

Department for Environment, Food and Rural Affairs

27 March 2009

ANNEX A

Summary of consultation responses

Introduction

1. This document summarises the responses received to our consultation on Waste Incentive Schemes: draft recycling service guidance, which ran from 16th September to 14th November 2008.
2. After representatives of local authorities and the Local Government Association requested them, powers in the Climate Change Act 2008 now allow for up to five Local Authorities in England to pilot waste incentive schemes. These schemes are aimed at encouraging household waste minimisation and recycling and local authorities are able to tailor such schemes to suit their local circumstances.
3. One of the criteria laid down as a precondition for an authority to introduce an incentive scheme is that there should be a “good recycling service” in place.
4. The legislation, the Environmental Protection Act 1990, as amended by the Climate Change Act¹, defines a recycling service as “arrangements for the collection of recyclable domestic waste from premises separately from other waste”. Recycling is defined as including reusing and composting.² The legislation also states that a recycling service can only be “good” **for the purposes of a waste incentive scheme** if it meets the standard described in this guidance.

¹ Schedule 2AA, paragraph 2(2)(a)

² Schedule 2AA, paragraph 15(3)

5. These requirements mean that a council which applies to run an incentive scheme must have in place a kerbside collection system for recycling which meets the criteria in this guidance, both when the incentive scheme is introduced and at all times thereafter whilst the incentive scheme is in place. The local recycling systems in place should be flexible and might change over time, of course, including in response to residents' needs, but they must always meet the standard specified in the guidance.
6. The draft guidance on which we have consulted here specifically sets out how a local authority can meet this requirement. The guidance does **not** provide a general definition of a good recycling service, nor is it intended to be a definition against which all authorities operating a waste collection service are to be judged.
7. 26 responses were received to the consultation on a good recycling service. Respondents are listed at the end of this annex, and individual responses are available in the Defra library. Not all responses commented on each of the questions in the consultation document, and some responses were not written as specific responses to those questions.

General comments

8. Almost all of the respondents (24 of 26, 92%) were supportive of the powers to pilot incentive schemes. Only one did not agree with the principle of a charge and rebate scheme. One response was concerned about the impact such schemes could have on the availability of local recycling sites such as those at supermarkets. Overall, the responses were fairly balanced in terms of those who thought the criteria were set at

a suitable level, compared to those who considered the criteria needed strengthening.

Question 1. Do you agree or not with the minimum criteria? Please explain your reasons for whether you agree or not.

Question 2. Do you agree or not with the desirable criteria? Please explain your reasons for whether you agree or not.

9. Almost half of the responses (12 of 25, 48%) agreed, or broadly agreed with the minimum criteria set out in the guidance. Of these responses, the primary reason for accepting the minimum criteria was a recognition of the need for a balance between encouraging a greater number of authorities to apply, with the need for a minimum standard of recycling service needed to be provided for residents. One additional response considered that the criteria could be lowered to specifically encourage the poorest performing areas to take part.
10. Of the 22 responses to question 2, 15 (68%) agreed, or broadly agreed with the desirable criteria. One respondent considered that the desirable criteria would be more appropriate as the minimum criteria.
11. Several sought additional clarification on either how many of the desirable criteria were needed for an authority to qualify for selection as a pilot, or how large a proportion of their area needed to receive these services to comply with the desirable criteria. Others suggested that food waste could also be co-collected with other green waste, rather than separate collections being necessary and asked for clarification on whether this type of collection would qualify under the desirable criteria.

12. It was pointed out by several responses that collection authorities are not always able to choose which type of waste streams they collect as they are dependent on the ability of the disposal authority to effectively process the recyclate collected. This was specifically mentioned with respect to separate food waste collections.
13. Some respondents were also concerned with how the desirable criteria would be used to select pilot schemes; several suggested that they could be used to ensure a range of types of authority (demographic/urban verses rural/current recycling rates etc) were included in the pilots, to ensure a variety of schemes were trialled.
14. Three responses questioned the perceived emphasis of the guidance on recycling rather than maximising waste minimisation.
15. 11 responses to question 1 (44%) considered that the minimum criteria were too lenient, and that either additional waste streams should be collected, or a higher percentage of waste should be recycled. One suggestion was that the minimum level of recycling rate should be set at the national average.
16. For the desirable criteria, 5 (23%) responses also thought these were too lenient, specifically calling for reference to 'plans for future service' to be removed, preferring that these services should already be in place. 3 responses (12%) specifically stated that they did not agree with the concept of separate minimum and desirable criteria preferring a single set of acceptance criteria.

