Y	N	Recycling	N/A
	Hazardous waste	HWRC	Y	N	Recycling	N/A
Material collected for disposal or recovery	Mixed residual Waste	Kerbside collection	Y	N	Recovery – Incineration with energy recovery	N/A
		HWRC	Y	N	Incineration with energy recovery	N/A

					(30.5%), Landfill (59.5%)	
	MRF Residue	Kerbside co-mingled recycling	N	Y	Incineration with energy recovery (82%), Landfill (18%)	N/A
	Bulky waste	Kerbside collection	Y	N	Landfill	N/A
	Healthcare Waste	Kerbside collection	Y	N	Incineration with energy recovery	N/A
	Street cleaning material	Street cleansing	Y	N	Incineration with energy recovery (16%), Landfill (84%)	N/A
	Hazardous waste	HWRC	Y	N	Incineration with energy recovery (1.5%), Landfill (98.5%)	N/A
	Wood	HWRC	Y	N	Incineration with energy recovery	N/A

Table 8. Summary of NI indicators

2013-14 Summary of NI indicators		
N191 Total Residual Household Waste per Household (kg/household)	**NI192 Percentage HH waste sent for Reuse, Recycling or Composting**	**NI193 Percentage of Municipal Waste Sent To Landfill**
673.35	22.17%	9.18%

2.2 How is co-mingled material handled?

As a unitary authority, PCC is responsible for both collection and disposal of waste. PCC along with Southampton City Council and Hampshire County Council are in a tri-partite agreement with HCC (PCC decision report attached in Appendix IV), and have a joint contract for waste disposal with Veolia Environmental Services.

This long term contract included provision of Materials Recovery Facilities (MRFs) for the sorting of co-mingled recycling.

Table 9. Waste disposal contractual arrangements

Contract Provider	Veolia Environmental Services
Contract Start Date	1st April 1997
Contract length	33 years
Projected End date (no extension)	8th April 2025
Projected End date (with extension)	31st December 2030
Contract clauses associated with significant changes in collection systems.	1.2.2 The service shall not relate to any of the following: - - any specific materials retained by the WCAs for recycling - any specific materials (such as paper, cans and textiles) collected in banks supplied and serviced by the industries using those materials - any specific materials collected by voluntary, charitable and school groups as part of schemes supported by the WCAs - home composted material (including material composted as a result of home composting initiatives supported by the WCAs - dry recyclables arising from HWRCs provided/managed under separate contract arrangements - amenity waste arising from HWRCs which are provided under separate package contract arrangements The waste to be excluded from the Service under the above provisions shall be notified to the Contractor prior to the commencement of the of the Contract and may be varied subsequently by giving 12 months written notice to the Contractor. Where the cumulative net effect of any changes in waste deliveries in any year (determined from the anniversary of the commencement date) results in a reduction of more than 12.5% in the quantity of waste delivered under the contract from that delivered during the previous year as a result of an increase in the quantities of waste excluded from the service under this paragraph 1.2 of schedule 2, the contract price shall be adjusted having regard to the principles set down in paragraph 4 of schedule 9 applied to the actual financial impact on the contractor of the said changes in quantity and accommodating such changes. For the avoidance of doubt, only the exclusions of waste from the service under the provisions set down in paragraph 1.2 of schedule 3 shall be considered in determining changes in waste quantities, save that any reduction shall be set off against organic growth in waste arisings generally. Reference in this paragraph to waste delivered includes all waste delivered to the Contractor by the Authority and all other waste handled by

	the Contractor under the Contract.
Procurement considerations i.e. would a change in collection/processing systems dramatically alter the original contract which was let.	No
Contract clauses associated with early termination of contracts	Clause 10 of Conditions of Agreement deals with early termination. However this is only due to significant breech by the Contractor. There is no provision for the Authorities to terminate the contract without incurring significant penalties.
Costs incurred as result of exiting/amending processing contracts	As above (1.2.2)

Any withdrawal of DMR to the MRF would require 12 months' notice to Veolia. There would be no penalty if it doesn't affect over 12% of the PI contract tonnages, but fixed fees would still be payable.

- The WDA is responsible for the arranging of the processing of collected DMR
- Income from the sale of recyclables is shared 50:50 between VES and the WCA. The WCA half is split between each WCA proportionately based on inputs to the MRF minus contamination

VES are responsible for the marketing of DMR, in conjunction with the WDA and WCA. Per tonne values of material produced will vary based on market conditions at that time.

Table 10. HWRC contract details

Contract	Start date	End date	Extension	Company
HWRC contract	February 2008	31st January 2013	2 year extension already activated	Hopkins Recycling Ltd

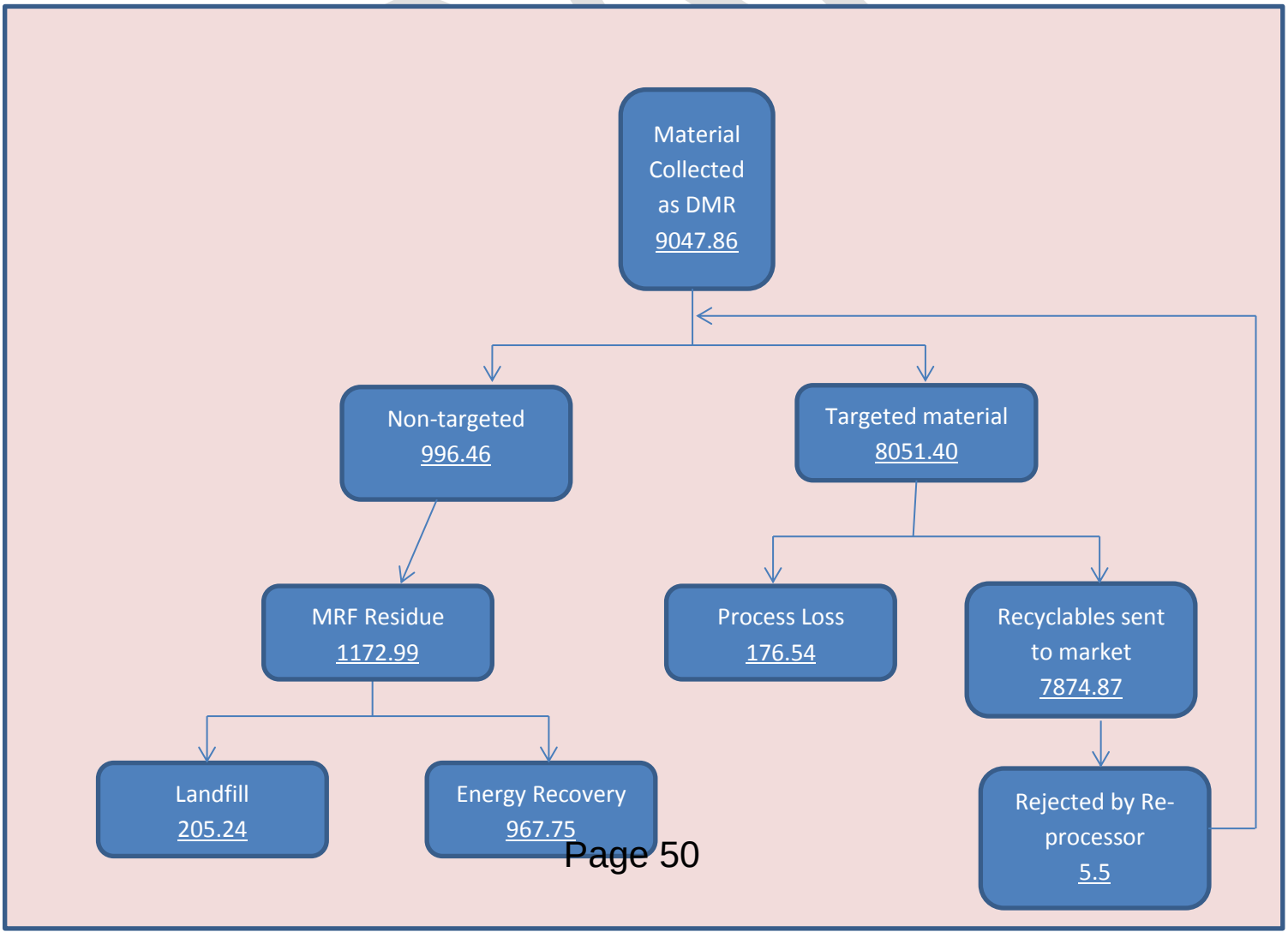
2.4 Composition for material supplied to MRF

Table 11. MRF composition (based on 2008)

Material		Tonnage	% of MRF inputs
Material Collected as DMR		**9,047.86**	**100**
Total Targeted materials collected	**Paper & Card**	6,909.18	76.36
	Metal	447.14	4.94
	Plastic bottles	695.09	7.68
	Total	8,051.40	88.99
Targeted	**Paper & Card**	6,785.43	74.99

Material – sent to market	**Metal**	435.99	4.82
	Plastic bottles	653.45	7.22
	Total	7,874.87	87.04
Total MRF Residue		1,172.99	12.96
Targeted Material – process loss	**Paper & Card**	123.75	1.37
	Metal	11.14	0.12
	Plastic bottles	41.64	0.46
	Total	176.54	1.95
Non-Targeted material	**Other Plastic**	429.04	4.74
	Beverage Cartons	50.48	0.56
	Glass	45.81	0.51
	Food waste	47.00	0.52
	Undesirable DMR	50.29	0.56
	Other	373.83	4.13
	Total	996.46	11.01
Destination of MRF Residue	**Landfill**	205.24	2.27
	Energy Recovery	967.75	10.70
Rejected by re-processor		5.51	0.06

Figure 2. Visual tonnages



2.5 Destination of residual waste and efficiency of the ERF

The Waste Framework Directive sets out criteria for classification of waste operations, the two relevant classifications for incineration being:

- R1 – Use principally as a fuel or other means to generate energy
- D10 – Incineration on land

The ERF in Portsmouth is classed at R1, meaning that it is classed as a recovery operation rather than a disposal operation. As such, residual waste is dealt with under recovery on the waste hierarchy. Portsmouth City Council only sent 9.18% of municipal waste to landfill in 2012-13.

2.7 End re-processors of recyclable materials

Table 12. End re-processors

Kerbside collections	**End re-processors**
Aluminium cans	Novellis UK Ltd, Cheshire
Steel cans	AMG Resources Ltd, Carmarthenshire
Plastic bottles	Closed Loop Recycling Ltd, Dagenham
Newspapers & magazines	Aylesford Newsprint, Kent
Newspapers & magazines	UPM Kymmene (UK) Ltd, Flintshire
Mixed papers	DS Smith, Kent
Mixed papers	UPM Kymmene (UK) Ltd, Flintshire
Cardboard	Cycle Link UK Ltd, Essex
Cardboard	Mark Lyndon paper (UK) Ltd
HWRC materials	**End re-processors**
Cardboard	DS Smith, Kent
Ferrous metals	Simms metals
Non-ferrous metals	Hopkins Recycling Ltd
Car Batteries	Vinton Metals
Household batteries	Loddon Holdings, Petersfield
Oil	Eco Oil, Southampton
Glass	Berryman's, London via Portsmouth MRF glass bays
Hard plastics	Associated Polymer Resources, Southampton
WEEE Items – Fridges & freezers	EMR – White City, London
WEEE Items – CRTs	Computer Salvage, West Berkshire
WEEE Items – Small items	Simms, Hampshire
WEEE Items – Fluorescent tubes	Mercury Recycling, Manchester
Plasterboard	Mid UK Recycling, Lincolnshire via Warren Farm transfer station

Further information on the reprocessing of materials is available in Step 4.

2.8 Records of decisions taken in the course of adopting current treatment systems

Detail given in 1.8 also applies here. Insert PCC records of decisions around long term waste contract with VES.

