

<u>MEETING</u> ENVIRONMENT COMMITTEE
<u>DATE AND TIME</u> THURSDAY 13TH SEPTEMBER, 2018 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	SEPARATE FOOD WASTE COLLECTION CESSATION	3 - 8

governanceservice@barnet.gov.uk

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GREATER LONDON AUTHORITY
Development, Enterprise and Environment

AGENDA ITEM 7

Jamie Blake

Strategic Director, Environment
London Borough of Barnet
North London Business Park
Oakleigh Road South
Barnet
N11 1NP

Our ref: blake0709

Date: 7 September 2018

By email: Jamie.blake@barnet.gov.uk

Dear Jamie

I am writing in response to the correspondence received from your Leader's office on 8th and 9th August, and 3rd September. I am responding principally to set out some clarification of the matters raised in your technical letter of 9th August and that you are again raising with members of the committee in your papers for their next meeting on the 13th September.

Firstly, I would make a general point. In the letter sent by the Mayor on 27th June, the Mayor made it clear that he wished to be furnished with the full range of information that had been utilised by officers and Environment Committee members to allow them to make the decision to withdraw the food waste collection service. Given that request, we worked on the assumption that what you provided was the totality of the information used to make the decision.

A subsequent offer was made by you to host a visit to demonstrate how the existing services are structured. This was in response to a number of follow up clarifications from GLA officers. Given the short timescales and need to act with speed, this offer was not taken up and the basic information sought by GLA officers was sourced from other, publicly available information. For the avoidance of doubt, such a visit would not have impacted in any material way the information requests made and the issue of the sufficiency of the decision-making process itself.

Following the confirmation in your 3rd September letter that this matter is to be put before the Environment Committee at a meeting on September 13th, I would be grateful if this letter and the attached response to the technical issues raised is copied to the Chair and members of the Environment Committee before the meeting.

I would also be grateful if you would emphasise to Members that the Mayor too has had Leading Counsel's advice since we became aware of Barnet's intentions and is confident of the legal basis of the Mayor's powers of intervention in these particular circumstances. Proposal 7.2.1(a) is not aspirational but a key, clear and definite requirement of the London Environment Strategy. It sets a minimum level of service: that all properties with kerbside recycling collections are to receive a separate weekly food waste collection and that boroughs must demonstrate how they will meet that level of service by 2020 at the latest. Boroughs are required to demonstrate how they will comply with this minimum service level in their Reduction and Recycling Action Plans, required by Proposal 7.2.1(b). Ending the food waste collection service without thoroughly looking at alternatives is not compatible

with that aspect of the Strategy, which not only contributes to Policy 7.2.1 by increasing recycling rates but is also a requirement in its own right. Requiring compliance will not prejudice or conflict with any other part of the Strategy and will not be more onerous than any of its policies and proposals. Instead expecting compliance corresponds exactly to the minimum service level set by of the Strategy.

We have also been advised there is no legal basis for your demand for compensation for keeping the service going from 5th June 2018.

In addition, you have now confirmed that the Environment Committee is reconsidering its decision at its next meeting. The Mayor requests confirmation as soon as possible after the meeting and by no later than 5pm Friday, 14th September of the Committee's exact decision including the details of any other information and advice (written or oral) considered by the Committee members in arriving at its decision.

I once again advise you, as indicated in the Mayor's letter of 27th June (and the terms of the draft Direction you have been consulted on) that in the event the Mayor decides to direct, the terms of the Direction will require that any intervening withdrawal of the service is reversed for 4 months while a food recycling collection service review takes place. Again, I would re-iterate the purpose of the offer of a fully funded independent review is to find a means by which your residents can recycle their food waste in an efficient, effective and economic manner and meet the relevant service level requirements of the Strategy. To be clear, maintaining the collection is for a limited period while the study is carried out. The Mayor is still open to Barnet coming forward with constructive suggestions on reviewing the food waste collection service to consider whether a more economical way of separate food waste collection can be found in the longer term without resorting to the use of his statutory powers.

The responses to your various technical points you raised in your letter of the 9th August are provided overleaf as an appendix to this letter.

Yours sincerely



Lucy Owen
Interim Executive Director – Development Enterprise & Environment

Appendix A

GLA Response to technical points raised by Barnet in its letter of the 9th of August

The GLA's responses to the main points raised in your letter are detailed below. Many of these issues are also raised again in your papers to be presented to the committee on the 13th September.

Follow on information and offer of site visit

You state that elements of the Mayor's letter of 2nd August contradict information provided by Barnet and also there are comments relating to matters on which information was not requested. No detail is provided for this assertion making it difficult to answer specifically. However, I would make clear that officers also made some use of other data and information in analysing this issue. For example, contextual work from WRAP on food waste collection and recycling performance data from DEFRA. All external material has been referenced.

You also refer to comments being passed on information which was not requested (and again you do not provide specific details). Related to the point above, officers did make commentary based on information that was not directly sourced from Barnet. For example, officers sourced the latest Barnet recycling performance data from DEFRA. Their analysis of this concluded that your dry recycling performance showed, on the quarterly data that it has potentially plateaued. This is an important contextual point to the issue at hand and is a valid part of its wider analysis.

