

	<h2>Environment Committee</h2> <h3>13 September 2018</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Separate Food Waste Collection Cessation</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Chairman of Environment Committee</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix A – Letter from Mayor of London 19/06/18                  Appendix B – Letter from Mayor of London 27/07/18                  Appendix C – Letter to Mayor of London 28/07/18                  Appendix D, D(i), D(ii), D(iii), D(iv) – Consultation information                  Appendix E – Letter from Mayor of London 2/08/18                  Appendix F – Letter to Mayor of London 8/08/18                  Appendix G – Letter to Mayor of London 9/08/18                  Appendix H – Letter to Mayor of London 9/08/18                  Appendix I – Letter from Deputy Mayor of London 21/08/18                  Appendix J - Letter to Deputy Mayor of London 3/09/18                  Appendix K – Cost of delayed service change                  Appendix L(i), L(ii) – Academic Studies on the benefits of Energy from Waste (EfW) versus Anaerobic Digestion (AD)                  Appendix M – Options for recycling food waste in the home</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Kitran Eastman – Street Scene Director  <a href="mailto:kitran.eastman@barnet.gov.uk">kitran.eastman@barnet.gov.uk</a> 020 8359 2803</p>

## Summary

On 5<sup>th</sup> June 2018, the Environment Committee agreed to stop all separate household food waste collections in Barnet, to make savings of approximately £300,000 per year. This was at variance with the Mayor of London’s London Environment Strategy (LES) published on 31<sup>st</sup> May 2018, between the publication of the Environment Committee papers and the Committee date. Following this decision, the Mayor of London requested that the cessation of the service be postponed while further discussion with his Office took place, or a direction would be issued. A postponement for a period of 6 weeks was agreed. This report outlines the discussions between Barnet Council and the Mayor of London, and the implications of

the publication of the London Environment Strategy (LES). It also highlights the savings that are to be made by cessation of this service, albeit that these are lower than cited in the report of 5<sup>th</sup> June 2018 for this financial year, due to the delay in implementation of the proposal. This report seeks approval to stop all separate household food waste collections on 4<sup>th</sup> November 2018.

## **Officers Recommendations**

- 1. That the Environment Committee review and note the consultation discussions and correspondence with Mayor of London since the Environment Committee meeting on 5<sup>th</sup> June**
- 2. That the Environment Committee approve stopping all separate household food waste collections from 4<sup>th</sup> November 2018.**
- 3. That the Environment Committee approve the promotion of the options set out in Appendix M, which enable residents to recycle/compost food waste at home.**

### **1. WHY THIS REPORT IS NEEDED**

#### Background

- 1.1 On 5<sup>th</sup> June 2018, the Environment Committee approved a number of operational and policy changes within Street Scene Services to deliver more efficient ways of working. These changes aimed to increase the resilience of service delivery and contribute to the £1 million 2018-19 Medium Term Financial Strategy (MTFS) savings and income target allocations to Street Scene Services. The changes included stopping separate food waste collections to all households to make savings of approximately £300k per year. The link to the committee paper can be found in the background information.

#### London Environment Strategy

- 1.2 The Environment Committee papers were published on 25<sup>th</sup> May 2018, and produced in advance of that date. On the 31<sup>st</sup> May 2018 the Mayor of London published his London Environment Strategy (LES). Due to the LES being published after the Environment Committee papers had been issued no reference was included within the Environment Committee papers to the LES. As the strategy and its effect on the decision was not specifically brought to the attention of the previous committee, the Council has decided that this matter should be reconsidered by Environment Committee. The relevant extracts from the LES are highlighted in this report, together with the legal duties that apply to the Council in this regard. The Environment Committee has been convened earlier than planned due to the financial implications of further delay of this matter.
- 1.3 The Mayor of London under the Greater London Authority Act 1999 (GLA) is required to publish a municipal waste management strategy containing proposals and policies for the recovery, treatment and disposal of municipal waste. A link to the LES can be found in the background information for this paper.
- 1.4 The LES introduced an expectation that all Local Authorities in London would carry out the following policies/proposals:

**“Policy 7.2.1 Increase recycling rates to achieve a 65 per cent municipal waste recycling rate by 2030**

**Proposal 7.2.1.a** *The Mayor will set targets for local authority collected waste, a minimum level of service for household waste recycling collections and hold a contract register of waste authority waste contracts. The Mayor expects waste authorities to collectively achieve a 50 per cent LACW recycling target by 2025 and aspire to achieve:*

- a 45 per cent household waste recycling rate by 2025
- a 50 per cent household waste recycling rate by 2030