Step 3 - Apply the waste hierarchy

3.1 Demonstrating compliance with the waste hierarchy

Table 13. The waste hierarchy application in Portsmouth

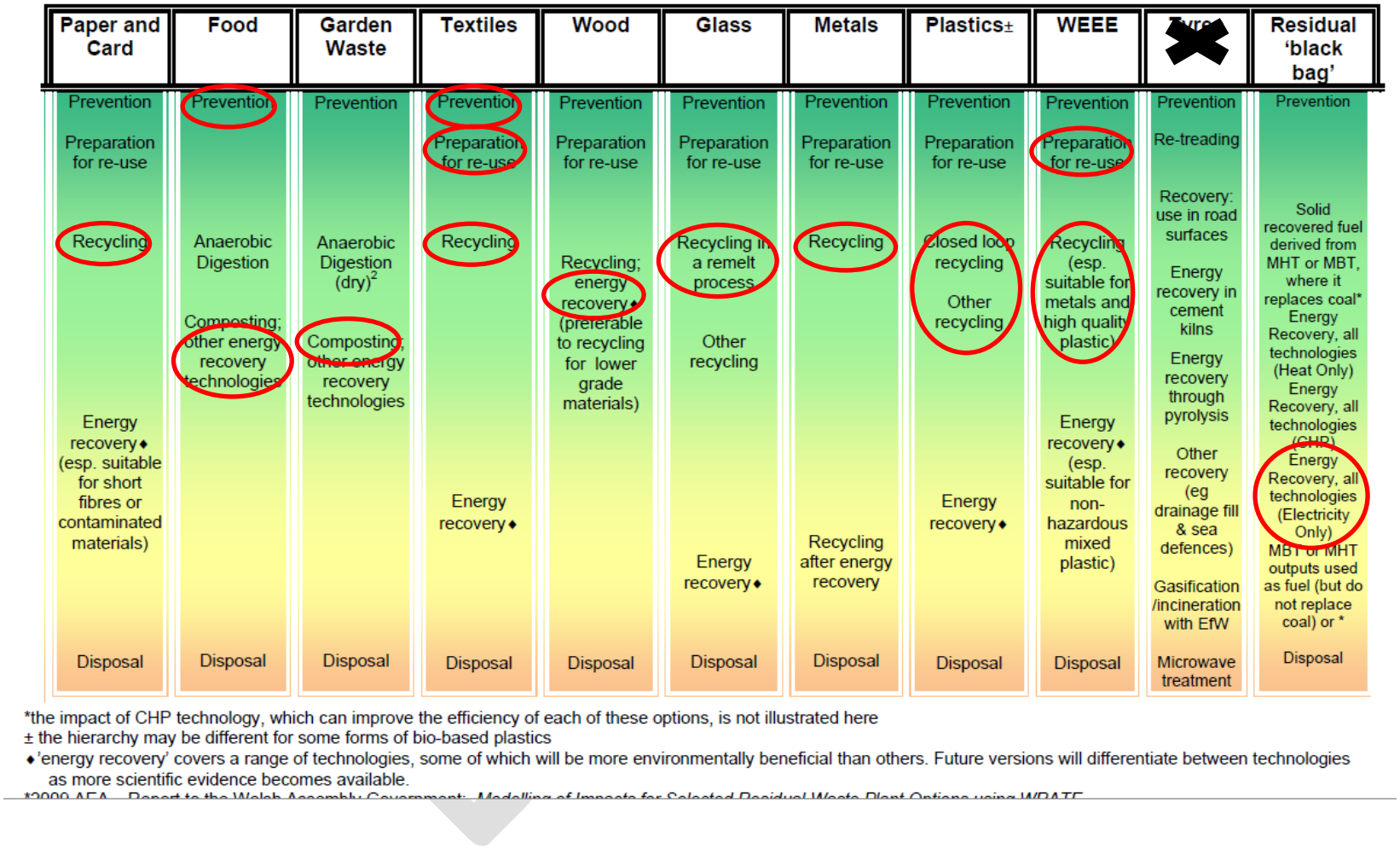
Material	Current position on waste hierarchy	Details	Options for moving material up the waste hierarchy	Amount of waste that could potentially be diverted
Food waste	**Prevention**	Love Food Hate Waste promotion, Portsmouth Waste Prevention Plan created		
	Preparing for reuse			
	Recycling			
	Other recovery	Energy from waste with residual	Food waste collection - anaerobic digestion	PI estimate composition of 30% = 14,138 tonnes (based on 13/14 residual tonnage data)
	Disposal			
Paper and card	Prevention			
	Preparing for reuse			
	Recycling	Kerbside co-mingled to MRF		
	Other recovery			
	Disposal			
Glass	Prevention			
	Preparing for reuse			
	Recycling	Mixed colours - bring sites & HWRC		
	Other recovery	EfW in residual	Kerbside glass collection	4,545 tonnes based on doubling the current yield
	Disposal			
Metal	Prevention			
	Preparing for reuse			

	Recycling	Cans, tins & aerosols - kerbside co-mingled to MRF		
	Other recovery			
	Disposal			
Plastic	Prevention			
	Preparing for reuse			
	Recycling	Plastic bottles only - kerbside co-mingled to MRF		
	Other recovery	Other plastics - EfW in residual	Current PI resource capture and treatment review is considering introducing mixed plastics into recycling (outcome in Feb 2015)	PI estimate 3,500 - 4,500 tonnes of PTT (pots, tubs & trays) could be captured
	Disposal			
Garden Waste	Prevention			
	Preparing for reuse			
	Recycling	Composted from kerbside & HWRC	Promotion of home composting	4,000 tonnes based on 25,000 composters
	Other recovery			
	Disposal			
Textiles	**Prevention**	Swishing events		
	Preparing for reuse	Textile banks		
	Recycling			
	Other recovery			
	Disposal			
WEEE	Prevention			
	Preparing for reuse	HWRC, bulky waste collections (+ proposed kerbside collection to commence 2015)		Kerbside collection estimate of 30,000 tonnes per year based on trial period results
	Recycling	As above		
	Other recovery			
	Disposal			
Black Bag (residual waste)	**Prevention**	Waste Prevention Plan for		

		Portsmouth created		
	Preparing for reuse			
	Recycling			
	Other recovery	EfW - electricity only	Plans to look into CHP	n/a
	Disposal			

Figure 3 below demonstrates where Portsmouth's main disposal routes stand on the waste hierarchy according to DEFRA. The results show we already achieve 'green' status for 90% of the disposal methods explained in Table 13 above, with only residual waste entering the 'yellow' zone.

Figure 3. DEFRA waste hierarchy guidance - where Portsmouth stands (through main methods of disposal):



*the impact of CHP technology, which can improve the efficiency of each of these options, is not illustrated here
± the hierarchy may be different for some forms of bio-based plastics
♦'energy recovery' covers a range of technologies, some of which will be more environmentally beneficial than others. Future versions will differentiate between technologies as more scientific evidence becomes available.

*2009 AEA – Report to the Welsh Assembly Government: *Modelling of Impacts for Selected Residual Waste Plant Options using WRATE*

3.2 Lifecycle thinking

The PI JMWMS chose option 5 from a range of others, which is as followed:

> ***"Collection –*** *Kerbside collection of dry mixed recyclables, glass and textiles; promote home composting and the use of food digesters; introduce an incentivised scheme for kerb-side collection of green waste (i.e. charge for green waste collections) and facilitate the provision of enhanced waste electrical and electronic equipment (WEEE) 'bring' facilities at household waste recycling centres (HWRCs)."*

The Strategic Environmental Assessment conducted alongside stated:

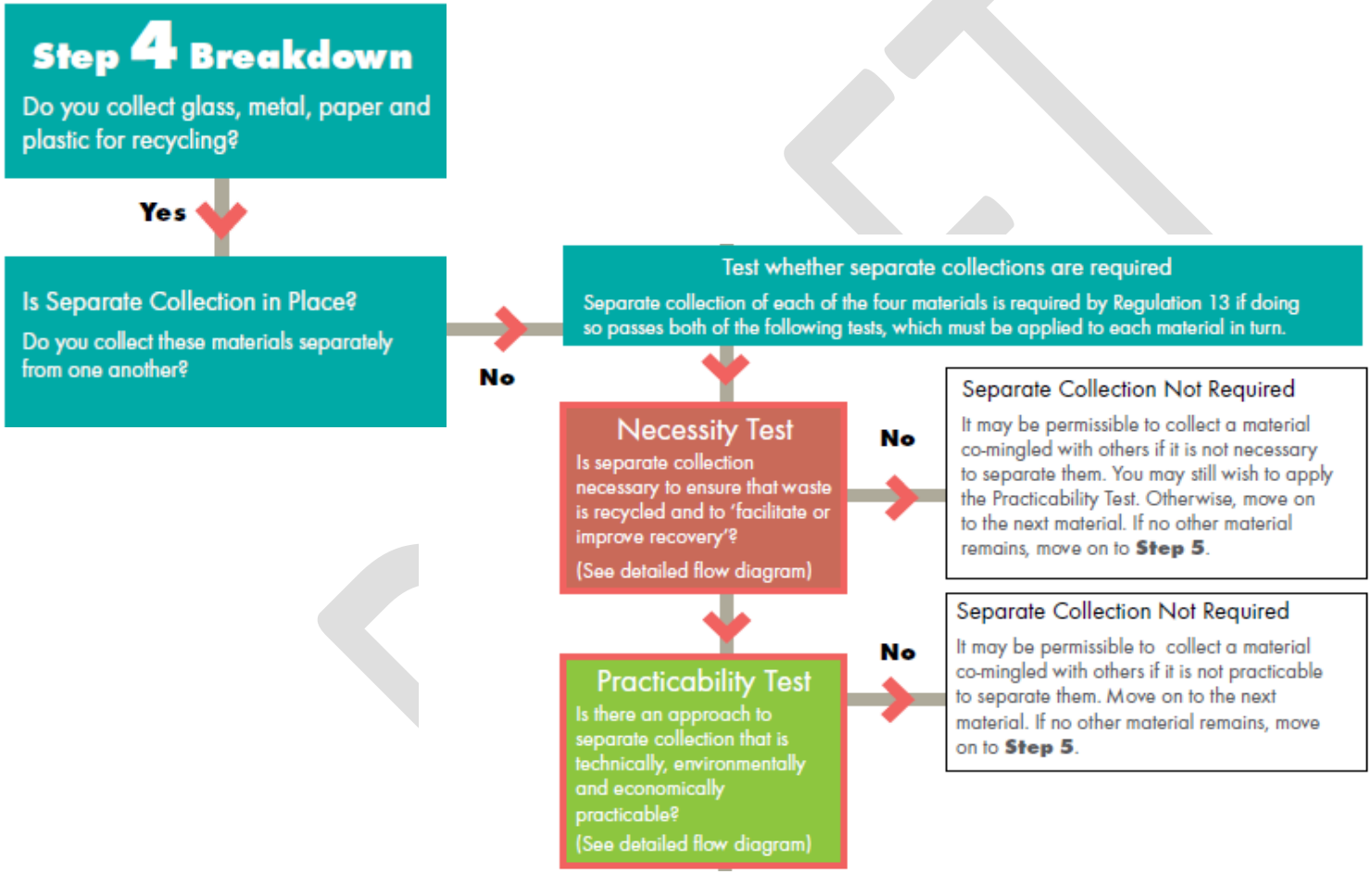
"The JMWMS policies are a very positive move towards the more sustainable management of waste in accordance with the waste hierarchy. The policies support waste minimisation, recycling, composting and recovery of value from waste, and major facets of recent, national and European waste policy such as the proximity principle and self-sufficiency."

"Option 5 has the most beneficial effect on emissions to air from the perspective of global climate change and local environmental quality."

The current PI resource and Capture Treatment Review will be considering all waste types in the context of the waste hierarchy requirements - this will be complete in February 2015.

Step 4 - Decide whether separate collection of the four materials is required

Figure 4. Portsmouth decision route breakdown



4.1 Glass in Portsmouth

Glass bottles and jars are already separately collected via bring sites, it is not accepted co-mingled in the kerbside recycling bin.

Separate collection according to the route map means collecting material so as to keep different types separate from one another - bring banks and HWRCs are a form of separate collection.

PI legal advice states;

"I do not consider that reliance on the bring sites alone…satisfies the requirements…. For those who choose not to use a bring site, the alternative will be to use their residual household waste disposal route…it would not be consistent with the objectives of the WFD."

The potential option for capturing those who do not use bring banks is considered in Table 13 of Step 3 (separate kerbside glass collection). Details on the estimated cost and other impacts are examined under the 'practicability test' in section 4.3.3

Table 14. Glass capture statistics - Portsmouth City Council

Total glass not being recycled - tonnage	Total glass collected for recycling - tonnage	Total glass in overall waste stream - tonnage	Glass capture - %
2401.05	2375.77	4776.82	49.74

Portsmouth has 60 glass recycling points (including HWRC) located in different areas across the whole city. All residents have access to a local bring site within 1,000m (less than 1 mile) from their home. The most densely built up areas have sites available within 500m (less than ½ mile).

4.2 The necessity test

Regulation 13 of the Waste Framework Directive:

"The duties in this regulation apply where separate collection -

(a) Is necessary to ensure waste undergoes recovery operations….and to facilitate or improve recovery"

<u>The Route Map Guidance</u>:

Is separate collection proposed?

No → Examine the quantity & quality of recycling

4.2.1 Facilitating recovery (quantity)

The route map states *"if a measure 'facilitates' recovery it might be expected to result in the amount of material recovered, rather than sent for disposal, being increased."*

Existing studies are relied upon to inform on estimates of the likely yields obtainable via different collection systems.

Kerbside Recycling: Indicative costs and performance (ICAP) - WRAP found here

This study found that there is little variation in material yields between the three main scheme types (kerbside sort, co-mingled & twin-stream). It does however mention that high yields are likely for schemes which are easy and convenient ie. they:

- Provide residents with an appropriate method of containment
- Minimise the effort required for residents to engage with and use the service
- Provide adequate capacity
- Maximise the range of materials targeted

The study gives indicative yields for different types of collection system. This data has been used with adjustments according to:

- Current performance levels
- Differences in materials collected
- Differences in collection frequencies

The summary in table 14 below shows that separate collection in Portsmouth would lead to a lower yield of paper, cans and plastic than that already achieved through a co-mingled service. These figures using the WRAP ICAP report support predictions of residents' behaviour with a separate collection. The main likelihood of the lower yields would be down to containment problems. Boxes are the most suitable method for a kerbside sort system (ie. Using a stillage vehicle, sorted manually by collection crew) as there would be no bin lift mechanism on the vehicle. Therefore to provide residents with maximum capacity, or the equivalent of a standard 240l bin, up to 4-5 boxes would need to be provided to residents. If a 2 stream co-mingled system was put in place (separating some materials), bins could be used, however would still mean double the containers than at present. Section 4.3.1 looks at this as a technical practicability issue further.

