



## Report of the Cabinet Member for Environment & Infrastructure Management

Cabinet – 20 December 2018

### Keeping Recyclables Out of Black Bags

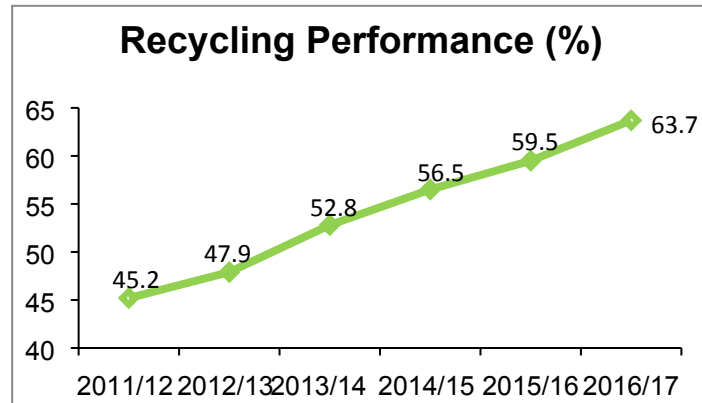
<b>Purpose:</b>	This report details a proposal to keep recyclables out of black bags at the kerbside to encourage increased recycling to meet increasing Statutory Targets. The approach also seeks to avoid the need to further restrict the number of black bags or their collection frequency.
<b>Policy Framework:</b>	Swansea Waste Management Strategy. Welsh Government's Towards Zero Waste
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) Residents are advised that the recyclables listed in Para 4.1 are not permitted to be placed in their residual (black bag) waste</li><li>2) A Recycling Promotions process is started to check black bags for significant recyclables.</li><li>3) The process detailed in Paras 4.3 to 5.1 is followed to seek a step change in waste management and recycling in the home.</li></ol>
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#### 1. Introduction

- 1.1 The Waste (Wales) Measure 2010 and the Welsh Government's National Strategy 'Towards Zero Waste' sets out a 70% recycling and composting target for 2025. It also sets out targets to reduce the amount of biodegradable waste sent to landfill.

1.2 Council adopted a Waste Strategy in 2012 which sets out a range of principles and actions to achieve the statutory targets set out in Welsh Governments plans. In addition the service was subject to a comprehensive 'Commissioning Review' in 2016 which looked at how the service can move forward in the most cost effective manner whilst meeting the statutory targets.

1.3 Swansea's recycling rate has steadily increased over recent years as shown below.



1.4 The above improvement has been the result of an effective waste management strategy with various waste initiatives. These include:

- The introduction of household collections of various recyclables
- Fortnightly black bag collections
- Effective recycling promotions
- 3 black bag limit
- Increased commercial recycling
- Prohibition of recyclable materials from black bag skips at HWRCs

1.5 Welsh Government led analysis of the waste undertaken in 2015-16 identified that the black bags still consisted of 50% recyclables materials, most of which we already collect at the kerbside. A quarter of the black bag consisted of food waste.

1.6 The same study identified that up to 70% of black bag waste presented at the HWRCs was recyclable, and the prohibition of recyclable materials from black bag skips at HWRCs was extremely successful, reducing black bag waste by 80%.

1.7 In 2017/18 the Council exceeded the statutory recycling target of 58% by achieving 63.56%; this was a slight drop of 0.14% on the previous year. The Recycling Rate is anticipated to drop further, to around 62% for 2018/19 due to difficulties in recycling wood.

- 1.8 The statutory recycling target increases to 64% in 2019/20, and the key to enable the Council to meet the increased target will be getting more recycling out of the black bags. Whilst this has been successfully achieved at the HWRCs we now need to target black bags at the kerbside.

## 2. Assessment of Key Household Recycling Initiatives

- 2.1 The introduction of household collections of various recyclables, fortnightly black bag collections, and recycling promotions managed to take us to around 50% recycling by reaching those residents who were, or wanted to be keen recyclers. It was unlikely that these initiatives would have taken us any further as those who did not want to recycle still had every opportunity not to do so.  
***We had made it easy to recycle, then we had to start making it hard not to recycle***

- 2.2 The 3 black bag limit had an immediate improvement to recycling through the **indirect effect** that there was restricted space in the black bags, so recycling became the easier option. It is indirect because a resident with only 3 bags of waste per fortnight could still comply with the 3 bag rule without recycling at all. Black bag waste at the kerbside reduced by approximately 7,000T, although approximately 3,000T diverted to the HWRCs as residents determined not to recycle took their excess waste there instead of recycling.

- 2.3 The prohibition of recyclable materials from black bag skips at HWRCs and conversion of 3 HWRCs to Recycling Centres only had an immediate and **direct effect** on recycling at the HWRCs. It is a direct effect because recyclable materials can no longer be sent to landfill through these sites and were directly recycled. Black bag waste sent to landfill through the HWRCs reduced by approximately 8,000T per year, an 80% reduction. This validates the WG analysis that 70% of the black bag waste at HWRCs was recyclable material.