*To help them achieve the recycling targets, waste authorities should deliver the following minimum level of service for household recycling:*

- all properties with kerbside recycling collections to receive a separate weekly food waste collection
- all properties to receive a collection of, at a minimum, the six main dry recycling materials, i.e. glass, cans, paper, card, plastic bottles and mixed rigid plastics (tubs, pots and trays)

*Waste authorities will need to demonstrate how they will meet the above minimum level of service by 2020 (at the latest), and also look to provide separate food waste collections to flats where feasible. They should also collect other items for recycling from households, such as small electrical waste, foil, tetra packs and garden waste, where it makes sense to do so.*

*Waste authorities are expected to provide the minimum level of service to non-domestic properties, including schools and public organisations. Some waste authorities have experienced cost savings and recycling improvements from reduced collection of residual waste, through reducing bin sizes or changing the frequency of collections. The Mayor encourages waste authorities to consider such interventions”.*

**“Proposal 7.2.1.b** *The Mayor expects local authorities to develop reduction and recycling plans by 2020, which should include local reduction and recycling targets that contribute to the Mayor’s London-wide targets education and recycling plans should reflect borough circumstances. They should also take account of WRAP modelling, which estimated the household waste recycling rate that each waste authority could realistically achieve through implementing the Mayor’s minimum level of service and restricting residual waste”*

In addition, Local Authorities are encouraged to:

- 1.4.□1 Consider a range of measures to restrict residual waste, for example through smaller bin containers or changes to collection frequency
- 1.4.□2 Extend minimum level<sup>1</sup> of household service to non-domestic properties (for example schools, and government departments, and businesses)

---

<sup>1&2</sup> The minimum level of service include, six main dry recycling materials collected from all properties, separate food waste collections, including from flats where practical and cost effective and focus on improving performance from flats

- 1.4.□3 Garden waste collections or activities supporting community or home
- 1.5 Through the waste section of the LES the Mayor of London sets out various ambitions and targets for London between 2020 and 2030. These include:

**Table 1: LES Targets and Aspirations**

Target Date	LES Target Description
2020	<i>“The Mayor expects local authorities to develop reduction and recycling plans by 2020, which should include local reduction and recycling targets that contribute to the Mayor’s London-wide targets</i>
2020	<i>“Waste authorities will need to demonstrate how they will meet the ... minimum level of service by 2020 (at the latest)”<sup>2</sup></i>
2025	<i>The Mayor expects waste authorities to collectively achieve a 50 per cent LACW<sup>3</sup> recycling target by 2025”</i>
2025	<i>Aspire to achieve 45 per cent household waste recycling rate by 2025”</i>
2030	<i>“The Mayor expects London to achieve an overall 65 per cent municipal waste recycling rate (by weight) by 2030”.</i>
2030	<i>“minimum of 75 per cent business waste recycling by 2030 (Policy 7.2.2)”</i>
2030	<i>“Aspire to achieve 50 per cent household waste recycling by 2030”</i>
2030	<i>“50 percent reduction in food waste per head target by 2030”</i>

- 1.6 It is accepted within the LES that some Boroughs will need to achieve higher levels of recycling to compensate for those who, due to local circumstances will be unable to achieve these levels. For example, boroughs with high numbers of flats.
- 1.7 Within the LES there is no funding put forward by the Mayor of London to achieve these outcomes. The LES goes so far as to state that *“Unprecedented funding cuts to local authority budgets has stifled investment in waste and recycling collection services, as boroughs are forced to make savings... Without a guarantee of further funding and fast action from government, it will not be possible for London, or England, to meet statutory waste targets”*. The evidence base document for the LES shows on page 112 that the cumulative cost by 2030 (in addition to Business as Usual (BAU)) of reaching just 42% recycling would be £129 million. The cost of going further and reaching the 50% target is not included. The link to the evidence base document can be found in the background information.
- 1.8 Barnet is currently contributing more than many boroughs to London’s recycling rate and will continue to do so even without separate food waste collections.

**Table 2: Provisional London Boroughs Recycling Rates 2017/18**

<sup>3</sup> LCAW – Local Authority Collection Waste. All household and commercial waste which local authorities collect, including street cleansing waste.