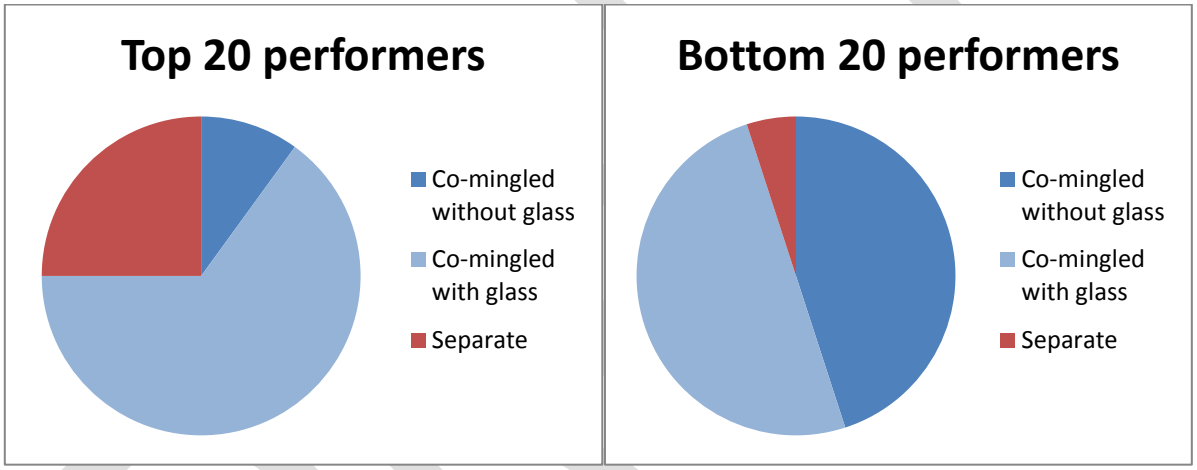
Table 14. Current (2013-14) and forecast yields (using ICAP report) for Portsmouth City Council

Current kerbside yield paper, cans, plastic (kg/hh/yr)	WRAP forecast paper, metal, plastic yield via kerbside sort (kg/hh/yr)	Difference between WRAP forecast and existing yields (kg/hh/yr)
88.65	55.73	-32.92

Kerbside recycling collection schemes in England 2012/13

The 2012/13 recycling rate league table identifies the best and worst performing local authorities (Portsmouth City Council falls within the bottom 20). By comparing their collection methods in Figure 5 below, the following can be deduced:

Figure 5. Top and bottom recycling rate performers - collection method comparisons



- 75% ($^{15}/_{20}$) of the top performers collect recycling co-mingled, with 13 of these including glass
- 95% ($^{19}/_{20}$) of the bottom performers collect co-mingled, with 10 including glass
- All 20 of the top performers collect residual waste fortnightly whereas $^{14}/_{20}$ (70%) of the bottom authorities collect it weekly

Additionally, the top 10 most improved authorities (largest increase in recycling) from 2011/12 to 2012/13 offer differing services with ½ collecting co-mingled and the other ½ with some form of separation. The common denominator appears to be that $^{9}/_{10}$ councils provide a food waste collection.

From this analysis, it is highlighting that the majority of councils currently have in place a co-mingled recycling collection service (85% of the 40 example authorities).

The number of councils using separate collections in the top 20 and bottom 20 performers is not largely different. The top 20 performers have only a slightly greater number of separate collection services than the bottom 20. Interestingly, the top performers have significantly more co-mingled collections containing glass - the most common contaminant responsible for reducing quality of material - than the bottom 20.

Co-mingled collections do not appear to have a negative effect on recycling yields amongst the top 20 authorities.

4.2.2 Improving recovery (quality)

The route map states; *"Recovery may…be improved if…more of the recycling is high quality".*

The WFD makes a clear reference to high quality being the *"necessary quality standards for the relevant recycling sectors."*

Several documents surrounding the Waste Regulations make specific reference to the problems associated with mixing glass with other recyclables. As discussed in 4.1. The separate collection of glass via bring sites is able to go to re-melt applications rather than an open loop/aggregate outlet.

In particular the Judicial Review supports co-mingled collections that exclude glass;

"…whilst glass is a well-recognised potential contaminant, metal and plastic can be separated at a stage later than kerbside without any significant contamination or other… disadvantage."

Quality of Portsmouth's MRF input and output material is monitored via Veolia's Materials Analysis Facility (MAF) at Alton, with samples taken from the Portsmouth MRF. This can then be grouped into targeted and non-targeted materials giving a contamination rate.

Input

Table 15 below shows Portsmouth's MRF input contamination rate over the years since 2006/7.

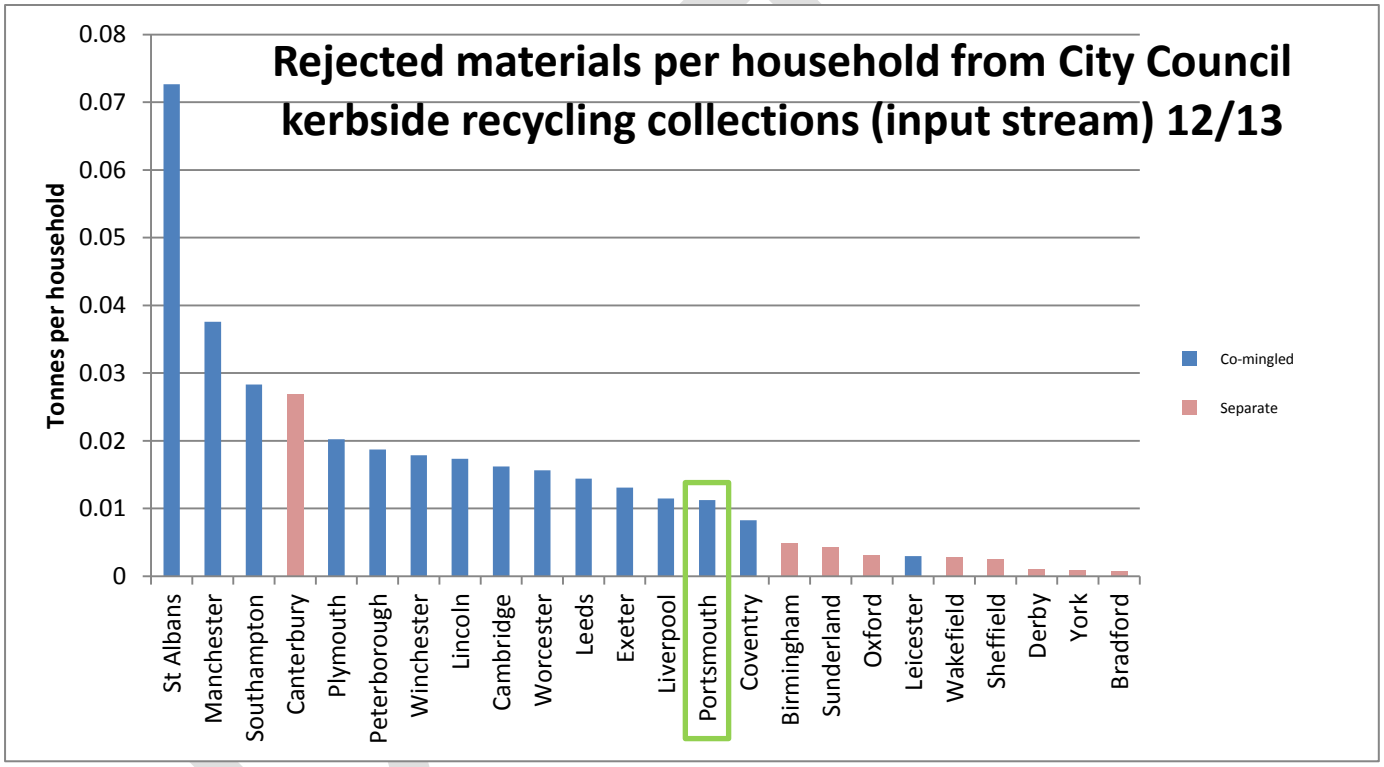
Table 15. Contamination into MRF - Portsmouth City Council

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	Average
PCC	8.71%	5.89%	5.45%	4.96%	5.50%	6.34%	7.13%	7.41%	**6.42%**

Figure 6 compares 24 English city councils' rejected material tonnages (per household) from input streams. Portsmouth's low contamination rate is reflected:

- Of the 10 councils with the lowest rejection tonnages, 8 carry out separate collections
- Portsmouth falls just outside of the lowest 10, but has the third lowest tonnage rejections of the 15 co-mingled councils
- All separate collections (except Canterbury) fall below 0.01 tonnes per household, Portsmouth is just above this mark

Figure 6. Comparison of rejected material (non-targeted input) tonnages per household from City Council kerbside recycling collections



Output

The output sampling is designed to ensure the standards produced by the Resource Association are met. Outputs are also sampled on arrival at re-processors.

In 2013/14, 93% of PI MRF outputs were sent to members of the Resource Association. The members accept recyclate from a range of sources, including both co-mingled and source separated collections. In 2014, the RA launched ReQip - Recycling Quality Information Point containing specifications from key recyclate re-processors. The Information Point provides the *'necessary quality standards for the relevant recycling sectors'* as stated in the WFD. The RA defines quality recycling as material that can be collected and re-processed into the same or a similar product.

Between July 2012 and July 2014, only 0.07% of PI MRF outputs were rejected by re-processors because they did not meet the required specification.

In instances where it was rejected, it was returned to a PI MRF for further sorting. Portsmouth's rejected tonnage of 5.5 tonnes per annum is visualised in Figure 2 (Step 2).

Further detailed information on specifications Veolia's sampling aims to achieve is included in Appendix v.

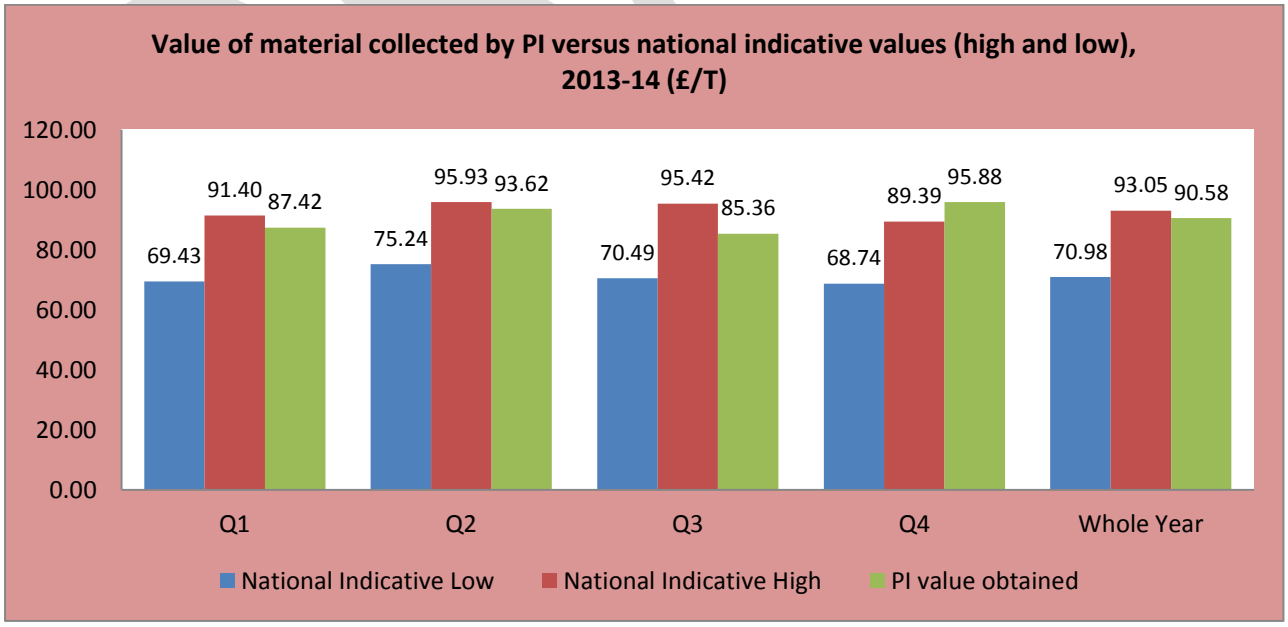
If 99.93% of PI material is meeting the specifications detailed under ReQip, then the material will:

- Satisfy re-processor demand for good quality material
- Have a good chance of being recycled via a closed loop recycling process
- Be accepted on the same terms as material that has been separately collected

Value of recyclate

Figure 7 below compares the £/T value of material produced by PI MRFs with high and low values according to the price information available. It shows that over a course of the year, the value of PI material is at the high end of the national price range, and in one quarter even exceeds the high end. This indicates a good quality of material that re-processors are prepared to accept and pay for.

Figure 7. Comparison of the £/T value of PI material with high and low values 13-14



The contractor states; *"Veolia strives to achieve the quality demands required by the market to ensure Hampshire recyclable materials from the MRF become part of the closed loop process for all commodities sent to market."*

The following reprocessing information in Table 16 can be taken into consideration:

Table 16. Reprocessing of co-mingled material

Commodity	Notes on reprocessing
Plastic Bottles	In 2013-14, 99.6% of PI plastic bottles were reprocessed by Closed Loop Recycling Limited. They reprocess post-consumer plastic bottles into food grade resin, as well as non-food grades.
News and Pams	In 2013-14, 99% of news and pams was sent to Aylesford Newsprint or UPM Kymmene. Aylesford state that they receive "500,000 tonnes of recovered fibre annually in order to manufacture on average 400,000 tonnes of 100% recycled newsprint." UPM state that they receive "640,000 tonnes of recovered paper per year. It is the largest newsprint mill in the UK, producing newsprint for the national and the regional press, with capacity to produce 500,000 tonnes a year."
Aluminium	100% of PI aluminium is recycled by Novelis UK Ltd. Ingots produced have a wide range of uses, including recycling back into beverage cans.
Steel	86% of PI steel is reprocessed by AMG Resources Ltd, into new steel products
Cardboard	Around 75% of PI material may be exported. This is subject to strict controls, and will be recycled back into a cardboard product.
Mixed paper	100% recycled by UK-based Aylesford or UPM (as detailed above) or DS Smith. Material is recycled into paper products

Whilst materials accepted by re-processors are often subject to further grading, with some process loss, the same can be said of all materials accepted regardless of source. All the processes described in Table 16 ensure that material is, as far as possible, recycled via a closed loop process.