## 3. Options Going Forward

- 3.1 Following the HWRC initiative, the next step change to maximise recycling is to make it harder **not** to recycle at home. We current collect approximately 24,000T of black bag waste at the kerbside. The WG led analysis suggests that 12,000T of this is recyclable. Reducing black bag waste at the kerbside by 15% would divert 3,600T from landfill or Energy from Waste, potentially save over £300K, and increase our recycling performance by 2-3%.
- 3.2 The Waste Commissioning Review explored the options of a 2 bag limit, and 3 or 4 weekly collections. Each of these are in line with Welsh Government's Collections Blueprint and it's Review in 2016 and would have an **indirect effect** on recycling performance through restricting black bag capacity. Unfortunately these options would also have an adverse impact on all residents who already fully recycle.

- 3.3 The alternative approach proposed is to replicate the successful prohibition of recyclable materials from black bag skips at HWRCs, for kerbside collections.
- 3.4 One of the key differences of this approach, when compared to the restrictions in 3.2 above, is that the impact is targeted at those not recycling effectively or at all, instead of impacting on all of our residents including those who are already fully committed recyclers. The other key difference is that it has a **direct impact** on recycling rather than the indirect impact of bag restrictions.

<b>Prohibition of recyclables we collect from black bags at the kerbside</b>	
<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Targeted only at those who don't recycle effectively</li> <li>• Keen recyclers often want non recyclers to be forced to recycle</li> <li>• Complements the successful HWRC initiative</li> <li>• Has a <b>direct impact</b> on recycling</li> <li>• Environmental benefits</li> <li>• Cost savings</li> <li>• Improvement in recycling performance</li> <li>• Could remove the need for any future increased black bag restrictions eg 2 bag limit and 3 or 4 weekly collections</li> </ul>	<ul style="list-style-type: none"> <li>• Could generally be considered as draconian – <i>alternatively it is often what keen recyclers want to happen</i></li> <li>• Concerns over checking black bags on the street – <i>is just the same as the bag searches we already do for excess black bags and fly tipping</i></li> </ul>

- 3.5 A proposal to keep recyclables out of black bags at the kerbside to encourage increased recycling also contributes to a number of the Well Being Goals of the Wellbeing of Future Generations (Wales) Act 2015, including:
- A prosperous Wales** by encouraging efficient use of resources
  - A resilient Wales** by reducing carbon emissions
  - A globally responsible Wales** by reducing its carbon footprint
- 3.6 The five ways of working have been applied as follows:
- Long Term** – The proposal seeks ongoing behavioural change for the long term, not a short term fix
  - Prevention** – Prevents recyclables being lost to disposal or energy recovery and minimises use of raw materials
  - Integration** – This proposal is integrated with other elements of the waste strategy including recycling collections and recycling centres

- d. **Collaboration** – The proposal includes collaboration with Welsh Government and other Local Authorities
- e. **Involvement** – The proposal involves everyone in our communities to maximise recycling in the home.

#### 4. Proposal and Implementation Details

- 4.1 The proposal is to inform residents that the following materials are not permitted to be placed in black bags destined for land fill or incineration:
  - Food
  - Cans and tins
  - Glass bottles and jars
  - Paper and cardboard
  - Plastic bottles, tubs and trays (all film or “flimsy” plastic still to go in the black bags)
- 4.2 It is proposed to run a widespread communications campaign, including a 30 day countdown, advising residents that from a set date, the above recyclable materials must be put in the relevant recycling bag or food caddy for collection, and must not be placed in black bags destined for land fill or incineration.
- 4.3 Starting on the Implementation Date, Recycling Promotion Officers will start checking for limited or non recyclers whose black bags contain significant amounts of recyclables. For the majority of cases, this can be done without the need to search bags, by using their weight, shapes, and a “clink test” which identifies glass and tins/cans.
- 4.4 The Officers will record addresses with significant amount of recyclables in their black bags, knock the door to encourage recycling if home, and leave a letter (Appendix A) advising that certain recyclable materials are not permitted to be put in black bags destined for land fill or incineration. The letter will include offers of help and a recycling promotion leaflet, but also advise that further visits will be made.
- 4.5 All black bags in the areas being checked would be collected last, at the end of the rounds.
- 4.6 On the next collection day, 2 weeks later, the Recycling Promotion Officers would first recheck the addresses which were contacted the previous time to assess for improvements in recycling, or to again knock the door and issue a legal Notice (Appendix B) specifying which materials must not be placed in black bags, and advising that a Fixed Penalty Notice can be issued for not complying with the Notice. If the resident has started recycling and kept their recyclables out of their black bags, a “Thank You” letter (Appendix C) will be left.
- 4.7 On the next collection day, another 2 weeks later, the Recycling Promotion Officers would again recheck the addresses which received the Notices to assess for improvements in recycling, or to again knock the door and issue

a final warning letter (Appendix D) stating that a Fixed Penalty Notice will be issued if the listed recyclables are found in their black bags in the future. If the resident has now started recycling and kept their recyclables out of their black bags, the “Thank You” letter will be left.

