

The Vale of Glamorgan Council

Cabinet Meeting: 23 January, 2017

Report of the Cabinet Member for Visible, Leisure and Regulatory Services

Comingled Dry Recycling Contract and Future Waste Transfer Arrangements

Purpose of the Report

1. To advise Cabinet of the extension to the current comingling recycling contract and to provide an update on the Council's compliance with current waste legislation.

Recommendations

1. That Cabinet agrees the extension to the contract with GAE Smith (Holdings) Ltd trading as Casepak Ltd to reprocess the Council's comingled dry recycling material for a period of 12-months up until 31st March 2018.
2. That a further report is presented to Cabinet during 2017 with the findings of the Welsh Governments Consultants report (The Waste Resource Action Programme) which will include recommendations on the Council's future waste strategy.
3. That the Director of Environment and Housing in consultation with the Managing Director, the Cabinet Member for Visible, Leisure and Regulatory Services and the Leader is given delegated authority to commence work on the business case and design for a Waste Transfer Station (WTS) at Atlantic Trading Estate (ATE).

Reasons for the Recommendations

1. To ensure continuity of the recycling service for the purpose of reprocessing recycling up until 31st March 2018.
2. To ensure that the Council's waste collection service remains compliant with current legislation.
3. To progress a local cost effective solution for the transfer of waste.

Background

2. Cabinet approved on 10th March 2014 the appointment of GAE Smith (Holdings) Ltd trading as Casepak Ltd (Minute Number C2242 refers) to process all its kerbside

collected dry recyclate. The agreed term was 3 years from 1st April 2014 - 31st March 2017 with an option of extending the Contract up to 31st March 2018.

3. The contract has been extremely successful for the Council as well as financially competitive. The sourced gate fees are lower than most of those paid by other nearby authorities using similar Materials Recovery Facilities (MRF) for kerbside collected material.

Relevant Issues and Options

4. The requirements of the EU Waste Framework Directive relate to the separate collection of waste which is now UK legislation within the Waste (England and Wales) (Amendment) Regulations 2012. These regulations amend the Waste (England and Wales) Regulations 2011 and require waste collection authorities to collect waste paper, metal, plastic and glass separately.
5. The regulations also impose a duty to separately collect recycling at the kerbside to improve recovery where it is TEEP - technically, environmentally and economically practicable to do so.
6. The Directive clarifies when co-mingling recycling is permitted in line with Article 11 and the principle of the waste hierarchy. This is where the concept of TEEP can be applied. A Council can apply TEEP where a non-compliant scheme delivers "high quality" recycling and where it is not possible to deliver a separate collection of waste paper, metal, plastic and glass as a result of one of the TEEP factors. As a consequence, the Framework Directive requirements as transposed by the 2011 and 2012 Waste Regulations may impact on the Council's future kerbside collection method unless TEEP is demonstrated.
7. At present it is considered that the Council is TEEP compliant as a result of a lack of locally Vale based infrastructure such as a Waste Transfer Station (WTS) and the fact that Casepak Ltd is producing a high quality output from our comingled collection process. We are also exceeding statutory recycling targets. Last year we recycled 65% of waste which exceeded the statutory recycling target of 58% for 2015/16.
8. Recycling contamination rates are still relatively low in the Vale with the comingling recycling service at around 9-10%. An example of our latest waste composition analysis undertaken by Casepak Ltd is attached in [Appendix A](#). Work to raise awareness amongst residents of the requirements to place only the correct materials out for recycling will be undertaken later this year along with recycling composition analysis work across geographic areas aimed at understanding this problem better so that appropriate measures can be introduced to reduce contamination in the future.
9. The Welsh Local Government Association (WLGA) produce an annual report which details the costs of waste and recycling collections across Wales and for the last three years up to and including the latest reporting period of 2014/2015 the Vale has been the 3rd lowest cost service provider per household out of the 22 local authorities in Wales. In addition to providing a low cost high performance refuse collection and co-mingled recycling service it should be noted that the co-mingling recycling service, in particular is very popular with residents with an overall customer satisfaction rating of 96%, when the last resident survey was undertaken during 2014/15.
10. The Council's position in respect to the TEEP factors must however be regularly assessed as markets for recycling materials change. There may be a requirement in

the future to separate certain materials out of the existing co-mingled waste stream to continue to comply with the relevant legislation and to this end the Council recently participated in the Welsh Governments (WG) Collaborative Change Programme (CCP) by working with one of their partner organisations, the Waste and Resource Action Programme (WRAP) during 2016/17 to review current and future recycling options and a final report will be received in Spring 2017. The Report will provide the Council with sustainable suggestions and methods as to how to collect and process dry recycling for future years whilst ensuring it complies with current legislation.