As demonstrated in Figure 4, after completion of the necessity test, separate collection is considered as unnecessary. However, the route map advises undertaking the practicability test to ensure stronger evidence demonstrating compliance. The practicability test is examined in 4.3

4.3 The practicability test

Regulation 13 states;

"The duties in this regulation apply where separate collection -

(b) Is technically, environmentally and economically practicable."

The Route Map Guidance:

Are you planning to collect the four materials separately?

No → Is separate collection of each material **TEEP**?

The obligation for separate collection of the four materials stretches beyond the specific types (eg. plastic bottles only) collected as DMR in Portsmouth.
The most common other types are considered in the information below:

Table 17. Non-DMR types

Material	Examples	Comments
Paper	Books	There are sufficient charity shop and book bank outlets for books across Portsmouth, it is not likely that a separate collection provided by the council would achieve significant yield or be cost effective
	Beverage cartons (e.g. tetra pak)	The 2009-10 PI Collections and Processing Review found that it was not environmentally or economically viable to collect cartons. However this is under review via the PI Resource Capture and Treatment Review, due to report on findings in February 2015. It will be considered according to TEEP principles
Plastic	Toys and other non-packaging rigid plastic items	There are charity shop outlets for some of these materials, a separate collection provided by councils would not achieve significant yield nor be cost effective, due to the number of polymers in use and lack of markets and infrastructure for this type of plastic
	Non-bottle rigid packaging (pots, tubs, trays)	The 2009-10 PI Collections and Processing Review found that it was not environmentally or economically viable to collect more plastics. However this is under review via the PI Resource Capture and Treatment Review, due to report on findings in February 2015. It will be considered according to TEEP principles
Glass	Pyrex, drinking glasses etc	Cannot be recycled with glass bottles and jars because of different properties. Quantities in the waste stream are likely to be very small so separate collection would not be practical
	Window glass	Cannot be recycled with glass bottles and jars because of different properties. The window industry is best placed to offer solutions, no significant quantity currently handled by householders
DMR materials collected among street cleansing waste	e.g. papers, cans, glass bottles that are collect from litter bins, street litter, fly-tips etc.	WCAs have legal responsibilities for keeping streets clean. Some street litter will undoubtedly comprise paper, cans, metal and glass that should be collected separately unless not practicable. However, the operational effect of having to collect in this way would not be practicable in an economic sense, and this is not widely practised in the UK

4.3.1 Technically practicable

EU Commission guidance: *"Technically practicable means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice."*

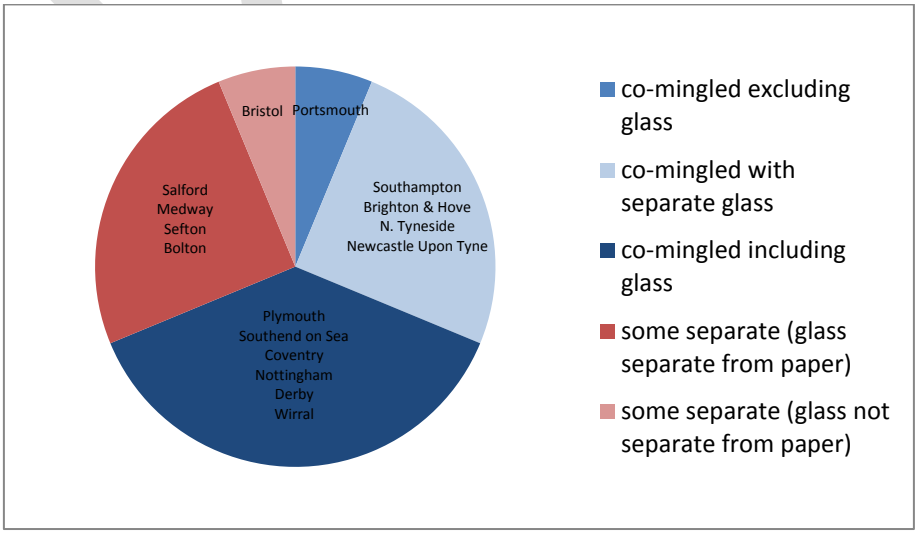
According to the route map, "*in order to establish whether separate collection is likely to be technically practicable for the Portsmouth area, any separate collection systems that have been developed and proven to function in an authority with similar characteristics should be identified."*

Table 18 below lists the 2014 Portsmouth comparative authorities (in order, according to APSE), along with their collection systems:

Table 18. Comparative authorities' collection systems

Portsmouth	Co-mingled	Excluding glass (no kerbside)
Southampton	Co-mingled	Separate glass
Bristol	Some separate	Glass not separate from paper
Brighton & Hove	Co-mingled	Separate glass
Plymouth	Co-mingled	Including glass
Southend on Sea	Co-mingled	Including glass
North Tyneside	Co-mingled	Separate glass
Newcastle upon Tyne	Co-mingled	Separate glass
Coventry	Co-mingled	Including glass
Nottingham	Co-mingled	Including glass
Salford	Some separate	Glass separated from paper
Derby	Co-mingled	Including glass
Medway	Some separate	Glass separated from paper
Sefton	Separate	Glass separated from paper
Bolton	Some separate	Glass separated from paper
Wirral	Co-mingled	Including glass

Figure 8. Comparative authorities' collection systems diagram



- Portsmouth is unique as the only authority on the list not providing some form of kerbside glass collection (labelled as co-mingled excluding glass)
- 10 of the 15 other councils carry out co-mingled collections of which 6 include glass (the majority)
- Of the councils choosing separate collections, none collect all 4 materials completely separate from each other eg. Medway (some separate): Paper and card in one 'bag', glass, cans, plastics & foil in another 'bag'
- The larger cities within the comparator list (Southampton, Nottingham, Plymouth, Brighton, Newcastle) all have co-mingled collections with the exception of Bristol - however they do co-mingle glass with paper

Portsmouth geography affecting technical practicability

Portsmouth has a population density greater than London of 5,100 people per square km - a population of approximately 205,400. The city is made up of around 88,000 properties serviced by PCC's household waste collections.

The dense urban island nature of Portsmouth is restricting for waste collections, in particular the storage of multiple containers for residents.

- 43% of Portsmouth is terrace housing
- 30% of Portsmouth housing is flats/maisonettes

Problem housing types:

- Flat fronted properties (no forecourt or front garden area) - 10% of housing
- Flats in tower blocks and purpose built flat blocks
- Flats in large converted houses
- Flats above shops
- Terrace properties (small sized forecourts)
- HMOs (majority students)

As mentioned in 4.2.1, the number of recycling boxes or bins would affect a resident's ability and willingness to recycle a large amount. Storing a number of containers would not be an option for many areas of the city, lowering the resident's chance of recycling and/or lowering the yield in general due to lack of capacity. The recycling participation rate is high at present at around 96%. Separate collections are viewed as making the scheme less user friendly for residents, therefore could see this affected negatively.

Further to the effect on participation, following a 2006 audit of Portsmouth City Council's domestic waste collections, the Health and Safety Executive (HSE) recommended phasing out of recycling boxes and more widespread use of wheeled bins due to the increased risk of operative manual handling and slip/trip injuries from using boxes:

"[Recycling] boxes have a higher manual handling risk associated with them (they require stooping and lifting) and a higher slip/trip risk (as the crews can't see their feet). Wheelie bins will also allow greater recycling volumes in accordance with government requirements. You should phase out the box where possible)."

In the reply to this letter, PCC's Chief Executive stated: *"…because of the topography of parts of the city and the nature of its housing mix, it is thought unlikely that 100% wheeled bin provision will be achieved, although every opportunity will be taken to maximise their usage",* demonstrated the council's commitment to using wheeled bins (and their associated co-mingled recycling collection methods) wherever possible in order to reduce the injury risk as much as possible.

It could be technically practicable to employ a two system approach ie. introduce separate collections in areas where this could work (probably less than half of the city with a possible form of north/south divide). This will be examined further under 4.3.3 which deduces its economic practicability.

Co-mingled versus separated

Using a mixture of evidence from a recent study on behalf of Aberdeen City Council in 2012, and PCC's own estimations, Table 19 below compares practicality between co-mingled and source separated/kerbside sort collections:

Table 19. Co-mingled and source separated practical comparison

	Co-mingled	Source separated/kerbside sort
Container flexibility	Easy to add new materials Easier storage for resident Less manual handling for crews Less pavement obstruction	Harder to add new materials Harder for resident to store multiple containers Extra manual handling for crews More pavement obstruction
Ease of detecting contamination and communicating with household	Harder to identify Easier to educate residents & force behaviour change (less effort)	Easier to identify Harder to force behaviour change in residents (more effort)
Vehicle flexibility	Easier to add new materials	Harder to add new materials
Round coverage	Greater coverage – vehicles compact material Less trips to tip Quicker collections - less hold up of traffic	Lesser coverage – no compaction and constrained by compartment capacities More trips to tip Slower collections - more traffic hold ups
Vehicle utilisation	Vehicles can also be used for other collection services Vehicles can collect from all property types Easier for 2 sided rear loading -	Vehicles can only be used for purpose of recycling collections May not be capable of servicing flats which may need a co-mingled collection?

	quicker & safer	Harder for 2 sided rear loading - slower & more dangerous
Bulking/sorting flexibility	Specification at MRF may limit adding of new materials	May be more flexibility to bulk/sort new materials

Overall, co-mingled offers a more practicable collection method for Portsmouth.

Many of the issues highlighted in Table 19 link to economic practicability looked at in section 4.3.3

4.3.2 Environmentally practicable

"Environmentally practicable should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection."

Table 20 below demonstrates the environmental considerations, highlighting negative and positive effects of co-mingled and separate collections in Portsmouth.

Table 20. Environmental analysis of co-mingled and separate collection systems in Portsmouth

	Co-mingled 1 stream	Source separated	2 stream co-mingled
Container	1 x 240l bin taking up less space on the highway, can contain more recyclables	No. of 55l boxes (bins would not be suitable for sorting onto vehicle) providing the equivalent capacity to 240l bin = 4.3 meaning loss of capacity and less recyclables. Extra containers covering highway (bin blight)	No. of 55l boxes (bins might not be suitable for sorting onto vehicle) providing the equivalent capacity to 240l bin = 4.3 meaning loss of capacity and less recyclables. If bins could be used, 2 would be needed creating further bin blight to pavements. Extra containers covering highway
	Harder for bin to be knocked over - has a sturdier lid, less likely for contents to be spilt creating litter	Easier for boxes to be knocked over/blown over causing windblown litter to spread - dangerous, unsightly, attracts animals/vermin and spread of disease	Easier for boxes to be knocked over/blown over causing windblown litter to spread - dangerous, unsightly, attracts animals/vermin and spread of disease
Vehicles	More contamination, lower proportion recycled Less vehicles required per collection round, less emissions produced	Less contamination, higher proportion recycled More vehicles required per collection round, more emissions produced	Less contamination, higher proportion recycled More vehicles required per collection round, more emissions produced
	Compactor and bin lift uses more energy	No compactor or bin lift required (less technology) - less energy	Compactor and bin lift may be required - less or more energy

Disposal	Faster collections causes less traffic congestion and exhaust fumes (hold ups by collection vehicles; particularly in one way roads and narrow streets with parked cars either side) More capacity on vehicle for waste, less trips to tip - less transport emissions used More capacity makes the vehicle heavier when full, using more energy	Slower manual sorting collections - more traffic congestion hold ups by collection vehicle, more air quality issues with idling in residential areas Less capacity on vehicle for waste, more trips to tip - more transport emissions used Less capacity makes the vehicle lighter when full, using less energy	Slower manual sorting collections - more traffic congestion hold ups by collection vehicle, more air quality issues with idling in residential areas Less capacity on vehicle, more trips to tip - more transport emissions used Less capacity makes the vehicle lighter when full, using less energy
	MRF processes required using more energy	No MRF processes required using less energy	Some MRF processes required using less energy
	Removal of contaminants at the MRF uses more energy	Less removal of contaminants required, uses less energy	Some removal of contaminants required at a MRF -uses some energy

Since 2011, Portsmouth has fuelled all collection vehicles with bio-diesel derived from recycled cooking oil; this has produced an estimated saving of 86% in overall CO_2 emissions. In 2013/14 the waste collection and disposal process produced 162 tonnes of CO_2 eq. in comparison to 635 tonnes in 2010/11 with mineral diesel. Bio-diesel would continue to be used in the event of vehicle changes wherever possible, however as demonstrated, extra vehicles would be required; resulting in extra fuel usage. Portsmouth has a legal responsibility under the Climate Change Act to reduce emissions.

The Eunomia Recycling Carbon Index report gives Portsmouth's recycling target index as a 50kg CO_2 eq. saving per person. This includes all collection, disposal and treatment processes. Five of the comparative authorities listed in Table 18, all city disposal authorities like Portsmouth, also appear in the same saving band (between 34-53kg CO_2 eq.)

4.3.3 Economically practicable

The EC guidance states *"Economically practicable refers to a separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality."*

WRAP's Kerbside Recycling: Indicative Costs and Performance (ICAP) 2008 report is a starting point for assessing component parts of a kerbside sort system. It identifies the following:

- Operational collection costs are greater for separate collection than for co-mingled

- When income from material sale is taken into account, separate collection schemes show lower overall costs than single stream co-mingled
- The net costs of co-mingled schemes are heavily affected by MRF gate fees and the costs of kerbside sort by the income from the sale of materials

The ICAP report has been used to predict an approximate cost of a kerbside sort scheme per household. This is compared to an 'expected' cost of providing a co-mingled service based on ICAP.