London Ranking	BOROUGH	Provisional recycling rate (17/18)	Collection of separate food waste?
1	Bexley LB	52.1%	Yes
2	Sutton LB	50.0%	Yes
3	Bromley LB	50.0%	Yes
4	Ealing LB	48.8%	Yes
5	Royal Borough of Kingston upon Thames	48.3%	Yes
6	Richmond upon Thames LB	41.9%	Yes
7	Harrow LB	41.0%	Yes
8	Hillingdon LB	40.0%	Yes
9	Croydon LB	37.9%	Yes
10	Merton LB	37.0%	Yes
11	Barnet LB	36.9%	Yes
12	Brent LB	36.5%	Yes
13	Enfield LB	35.9%	<b>NO</b>
14	Greenwich LB	35.1%	<b>NO</b>
15	Southwark LB	34.7%	Yes
16	Havering LB	34.4%	<b>NO</b>
	Barnet performance without separate food waste	33.7%	<b>NO</b>
17	Haringey LB	32.9%	Yes
18	Waltham Forest LB	32.5%	<b>NO</b>
19	Camden LB	30.3%	Yes
20	Lambeth LB	29.8%	Yes
21	Hounslow LB	29.8%	Yes
22	Islington LB	29.5%	Yes
23	City of London	29.2%	Yes
24	Hackney LB	27.4%	Yes
25	Tower Hamlets LB	26.7%	<b>NO</b>
26	Royal Borough of Kensington and Chelsea	26.2%	Yes
27	Barking and Dagenham LB	25.0%	Yes
28	Redbridge LB	23.9%	<b>No</b>
29	Hammersmith and Fulham LB	23.7%	Yes
30	Wandsworth LB	22.1%	<b>NO</b>
31	Lewisham LB	21.8%	Yes
32	Westminster City Council	18.8%	<b>NO</b>
33	Newham LB	14.1%	<b>NO</b>

1.9 It is estimated that without a separate food waste collection Barnet's recycling rate in 2016/17 would have been 33.7% as set out in Appendix D(i) and the table above.

Communication and consultation with Mayor of London

1.10 Following the decisions of the Environment Committee on 5<sup>th</sup> June 2018, Barnet was contacted by the Mayor's Office. Outlined below is the time line of meetings and formal communication that has taken place since:

- **Monday 18<sup>th</sup> June 2018:** Meeting between Barnet and GLA Officers to discuss the rationale and background for the decision, based on the information set out in the Environment Committee Report.
- **Thursday 21<sup>st</sup> June 2018:** Letter received by Cllr Cornelius from Mayor Khan dated 19<sup>th</sup> June 2018 (see appendix A). The letter outlined Mayor Khan's concerns with the decision to stop separate food waste collections, and described his power to Direct Barnet to keep the collections.
- **Wednesday 27<sup>th</sup> June 2018:** 2<sup>nd</sup> letter received by Cllr Cornelius from Mayor Khan (see appendix B). The letter outlined his desire for Barnet to enter into a six week consultation period as a precursor to any decision about issuing a Direction.
- **Thursday 28<sup>th</sup> June 2018:** Response sent by Cllr Cornelius to Mayor Khan (see appendix C). The letter outlined Barnet's agreement to enter into consultation, but noted that the Mayor has powers only to the extent that compliance by an authority does not impose excessive additional costs on that authority as set out in section 355(2) in the Greater London Authority Act.
- **Monday 2<sup>nd</sup> July 2018:** Meeting between Barnet and GLA Officers regarding the Mayor's consultation period. Confirmation by both sides that the consultation would last from Thursday 28<sup>th</sup> June to Thursday 9<sup>th</sup> August 2018. During this time Barnet would pause its plans to remove the separate food waste collection service. Barnet would also provide information including savings costings, Environment Committee Business Plans, Tonnage information for food waste, reports on the financial position of the council, and links to recycling and waste strategy to GLA officers.
- **Thursday 12<sup>th</sup> July 2018:** Consultation information sent by Barnet (see appendix D).
- **Thursday 2<sup>nd</sup> August 2018:** Letter received by Cllr Cornelius from Mayor Khan (see appendix E). The letter outlines that Mayor Khan was minded to issue a Direction both to prevent the removal of the separate food waste collections, as well as, to request that Barnet spend additional time and money reviewing its collection service and requiring a response by Wednesday 8<sup>th</sup> August.
- **Wednesday 8<sup>th</sup> August 2018:** Letter sent to Mayor Khan (see appendix F). The letter, inter alia, on the advice of leading Counsel questions whether the Mayor has the power to issue the proposed Direction and outlines Barnet's view that in this matter he does not.
- **Thursday 9<sup>th</sup> August 2018:** Two further responses sent to Mayor Khan as foreshadowed in the letter of the 8<sup>th</sup> August. These outlined both a response regarding the lawfulness of Barnet decision (see appendix G) and a technical response regarding points raised in his letter of 2<sup>nd</sup> August (see appendix H).
- **Tuesday 21<sup>st</sup> August 2018:** Letter received by Cllr Cornelius from deputy Mayor Shirley Rodrigues (see appendix I). The letter confirmed the Mayor was not minded to issue a Direction at this stage as the Council has

confirmed it would reconsider its decision at a future Committee. The letter also reiterated the offer of a food waste service review.