11. It is proposed that the Council revises its current Waste Management Strategy (WMS) once the WRAP report is finalised, the contents considered and a period of consultation with interested parties together with a participation study. The existing WMS is outdated and needs to reflect our future statutory targets with a long term sustainable collection method combined with a local WTS. The report will provide the Council with sustainable suggestions and recommendations to ensure it complies with current legislation.
12. To achieve future waste efficiencies £1.5m has been set aside within the Visible Services and Transport Reserve to develop a WTS within the Vale of Glamorgan. Without this facility it is considered that it would not be economically possible to consider an alternative collection arrangement or gain the maximum potential efficiency savings from our fleet.
13. It is proposed to commence the design of a WTS that will provide a purpose built recycling facility as well as providing the Council with an opportunity to rationalise its two current operational depots into one located at the Alps Depot, Wenvoe. This will enable the site at Court Road Depot to be released for future development, the details of which would be subject to a separate Cabinet report.
14. The extension to the Casepak Ltd Contract provides the Council with an economic solution for all its kerbside collected comingled recycling for a further year and gives sufficient time for the Council to consider its options for its future waste strategy.

Resource Implications (Financial and Employment)

15. There are no additional resource implications with regard to extending the current dry recycling contract as it is based on a fixed price contract at the existing rate.
16. The development of a WTS will be funded from the £1.5m set aside within Visible Services and Transport Reserve and this will subject to a full business case proposal including design which will be considered by Cabinet and Full Council in due course. It is proposed to use the Council's in house design team to undertake this work.
17. There are likely to be implications for operational staff as a result of any proposals for the WTS and these will be fully detailed within the Business case.

Sustainability and Climate Change Implications

18. The Council's dry recycling collection service prioritises waste minimisation, re-use and recycling thereby contributes to a sustainable environment.
19. The management of the Council's waste, in a sustainable way, will contribute to reducing any potential environmental impact. Furthermore with the risks of climate change requiring us all to reduce greenhouse gas emissions which are produced by the decomposition of biodegradable waste, recycling is a positive action to help reduce these emissions.

Legal Implications (to Include Human Rights Implications)

20. Subject to Article 10(2) of the Waste Framework Directive, it was required by 1st January 2015 to separately collect at least, paper, metal, plastic and glass and this requirement was transposed into the UK The Waste (England and Wales) Regulations 2011 (the 2011 Regulation).
21. Under regulations 38,39 and 40 of the 2011 Waste Regulations, Natural Resources Wales (NRW) may issue either a compliance notice, a stop notice or a restoration notice to an establishment and undertaking which collects paper, glass, plastics or metals in contravention of the Regulations. Failure to comply with these notices may result in criminal proceedings and on any summary conviction, a fine not exceeding the statutory maximum.
22. Welsh Government legal guidance prepared under regulation 15 of the Waste (England and Wales) Regulations 2011 allowed Welsh Ministers to give guidance on the duties in the regulations and bring articles 10 and 11(1) of the Revised Waste Framework Directive into law in Wales.
23. Whilst working with WG and WRAP there is minimal risk to the Council. However, once the final report is received, as a result of the work undertaken by the CCP, it will need to consider any future changes to ensure it remains compliant to these Regulations.
24. In terms of the original tender and contract for the processing of dry comingled recycling, this included an option to extend the contract up until 31st March 2018.
25. The development of a WTS will require separate legal advice as and when necessary through the development stages.

Crime and Disorder Implications

26. There are no crime and disorder implications associated with this report although it should be noted that the Council will need to consider the 2011 Regulations during any process of waste related change to ensure that it remains compliant.

Equal Opportunities Implications (to include Welsh Language issues)

27. There are no equal opportunities implications as a result of this report as the Council's collection service is offered to every resident including an enhanced door step collection for those in need of additional assistance.

Corporate/Service Objectives

28. The contents of this report links with the corporate wellbeing outcome - An Environmentally Responsible and Prosperous Wales and the Wellbeing Objective - Promoting sustainable development and protecting our environment. The Visible Services and Transport Service Plan for 2016/17 recognises the need to finalise the WRAP report (ER16 refers) and to draft a 5 year Waste Management Plan (ER16 refers).

Policy Framework and Budget

29. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

30. As this matter relates to the whole of the Vale of Glamorgan no individual Member consultation has been undertaken.

Relevant Scrutiny Committee

31. Environment and Regeneration

Background Papers

Municipal Waste Management Strategy 2004
Cabinet Report 10th March 2014 (C2242)

Contact Officer

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Officers Consulted

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Capital Accountant
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Highway Design and Construction Manager
Major Projects Officer
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Responsible Officer:

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