Table 21. Estimated costs per household, per year according to ICAP report (2008)

	Forecast kerbside sort costs (£ per HH)	Comparative co-mingled costs (£ per HH)	Difference (£ per HH)
PCC	13.17	11.41	1.76

Based on this report (method of calculation in Appendix vi), including the top-level material income that could be expected, separate collection works out at around £1.76 per household/per year more than co-mingled.

Portsmouth estimated costs of change from co-mingled to source separated collection system

Table 22 below looks at the main current collection system costs including the original set up costs of the co-mingled recycling service.

Table 22. Current recycling collection system's main costs including original set-up

Category	Type	No.	Cost	Total cost	
Vehicles		5	£150,000	£750,000	
Staff	Drivers	5	£33,642	£168,210	
	Loaders	10	£21,627	£216,270	
Containers	Original	50,000	£20 each	£1,000,000	
	Original delivery etc	-	-	£124,000	
	Replacements etc	-	-	£28,000	
Depot		-	-	£26,000	
Other contract costs		-	-	£40,000	
Fuel		-	£12,000 per vehicle	£60,000	
Communications	Ongoing	-	-	£18,000	
	Temporary staff	4	£19,000	£76,000	
			Gross Totals:	**£1,847,000**	**£623,480**

Key

Capital

Revenue (per year)

Table 23 below estimates the additional comparable costs to the current collection contract that would be evident in a change of system (capital and revenue included).

Table 23. Estimated costs for a city wide introduction of kerbside sort recycling

Category	Type	No.	Cost	Total cost	
Vehicles	Kerbside stillage	10	£55,000	£550,000	
Staff	Additional drivers	5	£33,642	£168,210	
	Additional loaders	10	£21,627	£216,270	
Fuel		10	£12,000 per vehicle	£48,000	
Containers	Boxes	4 or 5 per hh	£4 per box	£ 1,350,000 - £1,800,000	
	Collection & delivery	88,000 hh	£2 per hh	£176,000	
Communications etc	Temporary staff	4	£19,000	£76,000	
	Advertising/leaflets etc	88,000 hh	£4 per hh	£352,000	
Depot	Expansion	-	-	£20,000	
Other contract costs		-	-	£40,000	
Transfer station	Rent space	-	-	£20,000	
	Baling, skips etc	-	-	£100,000	
	Handling fee	9047.86 tonnes	£15 per tonne	£135,718	
			Gross Totals:	**£3,189,718**	**£720,198**

Key

Capital

Revenue (per year)

In 2004 the co-mingled recycling bins were rolled out across the city with a capital cost of set up at around £1.8 million. Using comparative costs, Table 23 indicates a capital set up cost for kerbside sort at around £3.2 million. In 2004, £1.2 million was funded by Defra, today, without available funding the capital cost is unobtainable within tight local authority budgets.

The current contract revenue cost would more than double with implementation of kerbside sort due to extra vehicles, staff, new communications and disposal requirements. Fixed MRF fees would still need to be paid after a 12 month notice of cancellation period to Veolia, the current disposal contractor. There may be additional penalties if the overall contract tonnages (including other PI authorities) to the MRF are reduced by 12%.

Carrying out a half and half system, where half the city continues co-mingled and half take up separate collection, results in the following costs (all flat blocks with communal facilities would continue co-mingled for practicability):

Capital: £1,105,000
Revenue: £502,859 additional to current costs

The half and half system would have a lesser financial impact than a citywide system, however still requires around £1million capital to implement.

Separate kerbside glass collection costs

As detailed in section 3.1, collecting glass separately using a kerbside collection would not only keep glass separate from other materials, but offer a preferable option when linked to the waste hierarchy. This option could be put in place with the current co-mingled system.

Table 24. Estimated cost of implementing kerbside glass collection

		Baseline	Year 1
Baseline	No. of properties	88,000	-
	Tonnage	-	4,080.60
	Income per tonne	-	£14.07
Capital	Additional vehicles x 3	£450,000	-
	Boxes £2.60	£228,800	-
	Delivery £0.78 per hh	£68,640	-
Revenue	Communications £4 per hh	£352,000	
	Staff	£230,688	£285,957
	(Income from sale)	-	£57,414
	Fuel	-	£48,000
	Other contract costs		£40,000
	Ongoing communications		£18,000
	Gross:	**£1,330,128**	£391,157
	Net:		**£334,543**

The capital set up cost would be large, as with the introduction of a kerbside sort, this could only be possible in current financial times with grant funding. Estimated calculations indicate the main net cost in year 1 would be around £335,000 (additional to current waste and recycling costs). The kerbside glass collection could provide up to double the current yield in Portsmouth (according to other PI authority comparisons), however the practicability of introducing another container (particularly boxes) has been discussed in 4.3.1

The introduction of a kerbside glass collection would be more practical for Portsmouth than a change to all material being collected separately either by kerbside sort or separate containers. This is something that can be looked into further with regards to capital funding.

4.4 Conclusion

Guided by the route map, Portsmouth City Council has carried out the necessity and practicability tests in order to demonstrate compliance with the Waste Regulations 2012. The tests have indicated that separate collection is not necessary at this time, however the regulations will need to be considered again when any changes occur in

the future, for example the introduction of mixed plastics. The re-evaluation process is detailed in section 5 for future implementation of the TEEP assessment process.

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Appendix I – Proposed EA risk-based regulatory regime (under consultation)

Level of compliance	Indicator	Level of intervention
High	• **Collections providing on-site or doorstep separate collection or kerbside sort for each paper, glass, plastic and cans.** • **Collectors who rigorously applied the Route Map and collection arrangements are based on well-evidenced, documented and justified decisions**	**Low**
Medium	• **Collectors sending co-mingled material to a MRF which is providing poor quality recyclate** • **Evidence suggests poor quality of recycling and are not separate collections** • **Collector advertising a new contract that is prescriptive about type of collection/sorting service unless it is clear it wants a multi-stream/separate collection** • **Move from separate collections to co-mingled since 2012** • **Collections which are not collecting any of at least one of the four streams – paper, metal, plastic and glass – other than through civic amenity or bring banks**	**Medium**
Low	• **Any implication that waste has ended up as illegal export** • **Evidence that good quality recyclate has been deliberately sent for disposal or incineration or remixed with other waste**	**High**

Appendix II – Legal advice in full

PROJECT INTEGRA PARTNERS

SEPARATE WASTE COLLECTION FROM 2015

A D V I C E

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1. Regulation 13 of the Waste (England and Wales) Regulations 2011 ("the Regulations") provides:

> *"(1) This regulation applies from 1st January 2015.*
>
> *(2) Subject to paragraph (4), an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection.*
>
> *(3) Subject to paragraph (4), every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.*
>
> *(4) The duties in this regulation apply where separate collection –*
>
> *(a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and*
> *(b) is technically, environmentally and economically practicable".*

2. Regulation 13 has implications for the members of Project Integra, which is a partnership comprising 11 Waste Collection Authorities, Hampshire County Council as Waste Disposal Authority, the unitary authorities of Portsmouth and Southampton (each responsible for waste collection and disposal) and Veolia Environmental Services (VES), the integrated waste management contractor. The Partners work together to provide an integrated solution to Hampshire's municipal waste.

Existing Collection Arrangements

3. Each of the Partners operates separate waste collection arrangements. The following is a summary of the arrangements overall:

(a) All of the Partners collect paper, cardboard, cans and plastic bottles from Hampshire households but they are co-mingled at the point of collection.
(b) Glass is not included in the co-mingled waste but is instead collected either by a separate kerbside collection or households are directed to a network of glass bottle banks.
(c) The Partners also provide "Bring" sites to which households may take a limited range of items for recycling.
(d) The three waste disposal authorities operate a number of large-scale recycling centres within Hampshire to which households may take a wide range of materials including garden waste, electrical appliances, DIY waste, rubble and general waste.

Arrangements for the co-mingled waste

4. Once collected from the kerbside, the co-mingled waste is delivered to one of two Material Recovery Facilities (MRFs) in Hampshire. At these MRFs the waste is sorted into its component fractions (e.g. steel, paper, cans) using a mix of hand sorting and technology. The resulting fractions are then sent to various reprocessors in the UK and abroad for recycling. One of the MRFs has a Material Analysis Facility ("MAF") which provides detailed information on the composition and inputs and outputs from the MRF. Of relevance to the issues on which my advice is sought, the MAF measures contamination within the co-mingled waste which has to be extracted for disposal. This includes glass, plastic bags and foil. I assume that it also measures the quantity of waste which, by reason of the co-mingling or otherwise, has ceased to be suitable for recycling.

The Issue

5. The Partners are presently considering the implications of Regulation 13 for their waste collection arrangements. Other than those collection authorities which have an in-house collection service, collection contracts are in place with a variety of contractors across the Project Integra area, none of which expires before 2017. In order to undertake a robust assessment of the need for and practicability of separate collection of waste paper, metal, plastic and glass, a draft *"Waste Regulation Route Map"* has been prepared. My advice is sought on the robustness of that Route Map, whether it can be improved to minimise risk of legal challenge, the evidence base required to minimise the risk of such a challenge and on the approach which should be taken in relation to a number of more specific issues.

The Law

6. Before responding both generally and to the specific issues raised, it is important to have a clear appreciation of the statutory and policy context. Helpfully, this has been recently and comprehensively reviewed by Hickinbottom J in R (on the application of UK Recyclate) v Secretary of State for the Environment, Food and Rural Affairs [2013] Env LR 23. UK Recyclate argued that the Regulations failed properly to transpose the Waste Framework Directive (the WFD"). In particular, they argued that (a) the importation of the Necessity Test into Regulation 13 was inconsistent with the

WFD when properly interpreted; (b) that separate collection could be avoided only where it did not meet the Practicability Test; (c) that as matter of law Parliament could not leave the decision as to whether the Practicability Test was met to another, such as a Local Authority; and (d) (although the Court was not asked to make a finding of fact) there was evidence to show that the separate collection of waste met the Practicability Test in all possible circumstances of collection throughout England and Wales (and by implication, separate collection was in all instances required).

7. Hickinbottom J rejected each of these grounds. He concluded that it was open under European Law for the Secretary of State to fulfil the obligations under the WFD with a system which allowed local authorities to determine within their areas whether separate collection was necessary or practicable and which provided for enforcement through the Environment Agency. He also held that on a proper interpretation of the WFD, the Necessity Test was required to be satisfied in addition to the Practicability Test. On the approach to be taken to practicability, Hickinbottom J held that whether this was met depended on a balancing exercise, and local authorities were uniquely qualified to undertake that balance having regard to local circumstances. The reasoning by which he reached these conclusions has a bearing on the proper approach to be taken to the two tests in a local assessment and I address the key passages under a series of headings.

(a) Objectives of the WFD

8. The judge stressed that:

> *"As one would expect of a directive, [the WFD] sets out high level principles, aims and objectives, the primary objective being to protect the environment and human health. So it states that:*
>
> *"The first objective of any waste policy should be to minimise the negative effects of the generation and management of waste on human health and the environment...." (recital (6))"*[1]

(b) Local Circumstances

9. In rejecting the argument that the issue of practicability had to be assessed on a national basis, Hickinbottom J held:

> "*Given the need to consider the particular circumstances of the collection, it is perfectly understandable that the primary decision-making function has been given to local authorities which are uniquely placed to take into account local circumstances.*
>
> *Nor does the Waste Framework Directive, as a matter of law, require a particular authority to make a decision with regard to practicability for the entire area it covers or for any particular area. Whether separate collection is technically, environmentally and economically practicable depends on a balancing exercise that is both sophisticated and context-specific (see [19] above].*[2] *The relevant factors will be different (and certainly, will attract different weight) in a city centre from a sparsely populated countryside, and*

[1] Para. 9

[2] A reference to paragraph 4.4 of the Commission Guidance on the Interpretation of Key Provisions of Directive 2008/98/EC on waste.

may well be different within the same city centre or within the same particular sparsely populated area. One can imagine idiosyncratic collection circumstances (perhaps remote households) where the exercise of assessing the practicability of separate collection will require an especially specific, if not unique, consideration of the relevant factors. As the Commission Guidance in respect of the Waste Framework Directive (referred to in [18] above stresses (Notice p.3):

"In practical implementation and enforcement, specific circumstances and the context of the waste management situation, as well as the requirements of the legislation, will always need to be taken into account".

Indeed, as a matter of law, as I have indicated, the test for technical, environmental and economical practicability not only permits but demands consideration of the particular collection circumstances".[3]

10. As to the contention that the evidence showed that separate collection was in all circumstances practicable within the UK, the judge was dismissive:

"I appreciate that the claimants have a strong belief in the benefits of recycling, and the advantages of separate collection of waste to that end. However, on any view, this is an extremely bold contention. I am not called upon to make any factual finding in respect of it – nor do I formally do so – but it would be remiss of me if I were not to mark that, in my view, the evidence before me does not bear out that assertion. Of course, all parties acknowledge that, in many circumstances, separate collection of waste is both practicable and appropriate. The Directive clearly encourages it, and the evidence is that, for some authorities, separate collection has proved practicable and both environmentally and economically efficient. On the basis of figures for 2010-2011, 38 per cent of local authorities in England and Wales even then separately collected all four waste streams in their area, and the proportion may possibly be even higher now. However, there is no evidence to support the very different proposition that it is technically, environmentally and economically practicable to collect separately the four types of waste in all collection circumstances throughout the United Kingdom, or at least throughout England and Wales".[4]

11. Having reviewed the available sources of evidence, the judge added[5]

"Whilst making no factual finding ad to England and Wales as a whole, or any particular local authority area, from the evidence it is quite clear that technical, environment and economic practicability in the sense used in the Directive and hence Regulation requires a sophisticated and complex context-specific balancing exercise

[3] Paras. 44 & 45
[4] Para. 48
[5] Para. 50

that, depending on particular circumstances, is capable of resulting in different conclusions".