- **Monday 3<sup>rd</sup> September 2018:** Letter sent to deputy Mayor Shirley Rodrigues by John Hooton on behalf of Cllr Cornelius (see appendix J). The letter outlines the details of the next Environment Committee, and the cost of the Mayor's intervention to date.

1.11 Whilst recommendation two would result in the Council no longer offering a separate food waste collection, the Council is meeting many other of the aspirational targets in the LES, including:

- Collection of the six main dry recycling materials from all kerbside properties
- Collection of the six main dry recycling materials from many flats with plans to roll out to remain flats in coming years
- A commercial recycling collection available to businesses within Barnet
- Collection of garden waste from all kerbside properties
- An adopted Municipal Recycling and Waste Strategy

By 2020 Barnet will demonstrate how it intends to contribute to meeting the collective 2025 targets, through an update to its Municipal Recycling and Waste Strategy. To enable this to happen Barnet awaits further information from the Mayor of London including how funding will be made available

1.12 Information is provided in appendix D(ii) on the attempts the Council has taken to increase recycling levels via separate food waste collections. These have not achieved significant cost effective improvements in performance. Even with the removal of a separate food waste collection, we believe that Council continues to act in general conformity with the LES and will continue to explore options to achieve greater recycling rates as set out in Appendix D.

#### Mayor of London Powers of Direction

1.13 Under the Greater London Authority Act 1999 (GLA) Section 356(1) the Mayor of London has powers, where he considers it necessary for the implementation of the municipal waste management strategy, to issue a Direction to waste collection and waste disposal authorities in Greater London to carry out a function in a specified manner. Barnet Council is a Waste Collection Authority (WCA).

1.14 The Mayor of London in his letter's to Barnet (see appendix A, B, E) has stated that he would be minded to use his powers of direction in relation to the Council's separate food waste collection service. In previous letters the Mayor has stated that he may be minded to direct Barnet to keep the separate food waste collections. In the latest letter (Appendix I), it was confirmed that the requirement is for the Council to take part in a validated review of its food waste collection service. Barnet does not believe this is appropriate.

- The Mayor of London has intimated that if the London Waste and Recycling Board (LWRB) carried out this work it would be free for Barnet. Unfortunately, this is not the case as under point 6 of the proposed Direction it states that "The Council will make available all the necessary resources (including staff and their time) to participate in and undertake the FWSR<sup>4</sup>". The Council's Street Scene Offices are already fully deployed in carrying

---

<sup>4</sup> Food Waste Service Review

out both the Business As Usual (BAU) roles of running a core front line service, as well as delivering the work of achieving the Medium Term Financial Plan (MTFP) savings, and the other areas of work agreed by the Environment Committee particularly those agreed on 5th June. Making any resources available would result in additional staff being required or a delay in the implementation of other savings plans.

- The Council has also carried out work as a member of the North London Waste Authority to understand the financial savings for various collections methods. It has also carried out studies on method to improve separate food waste collection participation.
- It should be noted that in addition to the savings agreed on 5<sup>th</sup> June the MTFP has allocated a further £900k savings for Street Scene Services in 2019/20. A report will be presented to the November Environment Committee which will outline the options for saving the £900k for 2019/20 for member's consideration.

1.15 The Councils understanding of the Mayors power to issue such Directions in these matter is set out in detail in section 5.

#### Environmental Implications

1.16 As set out in the academic papers in appendix L(i) and L(ii) there are a number of studies into the environment benefit of Anaerobic Digestion (AD) verses Energy from Waste (EfW), relating to food waste disposal. Both method essentially involve treating waste material to create energy.

1.17 The paper "Life cycle analysis of incineration compared to anaerobic digestion followed by composting for managing organic waste: the influence of system components for an Italian district" in appendix L(i) states "*Incineration of organic waste leads to maximum environmental benefits compared to anaerobic digestion and composting. Furthermore, anaerobic digestion and composting was characterized by high gaseous emissions with high greenhouse gas potential even if the production of organic fertilizer gave some benefits concerning the avoided exploitation of mineral resources*".