Question 3. Do you agree that the criteria should include a measure of how well local authorities have implemented waste management strategies and initiatives in the past? If so, how could this be measured?

17.20 of the 23 responses (87%) agreed that a measure of how well local authorities have implemented waste management strategies should be considered. A wide range of ideas were suggested including:

- Demonstration of previous successful initiatives
- Demonstration of upward trend in recycling rates
- Beacon council status
- Successful use of previous government funding/grants
- Success in implementing and maintaining service provision
- Participation rates
- Demonstration of effective local communications
- Contamination rates
- Achievement of targets/action plans from waste strategies
- Satisfaction surveys

18. It was considered that data that already exists should be used where appropriate, and that this requirement should not be too onerous.

Question 4. Do you think that the scope and purpose of this guidance are sufficiently clear? If not, how could this be clarified?

19. Of the 23 respondents who answered this question, 11 considered that the guidance was clear, whilst 12 thought that further clarification was needed. These included those issues raised in the previous questions around the role of minimum versus desirable criteria, whether a service needed to be provided to all residents in a local authority's area, or just those in a scheme, and how food waste could be included in kerbside collections. Two respondents suggested that the guidance should consider the waste hierarchy more fully. We have updated the guidance to, where possible, clarify the specific issues referred to by respondents.

20. Overall 13 of the responses also suggested areas where additional information on the other aspects of the design of an incentive scheme would be beneficial. Guidance documents discussing these additional aspects of a scheme were published by Defra for comment in June 2008.

Government Response

21. The Government welcomes the responses received, and has carefully considered how the guidance could be improved to make clearer how local authorities can demonstrate their compliance with the requirements as and when expressions of interest in running pilots are received.

22. The definition of a “good” recycling service as defined in final guidance, is statutory and any local authority wishing to pilot a scheme will need to comply with this definition. However, the aims of the pilots are to minimise residual waste and recycling is just one part of a local authority’s efforts to reduce waste. Whilst the guidance is aimed at local authorities who may wish to run a pilot, we recognise that other stakeholders will also be interested in the guidance we have provided, and for this reason have chosen to leave in place the detailed references to legislation which some respondents suggested could be removed.

23. In light of the comments we received, we have clarified the role of the desirable criteria, namely that an authority does not have to comply with ALL the desirable criteria. We have also clarified that it is the specific area in which a pilot may operate which must receive a service which complies with this guidance. We have also included additional information on the collection of food waste criteria.

24. In response to the minimum and desirable criteria, we feel it is important that residents are given an opportunity to reduce their residual waste by recycling at kerbside, however, we did not want to exclude many local

authorities from considering this option to help minimise waste production in their areas. We have aimed to strike a suitable balance for the purposes of these pilots with the criteria in the guidance.

25. We will also consider in more detail how an assessment of an authority's previous successes can be used in the selection process. The suggestions received from stakeholders have significantly helped our thinking on this.

26. A final version of the statutory guidance on a "good" recycling service, which takes these points into account, is now available at [insert link].

List of Respondents to consultation

Association for Public Service Excellence

Camden London Borough

Capel Action Group

Castle Morpeth Borough Council

East Midlands Regional Assembly

Enfield London Borough

Forest Heath District Council

Gateshead Council

Greater Manchester Waste Disposal Authority

GWJ Norris

Ipswich Borough Council

Kent Waste Partnership

Kingston upon Hull City Council

Local Authority Recycling Advisory Committee

Local Government Association

Leeds City Council

Norfolk County Council

North Hertfordshire District Council

North Tyneside District Council

Northampton Borough Council

S Turnock

Salford City Council

Suffolk Coastal District Council

Waste Partnership for Buckinghamshire

Waverney Borough Council

Waste Resource Action Programme