(c) "Necessary"

12. Hickinbottom J having held that the Necessity Test had to be applied rather than simply the Practicability test stressed that:

"The opening words of art.10(2) mean what they say: waste shall be collected separately, where such collection is necessary to comply with art. 10(1) (i.e. to ensure that the waste undergoes recovery operations, and to facilitate or improve recovery). The recovery operations that are to be ensured must, as the provision says, be performed in accordance with arts 4 and 13. They require the correct priority be given to the recovery, subject to the Directive's overall aim of delivering "the best environmental outcome".

....the primary objective of the Waste Framework Directive is not the separate collection of waste: it is the protection of the environment and human health (see recital 49)). Separate collection is itself a means to the achievement of that primary objective. Insofar as prioritising recycling over disposal and some other forms of recovery is an objective of the Directive, it is of course subsidiary and subservient to the higher objective of the "best environmental outcome" (art 4(20: see [15] above).....

The European Court has consistently held that [the principle of proportionality] requires that measures adopted by Community institutions do not exceed the limits of what is appropriate and necessary in order to attain the objectives legitimately pursued by the legislation in question" (R v Ministry of Agriculture, Fisheries and Food exp National Farmers Union [1998] CMLR 1125 at [96]). Those principles are expressly recognised in Recital (49) of the Waste Framework Directive, which confirms the primary objective of the Directive, and expressly states that the Directive does not go beyond what is necessary in order to achieve that objective. In the light of those principles, and their express recognition in the Directive, it would be very strange indeed if the European Parliament and Council had determined that it was necessary for the four streams of waste to be separately collected throughout the Union."

13. The judge rejected the contention that the Practicability Test alone was sufficient to ensure the proportionality of the measure:

"*Where, in particular circumstances, separate collection does not lead to a better environmental and human health outcome, it is not necessary for the objective of the Directive. There is of course overlap between the necessity and practicability requirements – both of which involve exercises in judgment on the basis of factors, some of which are common – but that does not mean that the practicability test fully encompasses necessity.....they are*

analytically distinct – as para. 4.3.4 of the Commission's Guidance (with which I deal with below: see [63] below) makes clear."[6]

14. Having regard to a variety of sources of evidence, Hickinbottom J was not prepared to hold that separate collection was in all circumstances necessary to achieve the objectives of the WFD. As he pointed out, there is a significant amount of evidence that the decision is context specific. In particular he relied upon evidence from local councils that:

> *"...at least arguably, recovery by way of separate collection would be detrimental to the overall environmental outcome, because of the higher carbon emissions in such collection systems and/or the amount of aggregate recyclables collected may in fact be considerably higher if streams are co-mingled, to the extent that any potentially recyclable waste that has to be disposed of because of (e.g.) contamination is far outweighed by the saving in waste disposal overall. This evidence goes to both practicability and necessity".*[7]

(d) Practicability

15. In relation to the meaning and scope of the words "*technically, environmentally and economically practicable",* the judge held:[8]

> "*In common parlance "practicable" means more than merely "convenient", "useful" or even "practical"; but rather "feasible" or "capable of being done".*

He then quoted the Commission Guidance paragraph 4,4 with approval:

> "*The combination of terms "technically, environmentally and economically practicable" describes the preconditions for Member States being, to varying extents, obliged to set up separate collection under Articles 10 and 11.....The wording has been introduced into the [Waste Framework Directive] without any preceding examples in EU waste management legislation.*
>
> *'Technically practicable' means that the separate collection may be implemented through a system which has been technically developed ad proven to function in practice. 'Environmentally practicable' refers to a separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality*."

16. He added:

> *"This guidance suggests that the phrase "technically, environmentally and economically practicable" is used in the Directive as a term of art, importing the principle of proportionality and demanding a sophisticated context-driven exercise of judgment balancing (amongst other things) the positive and*

[6] Para. 61
[7] Para. 62(iii)
[8] Paras 18 & 19

negative environmental and economic effects of separate collection."

17. In summary, the statutory position is thus as follows:

(i) Whether separate collection is necessary must be assessed by reference to the principal objective of the WFD i.e. the protection of the environment and human health but according the correct priority to be given to the Waste Hierarchy and (in the context of this advice) recovery. If there is no material benefit to be gained either the primary objective or performance against the Waste Hierarchy by changing from co-mingled collection to separate collection, then it is not necessary to do so;

(ii) Practicability is to be judged in a sophisticated and balanced way by reference to the specific context and not more generally. The focus should not necessarily be on the relevant waste collection area as a whole; and

(iii) The decision under each test will be fact sensitive.

Policy

18. In terms of guidance, the Commission Guidance advises[9] under the heading *"Possibility of co-mingling":*

"The WFD does not include an explicit statement covering the co-mingled collection of different recyclable waste streams (as one co-mingled stream).

As a starting point, it should be borne in mind that in accordance with Article 11(1), paragraph 3 WFD, and subject to the conditions set out in this provision, there is an obligation to have in place by 2015 separate collection for paper, metal, plastic and glass. Separate collection is defined as waste-stream-specific separate collection (see above).

On the other hand, setting up a separate collection is also subject to the principle of proportionality (subject to Article 10(2) WFD: necessity and technical, environmental and economic practicability). Considering that the aim of separate collection is high-quality recycling, the introduction of a separate collection system is not necessary if the aim of high-quality recycling, can be achieved just as well with a form of co-mingled collection.

So, co-mingled collection of more than one single waste streams [sic] may be accepted as meeting the requirement for separate collection, but the benchmark of "high-quality recycling" of separately collected single waste streams has to be examined; if subsequent separation can achieve high quality recycling similar to that achieved with separate collection, then co-mingling would be in line with Article 11 WFD and the principles of the waste hierarchy. Practically, this usually excludes co-mingled collection of bio-waste and other "wet" waste fractions with dray fractions such as e.g. paper. On the other hand, subject to available

[9] Para. 4.3.4

separation technology, the co-mingled collection of certain dry recyclables (e.g. metal and plastic) should be possible, if these materials are being separated to high quality standards in a subsequent treatment process".

19. As is clear from the guidance, high quality recycling is seen as the most appropriate means to achieve the primary objectives of the WFD, subject to proportionality and practicability[10]. It is also clear from the final paragraph of the extract quoted above, that it is relevant to whether that "high quality" recycling objective is met to take account of how and by what means the co-mingled waste is separated rather than simply the inherent potential of the waste itself. It is therefore legitimate to take into account what in practice will happen to the co-mingled waste and the extent to which the separation process meets the threshold of high quality recycling in forming the judgment as to whether it is necessary to have separate collections.

20. In terms of UK policy, the Government has refrained from issuing any meaningful guidance on how local authorities can ensure compliance with the Regulations whilst retaining collections of co-mingled waste. The letter dated October 2013 from The Parliamentary Under Secretary stresses (correctly) that local authorities cannot assume that co-mingled collections remain permissible in all circumstances after 1 January 2015, and that the requirements of Regulation 13 are "*a high hurdle".*

21. The principal source of guidance available to local authorities on how to comply with the requirements of Regulation 13 is the Waste Regulations Route Map (April 2014) produced by WRAP and others. This guidance comes with the health warning that it is not legal advice but advises that:

    "...councils that follow a rational, proportionate approach, will have a good level of assurance"

    The need for an evidenced based assessment with a clear audit trail is particularly stressed.

22. In terms of the Necessity and Practicability Tests, the advice in the Route Map may be summarised as follows:

    (a) Each waste stream needs to be considered separately and the question posed whether or not separate collection is necessary to move waste up the Waste Hierarchy;
    (b) If there is a departure from the Waste Hierarchy, can it be justified as the best overall environmental outcome justified by life-cycle thinking on overall impacts of the generation and management of waste;
    (c) The Necessity Test correctly posed is "Is separate collection of waste necessary to ensure that waste is recycled and to facilitate or improve recovery? That involves both quantitative and qualitative considerations i.e. consideration of the question "Is it clear that separate collection will not increase the quantity or the quality of the material collected;
    (d) The Necessity Test relates to the recycling potential of the material collected and should be assessed by reference to that potential rather than practical considerations such as the actual facilities to which the materials might be relevant;
    (e) The objective of separate collection is high quality recycling. In ascertaining whether that objective is met, key considerations are whether the recovered

[10] See also Art.11 of the WFD

material can be used in the same ways and with the same overall environmental benefit as separately collected waste;

(f) In terms of the Practicability Test, the principal issues are:
  (i) Can a separate collection system be implemented which has been technically developed and proven to function in practice;
  (ii) Would separate collection of waste achieve a net environmental benefit; and
  (iii) Would it result in excessive costs in comparison to the alternatives and would any additional costs be proportionate to the benefits;

(g) Comparison with any alternative must be undertaken by reference to reasonable estimates of how separate collection would perform and its costs and should reflect well performing optimum schemes;

(h) The assessment will need to be undertaken by reference to sub-areas of collection where appropriate and not simply the relevant authority's collection area as a whole. What may be necessary or practicable may vary dependent upon the area chosen.

23. Save for one aspect, I would endorse the WRAP advice. The only issue on which I would add a rider is the advice relating to whether or not the actual facilities to which the materials will be taken in practice should be ignored for the purposes of the Necessity Test in favour of looking simply at the recycling potential of the waste itself. The WRAP advice states:

> "*Note that the Necessity Test concerns the recycling potential of the material you collect. When carrying it out, it may be advisable to lease aside practical considerations regarding the actual facilities to which materials might be delivered, which will become relevant in the Practicability Test. Even if, for example, you consider it likely that paper you collect separately might need to be delivered to the same paper mill, and be used to produce the same grade of paper as it would be if collected co-mingled, this does not affect whether the separate collection is in principle necessary "to facilitate or improve recovery".*

24. Whilst I can see that the fact that a waste stream will end up in the same treatment facility undergoing the same treatment process and resulting in the same end product does not of itself justify a conclusion that separate collection is not necessary, I can see no logical reason why it should not be treated as a material consideration to the decision on what is necessary, having regard to the legal position established in the UK Recyclate case. I can see no reason why, in the decision as to whether or not separate collection is necessary, account should not be taken of the facilities and technologies available to sort wastes. To apply a literal approach to the WRAP advice would effectively mean that separate collection is in all instances necessary, in which case the Necessity Test would have no meaningful function. That is not the approach taken by the Directive or the Regulations which transposes it. The WRAP advice should properly be interpreted as directed at the recycling process itself, rather than the sorting of wastes undertaken at MRFs.

The Issues

25. Within this wider legal and policy context, I turn to consider the specific issues upon which my advice is sought before considering the Partners' own route map proposals for complying with Regulation 13.

The Bring Sites

26. I do not consider that reliance on the Bring sites alone and irrespective of usage, satisfies the requirements of Regulation 13. Whilst waste deposited at Bring sites, such as glass, will form *part* of that waste stream which is collected, for those who choose not to use a Bring site, the alternative will be to use their residual household waste disposal route with collection by one of the Partners. Regulation 13(2) will apply to waste streams discarded in that way notwithstanding the existence of the Bring sites as an alternative. The collection authority is collecting the relevant waste and it would not be consistent with the objectives of the WFD or the Regulations for the Bring sites to be treated as discharging the obligation in the absence of any usage evidence.

Use of Third Party Data to Demonstrate Compliance

27. I see no reason why the Partners cannot rely on evidence provided by the operators of household waste recycling centres to demonstrate compliance with the Regulations. What matters is not the source of the evidence i.e. who provides it but whether it is relevant evidence demonstrating either that (a) waste is being separately collected or, to the extent that it is not, further separate collection arrangements would enhance neither the quality nor quantity of the waste stream being recycled or (b) would fail the practicability test e.g. because the costs of providing a further collection service would far outweigh any environmental benefit of doing so.

The Point of Assessment of Recycling Potential

28. I have addressed this issue above. In my view, the Partners are entitled to have regard to the sorting facilities which are available to sort the waste as part of the application of the Necessity Test provided they consider both the qualitative and quantitative aspects of the need for recovery.

29. Even if I were wrong in that view, it would clearly be relevant to the Practicability Test and in particular the economic practicability. If the waste stream, even if co-mingled, is used for the same purpose and object as it would be if separated and the costs are greater, it is likely to be disproportionate to require separate collection. I say "likely" as the judgment as to this will depend on the evidence both as to the comparative quality and quantity of the separate/co-mingled waste and, for example, whether the end user has to use greater energy resources in relation to the co-mingled waste when compared with the separated waste.

Factors relevant to economic practicability

30. The two economic practicability questions posed by the WRAP guidance are:

> "*Would separate collection result in excessive costs in comparison with alternatives?*
>
> *Are any extra costs proportionate to the environmental benefits?"*

31. In my view, the Partners may take into account all of the costs, fairly and reasonably assessed on a realistic and pragmatic basis which will result from the introduction of a separate collection for one or more of the waste streams. This should include consideration of the options (if any) for the introduction of separate collections on less than a collection authority area-wide basis.

32. The WRAP guidance advises caution on how contract termination or amendment costs are addressed with an apparent underlying concern that contracts entered into after the Regulations came into force and which make it more costly to comply with the Regulation 13 requirement may be seen as a means to circumvent the WFD. Given that the current collection agreements of the Partners were entered into in 2011 at a time when the Regulations expressly sanctioned co-mingled collection, this is not a material concern on the facts here and such costs are relevant to proportionality. However, I should stress that the fact that additional costs may be incurred is not of itself sufficient to demonstrate that it is not economically practicable to introduce a separate collection. The issue is whether those costs, together with all the other costs are excessive in comparison with the alternative options and the added value of recovery and recycling and whether those costs are disproportionate to the benefit.