In any event, GLA officers have been engaging with Barnet since June, as soon as we heard of the committee report and recommended decision. This included meetings at Barnet's offices and City Hall. In the Mayor's letter of 27th June, it was made clear that the GLA wished to be furnished with the full range of information which had been utilised by officers and members in allowing them to make the decision to withdraw the Food Waste Service. Further, the Mayor formally consulted on the text of this direction on 2nd August 2018. We consider that Barnet has been given more than adequate opportunity to furnish GLA officers with any information which they consider relevant to his decision.

As previously stated, we note that Barnet invited GLA officers to conduct a site visit. The offer was made in response to a number of follow up clarifications from GLA officers on some basic issues as to the structure of the various waste services. This offer was not taken up as it was (and is) considered that such a site visit would not have had any material impact on the Mayor's ability to make a decision whether to issue this direction or not. The basic information sought by GLA officers was sourced from other, publicly available information.

Additional Information

With regards to further substantive information provided in your recent correspondence, you highlight the Outline Business Case (OBC) document dated March 2017. GLA officers had previously sourced this document. It is an OBC for strategic models of governance and organisational delivery for street scene services and more particularly the testing of options for in house, Local Authority Trading Company (LATC) or external contracts for various lots across the directorate. Consequently, we do not feel that this document covers the range of issues that we have proposed would be explored as part of our proposed, independent review. We are of the view that it does not in any way obviate the need for Barnet to undertake a specific and integrated review of their food waste service and associated waste and recycling services.

Issues of Environmental performance and the Waste Hierarchy

You refer the GLA in your letter of the 9th August, and again in your committee papers for the 13th September to an academic paper by Mattias Olofsson *et al* (and in the papers for the 13th September to a 2014 study on the life cycle analysis of waste management option in an Italian Region – 2014, Di Maria and Micale). Both documents have been considered in detail by officers. I would draw your attention to the fact that both papers contain a range of very specific assumptions that mitigate the claims you make for them, these relate largely to conditions that do not pertain in the UK context. Most specifically, assumptions around the form of anaerobic digestion used, the end use of the digestate and the nature of and carbon intensity of the grid electricity displaced.

Most importantly, I would alert your members to the fact that UK Government and EU policy itself and the research base behinds it indicates that the separate

collection of food waste, with anaerobic digestion, is environmentally preferable to incineration and sits above it in the waste hierarchy. The Government's own guidance in support of the 2011 Waste Regulations states *"For food, current research suggests that anaerobic digestion is environmentally better than either composting or other recovery options"* (DEFRA, 2011, Guidance on Applying the Waste Hierarchy. See also: DEFRA 2011, Applying the Waste Hierarchy; Evidence Summary). The current research consensus supports the UK Government's view. We further note article 22 of the Waste Framework Directive (2008/98/EC) which requires Member States to encourage the separate collection of bio-waste *'with a view to the composting and digestion of bio-waste'*. We therefore do not accept that the research papers you refer to are sufficient evidence to back up the claims made in your Environmental Committee report and in particular the oral presentation and discussions with members at the meeting of the 5th, with regards to the environmental impact of Barnet's decision.

What is the Mayor doing with other boroughs who are yet to separately collect food waste from kerbside properties?

You ask for further information as to what the Mayor is doing in relation to boroughs who are (a) not contributing significantly to collective targets and (b) not collecting food waste at all. Policy 7.2.1 (London Recycling targets) is given its main effect through proposals 7.2.1 (a) Core recycling service provision including separate weekly collection of food waste, and 7.2.1 (b), the requirement for waste collection authorities to produce no later than 2020, Reduction and Recycling Plans (RRPs). On the proposal 7.2.1 (a), it should be noted that the requirement is for the service to be in place no later than 2020. Our current understanding is that of the 33 collection authorities, 21 are already collecting food waste via separate collections. Between now and 2020 (and indeed we have already done this recently through constructive engagement with authorities such as Tower Hamlets, the City of London and Bromley), the Mayor will use his existing powers to encourage the implementation of the service through such things as new contracts and via service reviews carried out by LWARB. Equally, many of those boroughs with no current separate weekly food waste collection, have been prioritised for early support in the development of their RRP's via Resource London so as to maximise planning time for the implementation of new food waste services and any other associated service amendments. However, come 2020 the Mayor expects all collection authorities to have the service in place as required by his strategy. It is to be noted that the Mayor's recent engagement with Barnet and this

direction have been precipitated by Barnet's decision to cease their food waste service and with no indication that they would look to reinstate the service in the next 16 months to comply with the proposal in the Mayor's strategy.

You state that even if your current Food Waste Service were to divert 7000 tonnes to anaerobic digestion significant savings would still be made from the cessation of the service. This will be a matter to be considered as part of the review. In any event, we consider that the benefit of the review is that it will not simply look at the efficiency of the food waste service in isolation but rather, conduct a holistic assessment of Barnet's waste services to identify options to enhance recycling performance including potential further efficiencies across collection services. Existing evidence, from WRAP and the Welsh Assembly Government supports that the success of separate weekly food waste collections is closely linked to the operation of other related collection regimes, whether residual, dry recyclables or green. It is this systematic and holistic approach to the review that we do not see evidenced in the decision made by your committee.

The Council's financial position

The Mayor does not seek to dispute the need to make savings within the council, nor that this situation has worsened over the last 12 months. He does not believe however, that the council actively explored, within the context of the decision immediately placed before it, other options and choices that could have sought to both improve the food waste service and deliver savings to the council. A large number of local authorities, in London, and up and down the country, all of whom are under the same levels of financial pressure as Barnet, have managed to both deliver large year on year financial savings and introduce and/or expand their separate weekly food waste offer.