- 4.8 On the next collection day, another 2 weeks later, the Recycling Promotion Officers would again recheck the addresses which received a final warning letter, a Fixed Penalty Notice (Appendix E) will be issued if there has been little or no effort to recycle. However if the resident has changing their behaviour and kept their recyclables out of their black bags, the “Thank You” letter will be left.
- 4.9 The issuing of a Fixed Penalty Notice (fpn) will be the last resort, and it is anticipated that the offer of help at the previous three stages of the process will result in very few fpn’s being issued to achieve the behavioural change sought.

## 5. What the Proposal is NOT About

- 5.1 This Proposal is seeking a Behavioural Change towards Waste Management and Recycling in the home by those who recycle little or not at all. This is to reduce waste, reduce costs, and help protect the environment, **it will not:**
- a. **Affect those who have simply made a mistake** – we will be looking for black bags with significant amounts of recycling, not searching for the odd can or bottle.
  - b. **Affect those who are trying hard but don’t fully understand the recycling scheme** – for those residents who are recycling reasonably well, but not as well as they could, we intend to leave a letter thanking for their efforts and offering further help and information (Appendix F).
  - c. **Affect those who are unable to recycle** – when we visit a resident due to significant recyclables in their black bags, but they are considered to be unable to recycle, they will also be given a letter (Appendix G) offering help and confirming that we understand that they are unable to recycle, and that no action will be taken.
  - d. **Seek to maximum fines** – any financial benefit will come from reduced disposal costs and income from some recyclables, success will be measured through increased recycling and reduced land fill, with minimal fpn’s as a last resort only.
  - e. **Lead to increased litter** – if any bags need to be opened, they will be re-tied or re-bagged as necessary.
  - f. **Be an invasion of privacy** – opening bags will be kept to a minimum and re-secured immediately and checking of Assisted Lifts will be done as they are collected.

## 6. Consultation – Initial Results

6.1 The early results from the first 150 responses to the consultation are as follows:

1. **How do you feel about those residents who choose to recycle little or not at all?**

131 (84%) I do not think this is right

2. **Do you agree or disagree that the Council needs to put steps in place to ensure non/poor recyclers start recycling at home**

135 (86%) Strongly or Tend to Agree

3. **Do you agree or disagree with our preferred option to to ensure non/poor recyclers start recycling at home (not allowing recyclables already collected each week to be put in black bags)?**

136 (86%) Strongly or Tend to Agree

4. **Would you support enforcement action as a last resort against persistent non recyclers?**

102 (65%) Yes, 25 (16%) Don't Know, 30 (19%) No

## 7. Equality and Engagement Implications

7.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

7.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required. It is considered that there are no high risks or any equality implications due to measures embedded in the proposal.

7.3 The EIA Screening Form has been included as a background paper.

7.4 The initiative complies with Welsh Language Standards, with all appropriate promotion and communication treating the Welsh language no less favourably than English.

## **8. Financial Implications**

- 8.1 It is intended to achieve an early step change in recycling behaviour in the home through initially dedicating 6 Recycling Promotion Officers to the process on the ground. Utilising 2 existing Officers, and 2 Waste Trainees at any one time as part of their training, would reduce the additional resources required to a further 2 Officers at a cost of approximately £60K per year.
- 8.2 Whilst it is difficult to predict the reduction in black bag tonnages, it would only require a reduction of 600T or 2.5% to cover the cost of the 2 additional Officers.
- 8.3 If the proposal reduces black bag at the kerbside by 15%, this would reduce disposal costs by approximately £360K per year.
- 8.4 There is an opportunity to seek WG Behavioural Change Campaign funding to support the Communication Campaign including a 30 day countdown, and to boost initial Recycling Promotions resources if the proposal is implemented early in the new year. This funding has to be spent by end of March 2019.

## **9. Legal Implications**

- 9.1 The legislation under which the Statutory Notice (Appendix B), and potential Fixed Penalty Notice would be issued is the Environmental Protection Act 1990.
- 9.2 Section 46 of the Act allows Authorities to state, by notice, articles which may or may not be placed in certain containers and provides that persons failing to comply shall be liable to a fine.

### **Background Papers: EIA Screening**

#### **Appendices:**

Appendix A	Initial letter due to significant recyclables in black bags
Appendix B	Second letter and Statutory Notice due to significant recyclables still in black bags
Appendix C	Letter thanking residents for step change in recycling behaviour
Appendix D	Third letter due to significant recyclables still in black bags
Appendix E	Fourth Letter and Fixed Penalty Notice
Appendix F	Letter thanking residents for recycling and offering further support
Appendix G	Letter reassuring residents who cannot recycle that it is fine and offering any help they may benefit from