33. Clearly the Partners will need to seek advice on their likely liability for early termination or variation of any existing collection contract in order to inform this assessment.

Commercial & Industrial Waste

34. The Regulations draw no distinction between household waste and commercial and industrial waste and the same principles apply. I agree with the WRAP guidance in this respect which advises:

> *"Remember, the Practicality Test will need to be applied t separate collection of any waste stream where the four materials are collected and the Necessity Test is met – even if collection is at present within the residual waste stream. This includes any commercial waste you collect, or that is collected on your behalf".*

The adequacy and robustness of the Partners' Outline Approach

35. I have reviewed the Partners' proposed Waste Regulations Route Map which is largely modelled on the WRAP Route Map. I have the following comments on its content which are all designed to minimise the risk of challenge to the ultimate decisions of the Partners:

(i) The "Key Points" section should contain a clear reference to the WRAP Route Map and a sentence which states that the Partner's Route Map should be read together with it;

(ii) There needs to be clear statement that the default position is *not* assessment of separate collection within the collection authority area *as a whole*. The Partners will need to consider whether Regulation 13 requires discrete separate collection areas if the assessment concludes that it is nor practicable for this to be done on an area wide basis. If the Necessity Test is not satisfied then this issue does not arise;

(iii) After each of the steps I would recommend including a summary of the resulting evidential outputs. This will ensure that the questions posed establish an appropriately rigorous mindset and provide a meaningful checklist against which to check the assessment process. This could be achieved either by including the *"Evidence"* sections from each Step section

of the WRAP Route Map (e.g. paras. 1.3, 2.2, 3.3 and 4.1.1, 4.2.1, 6.1 et seq) or simply cross-referencing these sections of the WRAP Route Map;

(iv) Under Step 2, there needs to be an express reference to the quantity and not just the composition of waste in relation to the MRF data;

(v) Under Step 4 – Necessity Test, there is a need to build the quantitative analysis into the MRF outputs;

(vi) Under Step 4 – Practicability Test, it would be advisable to repeat the WRAP guidance that, even if the necessity test is satisfied, it is prudent to go on to consider the Practicability Test. This will make any legal challenge much harder to sustain given the nature of the balance required. There is also a need to address the question of whether an alternative collection approach would yield a better environmental outcome. This is a key consideration in the costs/benefit/proportionality balance;

(vii) Step 7 – in the *What?* Box, I suggest adding *"Any material change affecting a factor which might influence the outcome of the application of the necessity and practicability tests"* before the example given;

(viii) Summary – there needs to be reference to the MRF quantitative analysis (see above), to costs and to the environmental benefits/disbenefits of options.

36. Subject to these alterations, I am satisfied that the Route Map provides a sound framework for the relevant assessments.

SIMON BIRD QC
7 July 2014

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Appendix III - Section 48, Environmental protection Act, 1990

"Duties of waste collection authorities as respects disposal of waste collected.

(1) Subject to subsections (2) and (6) below, it shall be the duty of each waste collection authority to deliver for disposal all waste which is collected by the authority under section 45 above to such places as the waste disposal authority for its area directs.

(1A) A waste collection authority in England which is not also a waste disposal authority must discharge its duty under subsection (1) above in accordance with any directions about separation of waste given by the waste disposal authority for its area.

(2) The duty imposed on a waste collection authority by subsection (1) above does not, except in cases falling within subsection (4) below, apply as respects household waste or commercial waste for which the authority decides to make arrangements for recycling the waste; and the authority shall have regard, in deciding what recycling arrangements to make, to its waste recycling plan under section 49 below.

(3) A waste collection authority which decides to make arrangements under subsection (2) above for recycling waste collected by it shall, as soon as reasonably practicable, by notice in writing, inform the waste disposal authority for the area which includes its area of the arrangements which it proposes to make.

(4) Where a waste disposal authority has made arrangements, as respects household waste or commercial waste in its area or any part of its area, to recycle the waste, or any of it, the waste disposal authority may, by notice served on the waste collection authority, object to the waste collection authority having the waste recycled; and the objection may be made as respects all the waste, part only of the waste or specified descriptions of the waste.

(5) Where an objection is made under subsection (4) above, subsection (2) above shall not be available to the waste collection authority to the extent objected to.

(6) A waste collection authority may F3… provide plant and equipment for the sorting and baling of waste retained by the authority under subsection (2) above."

Appendix IV - Tripartite decision report

REPORT TO:	**ENVIRONMENT AND COMMUNITY SAFETY 2ND OCTOBER 2008**
REPORT BY:	**PAUL HUNT: HEAD OF ENVIRONMENT AND PUBLIC PROTECTION**
WRITTEN BY:	**KAREN RUTTER: WASTE RECYCLING AND DISPOSAL MANAGER**
SUBJECT:	**WASTE MANAGEMENT TRIPARTITE AND SERVICE LEVEL AGREEMENT (SLA)**
WARDS AFFECTED:	**ALL**

1. Purpose of Report

1.1. To provide an overview of the Tripartite agreement and Service Level Agreement (SLA), and their benefit to the Portsmouth City Council ('the Authority').

1.2. The purpose of this report is to recommend the final agreements between the Authority and Hampshire County Council concerning the management of issues between the authorities relating to waste management.

2 Recommendation

2.1 That the Executive Member agrees to the signing of the Tripartite and Service Level Agreement between Hampshire County Council, Southampton City Council and the Authority.

3 Background

3.1 The waste disposal service contract commenced on 1 January 1996. The successful contractors were Hampshire Waste Services, a limited company, who have subsequently become part of the wider Veolia Environmental Services company.

3.2 Hampshire County Council, who at the time was the sole Waste Disposal Authority for Hampshire, signed the contract.

3.3 After the Local Government reorganisation in 1997, Portsmouth, along with Southampton, became a unitary authority, and took on the waste disposal responsibility for their respective administrative areas.

3.4 As well as the new statutory responsibilities, the Authority was also liable for a share in the costs arising from the waste disposal service contract with Hampshire County Council.

3.5 Jointly the three waste disposal authorities agreed to pursue a 'Tripartite', which would be a legal agreement between the three authorities relating to the sharing of responsibilities under the waste disposal contract.

3.6 After a number of drafts, and being effectively abandoned for a number of years, work recommenced in 2007 to get the Tripartite document finally agreed and signed.

3.7 A number of options were put forward and discussed between the three authorities involved, and it is felt that the agreement that has been reached is one that is financially beneficial to the Authority.

3.8 The main aspect to have benefited the Authority is the notion of sharing all costs using a countywide apportionment formula, rather than the authority accepting a much larger share of the southeast area alone (contract area DC2).

3.9 This 'pooling' of costs has also allowed for a levelling of the variable costs that previously were different for each disposal point.

4 Savings

4.1 The move to a unit cost apportionment has meant that the Authority's liability for the pass through costs (relating the architectural enhancements of the facilities) has increased by approximately £800,000 over the lifetime of the contract.

4.2 However the revenue savings[1] are approximately £120,000 per annum, and have been applied since the cost apportionment formula was first agreed in April 2007.

4.3 Therefore the total savings over the course of the contract are approximately £1.36 million (assuming an end-date of 2025).

4.4 The Tripartite also allows for any windfall savings across the contract to be shared in accordance with the agreed percentage splits, something that previously would not have happened.

[1] These savings have been incorporated within budgets from 2007/08.

5 Service Level Agreement

5.1 To complement the Tripartite is the Service Level Agreement that outlines the work that Hampshire County Council will undertake on behalf of the Authority and Southampton City Council in order to administer the waste disposal service contract. The SLA is attached as an appendix to the Tripartite.

5.2 The SLA sets out the work that Hampshire County Council have to undertake in verifying and auditing the monthly weighbridge information from Veolia Environmental Services. It also covers Hampshire officer time on certain development projects that have benefits to all three authorities.

6 Resources

6.1 Signing up to the Tripartite and SLA requires no additional resources. All costs associated with the waste disposal contract and administration is already included within 2008/09 budgets and moving forwards. Savings have already been realised through the new cost apportionment, which has been applied since April 2007.

7 Financial Issues

7.1 The Tripartite and SLA mainly relate to the financial apportionment of costs relating to the waste disposal contract. By accepting this agreement revenue savings can continue to be made with the budgets of current and future years of approximately £120,000 per annum.

8 Service Changes

8.1 None

9 Corporate Policies

9.1 This continues the policy of finding efficiencies where possible and working more closely with partner authorities for the benefit of the Authority

10 Political Issues

10.1 None

11 Risk Assessment

11.1 A legal representative of the Authority has assessed legal risks. Senior officers within Waste Management and Finance have assessed financial risks and deemed the Tripartite and SLA a beneficial outcome for the Authority.

12 Legal issues

12.1 A legal representative of the authority has been involved at every stage of the process of creating this document and has seen and been able to comment upon each draft

Appendix V – Further information on quality

Material Specific Information on quality grades and specifications

The information below is material specific. It refers to several sources of information, 2 of the important ones being:

MRF Output Material Quality Thresholds – WRAP, 2009, found here

Sought to broadly assess current state of play with quality demands. Most of this based on questionnaires sent to MRF operators and reprocessors. Note that this was the state of play in 2000, and it is likely that things have changed in the interim.

Material quality standards in place are very much specific to reprocessors. Most issue a written quality spec document, but some do not. This means there are not common industry approaches. Where standards and specifications have been published (PAS/BS) these are often borrowed from. Generally MRFs are happy with the specs given to them by their customers, although that is more ambiguous for overseas customers.

There is a discrepancy between MRF and reprocessor views of the quality of material. In addition, reprocessors say that MRF output quality is generally the same or worse than both two stream and kerbside sorted material.

Informal agreements over quality common for plastic, glass and metal – but all surveyed had written specs for paper, reflecting the importance of quality for that material. Reprocessors also set their own standards, which vary.

Overall

- Common terminology not used across industry
- Some standards do not use measurable limits, making acceptance/rejection a judgement call
- However, it was decided not to pursue standardisation, with development of a PAS the only tangible outcome from this report.

"ReQIP" – Recycling Quality Information Point, found here

As discussed in main body, In June 2014, the Resource Association (a professional advocacy body for the reprocessing and recycling industries) launched ReQIP. This is designed to provide a reference point for understanding reprocessors' recyclate quality requirements, and to understand what is meant by "High Quality Recycling." The project received input from 36 companies and industry associations, and it includes general information on specifications as well as example specifications from specific reprocessors. Where appropriate these are considered under each material type below.

Plastic Bottles

WRAP MRF Output Material Quality Thresholds report – suggests most contaminants are easy to remove.

Recoup guidance – "Typically 2-5% by weight of general contamination can generally be tolerated in baled bottles" but that "deliveries with bales found to contain critical or hazardous contaminants will not normally be accepted." It divides contaminants into general contamination (cans, cardboard, carrier bags etc) and critical contamination (glass, sharps etc).

PAS 103 – Collected Waste Plastics Packaging (no longer available as it has expired and not been updated) – It is built around a visual inspection methodology. It is not a threshold, but an approach to inspection and description. Reprocessors do not seem to make much use of this standard, which may explain why it has not been revised. The core of the PAS is a visual inspection log for describing and recording waste plastics.

ReQIP - ReQIP states that bottles are traditionally 'sold as seen'. However, reprocessors are looking for:

- A minimum 35% to 38% clear PET
- A minimum 25% to 38% Natural/Coloured HDPE
- A maximum of 18% other plastic bottles
- Zero contamination, but will accept 1% residual food waste on packaging by weight, and < 6% PTT (of which < 20% is black Trays). If End Users have a PRF, then they may be able to cope with more contamination (e.g. up to 20% PTT).
- All contaminants must not exceed 6%, of which
    - < 1% can be Plastic Bags;
    - < 2% Steel Cans;
    - < 3% News & PAMs;
    - <5% Aluminium Cans. If End Users have a PRF, then they may be able to cope with more contamination (e.g. up to 20% PTT).

In 2013-14, 99.6% of PI plastic bottles were sent to Closed Loop Recycling Ltd. CLR have a specification made available through ReQIP (found here) which states that bales should consist of the following:

- Clear/light blue PET – minimum 38% (+/- 5%)
- HDPE natural – minimum 38% (+/- 5%)
- Other bottle – maximum 18%, including:
    - PET/HDPE colour
    - HDPE natural detergent
    - PP
- Maximum 6% of out throws including metal, paper, PTT, films and non-bottle plastic.
- Zero prohibited materials including glass, sharps, oils and sand/dirt/grit

Aluminium

WRAP MRF Output Material Quality Thresholds report - refers to the Novelis specification, which is that that material should be free of steel, lead, iron, plastic, sand, paper, glass, foil. No measurable threshold given, but it is believed to be around 1%.

ReQIP **–** Novelis received 100% of PI aluminium in 2013-14, and they contributed a specification to ReQIP. The specification states that steel cans must be removed before baling, and that the following are regarded as contaminants:

- Bottle closures
- Cardboard
- Dirt, gravel, stones
- Foil
- Glass
- Other metals
- Medical waste
- Paper
- Plastics
- Rubber
- Wood
- WEEE
- Aerosols

Batch processing of each load delivered to the Novelis Recycling plant allows for accurate analysis of contamination levels. The combined tolerance level for steel and plastic contamination is 3%. Loads found to contain above 3% will be subject to a deduction in value.

Novelis will only accept aerosols evenly mixed with cans, up to a maximum of 2% by weight.