1.18 The paper "Evaluating waste incineration as treatment and energy recovery method from an environmental point of view" in appendix L(ii) states "*Based on the findings in the meta-study, we have come to the following conclusions regarding the environmental performance of incineration with energy recovery in comparison to other treatment/recovery methods in Europe.....Material recycling, waste incineration and biological treatment are complementary options that all need to be expanded in order to replace landfilling. To reach the best environmental results for material recycling and biological treatment of organic combustible material, waste incineration is necessary for treating residues arising during pretreatment and processing at the material recycling facilities and the biological treatment plants*"

1.19 The LES offers very little evidence of the benefits of food waste being treated at AD facilities over that and going to EfW facilities. The LES itself concurs with the Waste Framework Directives view that AD and EfW are at the same level within the waste hierarchy. Both are in the section for "other recovery – Including anaerobic digestion, incineration with energy recovery, gasification and pyrolysis which produce energy (fuels, heat and power) and materials from waste; some backfilling operations" This

Can be found on figure 44 within the LES a link to which can be found in the background information, and replicated on page 4 of Appendix D.

- 1.20 To encourage residents who wish to continue recycling/composting their food waste the Environment Committee on the 5<sup>th</sup> June 2018 asked the Strategic Director for Environment to investigate methods for people who want to continue to recycle household food waste. These options are set out in Appendix M. Recommendation three asks the committee to approve the promotion of these options.
- 1.21 The intention is that the existing recycling services and collection schemes will continue to deliver high diversion and high quality recyclate. Future work will focus on four key areas,
- Maximising Performance from Kerbside Services
  - Flats Recycling
  - Food Waste Reduction and Waste Prevention
  - Consolidating Networks and Sharing Knowledge

Further information can be found in appendix D.

#### Financial Implications

- 1.22 As set out in the Environment Committee papers on 5<sup>th</sup> June 2018 the removal of the separate food waste collection was part of a package of measures to meet the MTFs commitments, and ensuring the Street Scene Service operational overspend in 2017-18 did not reoccur in 2018-19. The current savings as part of the Medium Term Financial Plan allocated to Street Scene can be seen in the table below.

**Table 3: Street Scene Service MTFs commitments 2017-20**

Description	2017-18 (£)	2018-19 (£)	2019-20 (£)	TOTAL
Modernising Services and improving productivity (Service Change 1)	£250K	£450K	£0	£700k
Street Cleansing – restructure 2017-18	£300K	£150K	£150K	£600K
Commercial Waste Income – Service Expansion	£200K	£300K	£300K	£900K
Ground Maintenance – Restructure 2017-18	£345K	£0	£0	£345
Revised Recycling and Waste Offer	£0	£0	£900K	£900K
Efficiency through delay of planned growth	£75K	£0	£0	£75K
<b>TOTAL</b>	<b>£1,170K</b>	<b>£900K</b>	<b>£1,350K</b>	<b>£3,420k</b>

- 1.23 As set out in appendix D(i) the full year saving the additional cost of maintaining the separate food service, and thus estimated are:
- 2018/19 full year cost of the service is £563k, with anticipated in year saving £376k if the service had been stopped as planned on 28<sup>th</sup> July 2018.

- 2019/20 full year cost of the service is £297K in based on current staffing costs.,

- 1.24 Following the intervention of the Mayor of London the cessation of the separate food waste collection was delayed. This intervention has now also delayed the recycling and waste round reorganisation which depend on the release of resources from the cessation of food waste collection. This was originally planned for 1<sup>st</sup> October 2018, as was its associated saving. It is now proposed that the recycling and waste round reorganisation, and the cessation of the separate food waste collection take place from 4<sup>th</sup> November 2018.
- 1.25 The savings which have not be realised as originally scheduled due to this delay can be seen in the table below, along with the impact of further delays. Full details can be seen in appendix K.

**Table 4:** Delay to savings/costs incurred based on delayed service change date

Description	1 <sup>st</sup> October 2018	4 <sup>th</sup> November 2018	4 <sup>th</sup> February 2018	4 <sup>th</sup> March 2018
Impact of not removing unfunded round 12 for recycling	£0	£16K	£65K	£81K
Impact of not removing unfunded round 12 for refuse	£0	£14K	£56K	£70K
Round Restructure Savings	£0	£44K	£176K	£220K
Food Waste saving 2018/19	£136k	£181k	£317k	£363k
Additional Cost Incurred	£10K	£10K	£10K	£10K
<b>TOTAL</b>	<b>£146K</b>	<b>£265K</b>	<b>£623K</b>	<b>£743K</b>

- 1.26 **If both the cessation of separate food waste collections and the round reorganisation went live on 4<sup>th</sup> November 2018 the delay would have cost Barnet Council £265K.** This is reduced to £235k if the service stops on 4<sup>th</sup> November 2018.
- 1.27 It should be noted that if the round reorganisation is further delayed due to the separate food waste service still being in place after 4<sup>th</sup> November, changes will not be able to be made until 4<sup>th</sup> February 2019. Round reorganisations can cause significant disruption for a number of weeks. To enable the service to settle and not have significant ongoing disruption over the Christmas and New year period the change would need to be made by 4<sup>th</sup> November 2018.
- 1.28 Communication delivery slots need to be booked in advance and literature designed. Changing dates will incur cost and aborted work. If further delayed we estimate that as a result of the Christmas and New year period then communication on the round reorganisation can only be sent in January enabling a February 2019 service change.

#### Service Implications

- 1.29 The delay in stopping the separate food waste service has already had on the ground service implication for residents. The service was planned to be withdrawn on 28<sup>th</sup> July 2018. This would have resulted in 15 recycling and waste operative and driver posts not needing to be covered through the summer due to annual leave or

sickness. It also would have resulted in an increase of staff members who could have been used to cover annual leave or sickness through the summer.

- 1.30 Due to the nature off the work in recycling and waste collection it is working practice to wherever possible replace staff who are on holiday or sick. This happens both through a pool of staff who are employees of the council and use of agency staff. During the summer months and during the school summer holidays in particular, the pressure on the pool of staff (including agency) is much greater. At some points during the summer it was not possible to cover all the posts of staff who were absent (due to annual leave or sickness) resulting in a delay to some collections or the need to run some later shifts for collections.
- 1.31 In the last year Street Scene Services has dramatically cut the use of agency staff so that the number of agency staff which the service can call on has significantly decreased. As set out in section 1.30 it was intended that this change would be mitigated in the summer by the cessation of the separate food waste service. This however was not possible leading to service disruption for residents.
- 1.32 Reactive maintenance work on the food waste vehicles has increased in recent months following an increase in the number of breakdowns. This resulted in the vehicles being unable to carry out food waste collections to schedule. It has also at times also caused issues with blue bin collections due to the same vehicle needing to be used for both waste streams.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 **Recommendation 1** – It is a recommendation that the Environment Committee note the consultation discussions with Mayor of London since the Environment Committee Meeting on 5<sup>th</sup> June, including the implications regarding the London Environment Strategy (LES).

This will ensure that Environment Committee have taken full account of the implications of the LES and the views of the Mayor of London.

- 2.2 **Recommendation 2** – It is a recommendation that the Environment Committee approves stopping all separate household food waste collections on 4<sup>th</sup> November 2018.

This change will enable Street Scene Services to focus on providing a high quality blue bin recycling service with high participation rates, and improved service resilience and to operate within its budget and meet the Medium Term Financial Plan.

**Recommendation 3** – It is a recommendation that the Environment Committee approves the principle of the promotion of the options set out in Appendix M.

This will enable residents to recycle/compost food waste in the home if they so wish.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Council could choose not to remove the separate food waste collection. This, however, is not advised as it would result in the likely over spend of Street Scene Services budget, and the inability for the service to deliver MTFs savings targets
- 3.2 The Council could choose not to remove the separate food waste collection, and instead put additional money and resources into increasing participation. This,

however, was trialled in 2015 as set out in appendix D(ii). The trials showed that the interventions were not cost effective, and none of them increased tonnage to the level required. Participation would need to rise to a level where the amount of food collected had increase by over 100% to over 10,000 tonnes before stopping the separate food waste collections did not result in savings.

- 3.3 The Council could choose to have a fortnightly separate food waste collection, this, however, would only save approximately £50k to £100k dependent on resident's participation. It would be unlikely that residents would wish to wait two weeks for a separate collection of food waste. This option would also not meet the expectation of the LES' weekly separate food waste collection and is not best practice.
- 3.4 The Council could choose to combine food in the green bin. Presently, however, it is not possible to recommend using the green bins for food waste, as the current composting arrangements only accept non food plant products. If food waste was to be included then a different and more expensive composting method would be needed. This is due to legislation introduced following a Foot and Mouth disease outbreak. The additional composting cost is an estimated £460k per year.
- 3.5 The Council could choose to move its black and blue bins to a fortnightly collection and keep a weekly brown bin collection. This option has previously been associated with MTFP saving of £900k in 2019/20. During the recent local elections, however, the Barnet Conservative manifesto included a commitment that weekly refuse collections will be maintained, and that the proposed Alternate Weekly Collection (AWC) referred to in the November 2017 Environment Committee Business Planning report will not be introduced. Based on the results of the election, this commitment appears to have support from local residents.
- 3.6 The Council could choose to carry out a full review of the services offered and review them all including those options set out in section 3, and requested by the Mayor of London in Appendix E.
- 3.7 The Mayor of London has intimated that if the London Waste and Recycling Board (LWRB) carried out this work it would be free for Barnet. Unfortunately, this is not the case as under point 6 of the proposed Direction its states that "The Council will make available all the necessary resources (including staff and their time) to participate in and undertake the FWSR5". The Council's Street Scene Offices are already fully deployed in carrying out both the Business As Usual (BAU) roles of running a core front line service, as well as delivering the work of achieving the Medium Term Financial Plan (MTFP) savings, and the other areas of work agreed by the Environment Committee particularly those agreed on 5th June. Making any resources available would result in additional staff being required or a delay in the implementation of other savings plans. The Council has also carried out work as a member of the North London Waste Authority to understand the financial savings for various collections methods. It has also carried out studies on method to improve separate food waste collection participation. It should be noted that in addition to the savings agreed on 5th June the MTFP has allocated a further £900k savings for Street Scene Services in 2019/20. A report will be presented to the November Environment Committee which will outline the options for saving the £900k for 2019/20 for member's consideration.