A moisture weight deduction applies to loads with a moisture content of more than 4%.

Steel

WRAP MRF Output Material Quality Thresholds report – refers to a discussion with Corus who said that MRF quality not deemed to be an issue, because of effectiveness of steel separation using magnets, plus the lenient nature of acceptance criteria which is based on the fact that high temperatures involved in reprocessing will oxidise contaminants and remove it as part of the process.

ReQIP – refers to "Grade 6F - Clean Steel Cans – Loose." Which is steel from food, drinks and domestic aerosol cans, collected from the public e.g. by can banks and door-to-door ("kerbside") collection schemes. Only mention of contamination is that "Cans should be free from excessive contamination by other materials." This is in keeping with the position indicated in the threshold report, i.e. that quality is not a big issue in steel can reprocessing.

Paper

BSEN634 – European List of Standard Grades of paper and Board for Recycling, 2013 (not available free of charge, but guidance note here) **-** This is not a specification but a list of grades. It includes the following definitions:

- "Prohibited materials" - *"any materials which represent a hazard for health, safety and environment, such as medical waste, contaminated products of personal hygiene, hazardous waste, organic waste including foodstuffs, bitumen, toxic powders and similar."* Contrary to unwanted materials, for which maximum tolerance levels have been introduced, prohibited materials are not permitted at all.

- "Unwanted material (out throws)" - means *"material not suitable for the production of paper and board"* and may comprise the following elements:
    - ■ non-paper components
    - ■ paper and board not according to grade definition
    - ■ paper and board detrimental to production
    - ■ paper not suitable for deinking (if applicable).

- "Paper and board not according to grade definition" - when paper and board in the load does not correspond to the description of the specific EN 643 grade of paper for recycling,

- "Paper and board detrimental to production" - *"for grades intended for deinking, all paper containing brown, unbleached fibres are considered detrimental to production."*

It also states that *"paper for recycling originating from multi-material collection systems has to be specifically marked."*

EN643 includes maximum tolerance levels for non-paper components (maximum of 1.5% for the majority of grades) and for unwanted materials and includes maximum tolerance levels

PAS105 – Recovered paper sourcing and quality for UK end markets, 2007 (available in hard copies only) - This Publicly Available Specification (PAS) was developed by a group of industry bodies, including WRAP. It is not a specification, it is guidance.

Key points:

- *"Collection systems should be designed to achieve optimal participation and recovery, with minimum contamination, at the lowest possible overall cost."*
- The PAS sets out best practice in collection, transport etc.
- Paper is generally sorted/graded prior to arrival at reprocessor.
- All paper mills are different in terms of their requirements
- It includes description of key recovered paper grades:

		Typical UK Mill Requirements	
Grade	**Description**	**Content**	**Contraries**
Newspapers and Magazine	All white papers including newspapers, magazines, brochures, catalogues, office paper. Clean, fresh and dry	News/magazines free from latex-backed or bound books and telephone directories. Magazine should be less than 40% of each bale.	Maximum contraries 2%
Old Corrugated containers (OCC)	Clean, dry brown cardboard boxes	Printed or unprinted cardboard boxes and solid fibreboard boxes. Proportion of solid board should not exceed 10% per bale. May contain a minimum of adhesive tape.	Contraries should not exceed 2%, and should exclude wax, bitumen, plastic laminates, egg boxes.
Mixed papers	Clean dry papers from mixed sources	Mixed and various types of re-pulpable paper, cartons, board, newsprint and magazines	Contraries should not exceed 2%, and should exclude wax, bitumen, plastic laminates.

ReQIP - EN 643 code already described and splits paper down into three components. All have a maximum moisture tolerance of 10%:

- Newspaper and Magazines

The main EN 643 Code for this grade is 1.09.00. The mixture must contain a minimum of 30% of newspapers and a minimum of 30% magazines with the precise percentages of newspapers and magazines above 30% being determined by agreement with the receiving mill. EN 643 states a maximum level of 0.5% contamination limit for "non-paper components" and a maximum level of 1% for "non-paper components and other unwanted material combined".

In 2013/14, 58% of PI News and Pams was sent to Aylesford Newsprint, who have contributed a specification to ReQIP (found here) which states:

- Grade definition is as per EN643 - 0.5% non-paper, 1% total unwanted material
- Mixture of newspapers and magazines (predominantly unsold); each of them with a minimum of 30%.
- All material shall be supplied **substantially free** of prohibitive and objectionable material, as detailed below:

Prohibitive	**Objectionable**
Glass	Textiles
Fire damaged material	Plastics
Sand/building materials	Cans
Food	Egg boxes and cereal boxes
Healthcare waste	Cardboard/brown paper
WEEE	Shredded paper
General rubbish	Wet strength paper
	Carbon paper
	Waxed papers
	Label waste

- Cardboard

The main EN 643 Codes for these grades are 1.04.00 and 1.05.00. The raw material must contain a minimum percentage of corrugated board depending on the Grade being produced. UK manufacturers want less than 1% contamination as a norm.

EN643 states a maximum level of 1.5% contamination limit for "non paper components" (see definition above); and a maximum level of between 2.5% & 3% for "non-paper components and other unwanted material combined" (see definition above). Additional criteria include maximum tolerances on the content of non-corrugated paper and board materials being present (depending on the EN 643 Code).

Two of the reprocessors contributing to the ReQIP are PI outlets, both of who work to the standards set in EN643.

- Mixed paper and card

The main EN 643 Code for this grade is 1.02.00. The raw material can only contain a maximum of 40% newspapers & magazines. UK manufacturers want as little as 0.5% contamination as a norm.

The EN 643 states a maximum level of 1.5% contamination limit for "non-paper components" (see definition above); and a maximum level of 2.5% for "non-paper components and other unwanted material combined" (see definition above). Additional criteria include a maximum moisture level tolerance of 10%.

It should be noted that there are a number of Newsprint Paper Mills in the UK that buy Mixed Papers (or EN643 Code 1.01.00) and 'positively sort' from it material that they can recycle. This contains a 'mixture of various grades of paper & board'. It has an EN 643 maximum tolerance limit of 1.5% contamination limit covering the "non-paper components"; and a maximum of 3% for "non-paper components and unwanted material combined".

Two of the reprocessors contributing to the ReQIP are PI outlets, both of who work to the standards set in EN643.

Appendix VI - Cost analysis (WRAP ICAP report)

Kerbside collections, cost information

WRAP indicative costs

Information here is taken from "Kerbside Recycling: Indicative costs and performance" (2008, WRAP, found here plus technical annex here)
Report is found here: report
Technical Annex here: annex

The schemes described below are the most relevant to PI authorities in terms of materials collected, containers and frequency of collection. However there is not an exact match for all PI authorities. In this instance an estimate is made- these are indicated in the table of PI indicative costs further down. As the costs are form 2007, they have been increased by comparing RPI in Dec 13 to that in Dec 07.

	RPI
Dec-07	210.9
Dec-13	253.4
Dec-12	246.8

Kerbside sort systems modelled for kerbsider and stillage vehicle options - urban

Ref	Refuse frequency	Recycling container	Recycling frequency	Materials Collected				Vehicle type	Yield kg/hh/yr	Capture (%)	Dec-07		Dec-13		Net cost of recycling	
				Pap er	Gla ss	Can s	Pla stic				Collection only cost of recycling		Collection only cost of recycling			
											£/hh/yr	£/tonne	£/hh/yr	£/tonne	£/hh/yr	£/tonne
KS2u	Fortnightly	1 boxes + 1 lid	Fortnightly	✓	✓	✓		Kerbsider	124	66	12.18	83.57	14.63	100.41	4.18	28.78
								Stillage	124	66	12.35	84.57	14.84	101.61	4.36	29.98
KS3u	Fortnightly	2 boxes + 1 lid	Weekly	✓	✓	✓	✓	Kerbsider	147	73%	22.76	130.69	27.35	157.03	12.75	73.56
								Stillage	147	73%	21.65	124.33	26.01	149.38	11.52	66.45
KS6u	Weekly	2 boxes + 1 lid	Weekly	✓	✓	✓	✓	Kerbsider	117	58%	18.18	131.33	21.84	157.89	10.23	74.32
								Stillage	117	58%	16.94	122.39	20.35	147.05	8.9	64.62
KS7u	Weekly	2 boxes + 1 lid	Fortnightly	✓	✓	✓	✓	Kerbsider	102	50%	13.73	113.79	16.50	136.72	6.85	57.06
								Stillage	102	50%	13.29	110.14	15.97	132.34	6.32	52.68

Single stream co-mingled recycling systems modelled - costs and yield collected

Ref	Refuse frequency	Recycling container	Recycling frequency	Materials Collected				Vehicle type	Yield kg/hh/yr	Capture (%)	Dec-07		Dec-13		Net cost of recycling	
				Pap er	Gla ss	Can s	Pla stic				Collection only cost of recycling		Collection only cost of recycling			
											£/hh/yr	£/tonne	£/hh/yr	£/tonne	£/hh/yr	£/tonne
SSCo1	Fortnightly	240l wheeled bin	Fortnightly	✓	✓	✓	✓	Urban	157	65%	11.36	61.55	13.64	73.95	17.02	92.35
								Rural	213	72%	15.22	68	18.29	81.70	22.12	98.8
SSCo2	Fortnightly	240l wheeled bin	Fortnightly	✓		✓	✓	Urban	119	64%	11.29	80.37	13.57	96.57	14.54	103.47
								Rural	162	71%	15.22	89.2	18.29	107.18	19.17	112.3
SSCo3	Weekly	Sack	Weekly	✓	✓	✓	✓	Urban	136	57%	9.91	62	11.91	74.49	14.83	92.8
								Rural	185	63%	19.62	100.5	23.57	120.75	25.63	131.3
SSCo4	Weekly	Sack	Weekly	✓		✓	✓	Urban	105	57%	9.91	80.29	11.91	96.47	12.76	103.39
								Rural	143	63%	19.63	130.05	23.56	156.26	23.09	153.15

PI authorities indicative costs

	Basic info				Co-mingled collections							Kerbside Sort																								Summary (£)										
																		WRAP forecast tonnages and income^^^																		Collection only cost (as per WRAP estimates)		Gate fee, transfer fees		Material income		Total		Kerbside glass collection costs		
																		Total tonnage paper, metal, plastic	Mixed paper and card			Steel			Plastic Bottles			Aluminium																						
	No. HH 2013-14	Defra classification	Classification for purpose of cost comparisons	Does Authority collect glass k-side?	Scheme in WRAP report most similar to reality	WRAP forecast yield of paper, cans, plastic (from table above)	Current kerbside yield (incl glass if collected)	Current kerbside yield paper, cans, plastic	Current kerbside yield glass (if collected)	% of current yield that is glass	Difference between current yield and WRAP forecast yield	% Difference between current yield and WRAP forecast yield	Income received for paper, cans, plastic 13-14 (£)	Scheme in WRAP report most similar to reality (all include glass)	WRAP forecast yield including glass	WRAP forecast yield adjusted for current performance (see column M)	% Of forecast yield which is glass (see column K)^^	WRAP forecast glass yield	WRAP forecast paper, metal, plastic yield	Difference between WRAP forecast yield kerbside sort and actual yield co-mingled, paper, metal, plastic		Tonnage	Value per tonne (£)	Income (£)	Tonnage	Value per tonne (£)	Income (£)	Tonnage	Value per tonne (£)	Income (£)	Tonnage	Value per tonne (£)	Income (£)	Total income (£)	Co-mingled	Kerbside sort	Co-mingled	Kerbside sort	Co-mingled	Kerbside sort	Co-mingled	Kerbside sort	Cost per HH/yr	Income per HH	Net cost per HH	Glass plus co-m
PCC	88,110	Large Urban	Urban	N	No Comparator***	112	88.65	88.65	0	0.00	-23.35	-20.85	358,331	KS7u	102	80.73	30.97	25.00	55.73	-32.92	4,966	4,279	70	299,557	213	155	33,023	412	110	45,287	62	830	51,524	429,393	12.74	15.97	2.70	2.02	-4.01	-4.82	11.41	13.17	0	0	0	11.41
																	30.97 is an average of % yield that is glass column																													

Notes relating to table above:

All yield figures are in KG/HH/YR unless otherwise stated

*for the purpose of this exercise, these three authorities have been classed as rural but do contain significant urban populations

**because kerbside glass collections were not in place in these authorities for the whole of 13-14, kerbside glass collections have not been included for these authorities.

***None of the four co-mingled schemes given were suitable comparators. However, for the purpose of this analysis, it is assumed that yields and costs would be halfway between those for SSCo2 and SSCo4.

3066000

*None of the four kerbside-sort schemes were suitable comparators. However, for the purpose of this analysis, it is assumed that yields and costs would be halfway between those for KS2

**where an authorityu has no current kerbside glass scheme, an average based on figures in column K is used.

^^^Splits between materials are based on current splits observed in co-mingled collection. Material values per tonne are highest possible achieved in 2013-14 according to Lets Recycle

an operatinoal cost of £180k pa has been assumed for kerbside sort transfer and bulking. Following discussions with industry experts, the values in ICAP covering this were considered to be

##Taken from data gathered via whole system costs exercise, 2012-13

KS2 - KS3	Yield	£
Urban	135.5	20.32

SSCo2 - SSCO4	Yield	£
Urban	112	12.74

	Current kerbside yield paper, cans, plastic	Kerbside sort yield paper, metal, plastic yield via kerbside sort	Difference between WRAP forecast and existing yields
PCC	88.65	55.73	-32.92

	Forecast kerbside sort costs (£ per HH)	Comparative co-mingled costs (£ per HH)	Difference (£ per HH)
PCC	13.17	11.41	1.75