## 4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to endorse the recommendations then Street Scene officers will continue to progress plans to stop the separate food waste collections on 4<sup>th</sup> November 2018, following the time scale set out below:

**Table 5:** Implementation timescales

Date	Action
<b>18<sup>th</sup> September</b>	Press release, social media and web site updated to highlight the removal of the separate food waste collection
<b>18<sup>th</sup> September</b>	Mail drop confirmed and communications material finalised for food waste cessation and round reorganisations
<b>W/C 24<sup>th</sup> September</b>	Teaser information starts - "look out for your new bin day leaflet" and information on the removal of the separate food waste collection
<b>W/C 22<sup>nd</sup> October</b>	Mail drop to residents – Combination of separate food waste withdrawal and round reorganisation
<b>Friday 2<sup>nd</sup> November</b>	Last separate food waste collection
<b>Sunday 4<sup>th</sup> November</b>	Last change overs are made between the old collection rounds and the new ones
<b>Monday 5<sup>th</sup> November</b>	New round structure starts – without a separate food waste collections

## 5. IMPLICATIONS OF DECISION

### 5.1 Corporate Priorities and Performance

- The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
  - Of opportunity, where people can further their quality of life
  - Where people are helped to help themselves, recognising that prevention is better than cure
  - Where responsibility is shared, fairly
  - Where services are delivered efficiently to get value for money for the taxpayer.

There are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

### 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- Finance and Value for Money: The Medium Term Financial Strategy savings

allocated to the Street Scene services and agreed at Environment Committee on 7 November 2017 are:

**Table 6:** Street Scene MTFP commitments

ID	Opportunity Area	Description of Saving	2018/19	2019/20	Total
E3	Street Scene: Recycling and Waste Collection	Formerly the restructure of the Street Scene business model. Officers are looking to streamline potential processes, invest in mobile IT, improve service productivity, and restructure the service.	(450)	0	<b>(450)</b>
E4	Street Scene: Street Cleansing	New Service Offer: Anticipated to be achieved via staffing efficiencies and an asset management review of the fleet.	(150)	(150)	<b>(300)</b>
G2	Street Scene: Commercial Waste and Waste Collection and Street Cleansing Income	Income generation from Non-Statutory Waste Services and Green Waste: Income generation target across a range of chargeable services for commercial waste, including: additional collections and the identification of new services where charging the user more is appropriate. To be delivered through a fundamental review of all transactional services.	(300)	(300)	<b>(600)</b>
R2	Street Scene: Recycling and Waste Collection	Revised waste offer to increase recycling: The proposal is for a comprehensive and targeted communications and engagement campaign which aims to change resident behaviours and drive up recycling rates in order to reduce collection and disposal costs. However it may become necessary to go to alternate weekly collection if recycling rates continue to plateau and/or the savings identified are not realised.	0	(900)	<b>(900)</b>
R1	Commissioning Group: NLWA	Levy payments to the North London Waste Authority.	(100)	(300)	<b>(400)</b>

A full year rollout of the contributions from the cessation of separate food waste collections is approximately £300k (see appendix D(i)). This will contribute to Streets MTFs commitments, and help ensuring the Street Scene operational overspend in 2017-18 does not reoccur in 2018-19

- Procurement: At this time there are no implications.
- Staffing: Some council staff work mainly on food waste collections, mitigation against redundancies by creating a trained pool of staff able to be used across the service

covering sickness and annual leave, saving on agency staff use. This will reduce with time due to natural wastage.

- IT: At this time there are no implications.
- Property: At this time there are no implications.
- Sustainability: The cessation of separate food waste collections set out within this report will enable Street Scene Services to deliver more efficient and effective services for domestic and commercial waste, recycling collections and street cleansing services, increasing overall performance and satisfaction.

### 5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This will be done as part of any contract procurement. No contract procurement is currently planned as a result of the recommendation in this report.

### 5.4 Legal and Constitutional References

- 5.4.1 The Environmental Protection Act 1990 Part II Waste on Land, section 46 Receptacles for Household Waste, provides waste collection authorities with the power to determine the size of the receptacles and whether a payment is required for them.
- 5.4.2 Section 355(1)(a) of the GLA Act requires each of the waste collection authorities in Greater London (of which, Barnet is one), in exercising any function under Part II of the Environmental Protection Act 1990, to act “in general conformity” with the provisions of the London Environment Strategy (“the Strategy”) dealing with municipal waste management.
- 5.4.3 Section 355(1) is, however, subject to section 355(2). This provides that section 355(1) has effect only to the extent that compliance by an authority with its requirements does not impose excessive additional costs on the authority. The provisions of sections 356(1) and 356(4)(a) require to be read in the light of those of sections 355(1) and 355(2).
- 5.4.4 Case law has determined that a Direction can only be issued if the Mayor considers it necessary for the purposes of implementation of his strategy when read as a whole.
- 5.4.5 The Council has submitted to the Mayor that it is acting in general conformity with the LES and that the Mayor cannot, via the LES, impose excessive additional costs on a waste collection authority. As such the Mayor cannot in the Council’s opinion, lawfully issue a Direction under section 356(1) requiring Barnet as a Waste Collection Authority to do something which may or may not amount to an “act in general conformity” with the London Environment Strategy, but which imposes excessive additional costs
- 5.5 If recommendation two, to stop all separate household food waste collections on 4<sup>th</sup> November 2018, is approved, there is a risk that as set out in the letters in Appendix A to J the Mayor of London may seek to direct Barnet to keep the service in place. As set out in the attached correspondence with the Mayor, Barnet believes any such Direction, if issued as stated in Appendix A to J, may not be lawful.

5.3.1 If upon reviewing any Direction and receiving legal advice Barnet believed a Direction to be unlawful it could take legal action against the Mayor to quash the Direction. This matter would be heard by the High Court. The High Court would determine whether implementation would have to cease pending consideration of the claim, the merits of such a claim and any costs to be awarded. The Mayor of London has confirmed that he wishes to work with the Council on this matter and sought explanation as to what information was considered by the previous committee and how other options were discarded. Further information has been provided in this report and the committee is being asked to reconsider its decision, having regard to all the matters included in this report and its appendices.

5.3.2 Council Constitution (Article 7, Committees, Forums, Working Groups and Partnerships) sets out the responsible body and their functions. For the Environment Committee its function is:

- Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.
- To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.
- To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including variances or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

## 5.6 Management

5.5.1 There is a high risk that should separate food waste collections not be withdrawn that commitments set out within the Council's MTFs will not be able to be met. The level of other services provided to residents and businesses would potentially need to be reviewed, as they are not sustainable in their current guise, and reduced in a more piecemeal manner with scope for considerable reputational risk.

## 5.7 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.6.4 The proposed policy has been reviewed against the protected characteristics and an initial equality impact screening assessment has not found that there would be any specific adverse impact on any of the protected groups.

## 5.8 Corporate Parenting

5.7.1 Not applicable.

## 5.9 Consultation and Engagement

5.6.5 This report outlines the consultation which has taken place with the Mayor of London

## 5.8 Insight

5.8.1 There are no insight implications at this time.

## 6. BACKGROUND PAPERS

- [Environment Committee Papers 5<sup>th</sup> June 2018](#) – including Street Scene Operational Change report including food waste cessation
- [Environment Committee May 2016 Papers](#) – including Barnet’s Municipal Recycling and Waste Management Strategy.
- [Environment Committee May 2017 Papers](#) – including the Outcome for Street Scene Alternative Delivery Model project.
- [London Environment Strategy](#)
- [London Environment Strategy Evidence Base](#) - Waste chapter starts on page 85.
- [Policy and Resources Committee Paper June 2018](#) – including paper provides an update on the council’s financial position
- [Policy and Resources Paper July 2018](#) – including paper provides an update on the council’s financial position
- Please note that further links to the Environment Committee Business Planning reports, and the Barnet Recycling and Waste Strategy can be found in Appendix D.
- Please note that the update for Barnet’s Waste and Recycling Strategy can be found in the Environment committee report pack for 13<sup>th</sup> September 2018