



London Borough
of Barnet

Mayor Sadiq Khan
City Hall
The Queen's Walk
London
SE1 2AA

Cllr Richard Cornelius
Leader of the Council

North London Business Park
Oakleigh Road South
London N11 1NP

tel: 020 8359 2059
email: leader@barnet.gov.uk
date: 9 August 2018
our reference: RC/kl/ 180809 mayorwaste

Dear Mayor Kahn,

Further to our letter of 8th August 2018, and as foreshadowed within it, I would like to address some of your technical assertions in relation to Barnet's decision on the cessation of separate food waste collections. As has been said in my letters previously and highlighted by my Officers in face to face discussion with your Officers, the decision to withdraw the separate food waste service is one based on financial requirements and not driven by recycling rate improvement. We note that in your most recent letter you did not fully address this. As is stated in the LES on page 305 "*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*". Without a guarantee of further funding it will not be possible for Barnet to make a full contribution to the LES targets.

I have taken the points which we wish to address in the order that they are raised in your letter, and referenced to the attached marked copy of your letter (Appendix A).

Ref. 1. Despite the assertion that the information which was provided by Barnet on 12th July 2018 was "thoroughly reviewed" there are elements of your letter that are in contradiction to the information which we provided. There are also parts of your letter which pass comment on areas where information was not requested. We note that no additional questions were asked of Barnet during this consultation period or clarifications sought. This is despite Barnet Officers requesting on 26th July 2018 for an indication of when any additional/clarification questions would be asked.

Please note that Barnet does not recognise or use the term "*ground floor residents*", and as such does not know what definition is being used.

Ref. 2. The LES states that the targets which you wish to achieve are set from 2025: "*The Mayor expects waste authorities to collectively achieve a 50 per cent LACW recycling target by 2025 and aspire to achieve 45 per cent household waste recycling rate by 2025 [and] aspire to achieve 50 per cent household waste recycling rate by 2030*". It also states that by 2020 waste authorities need to demonstrate how they will meet the minimum level of service. By 2020 Barnet will demonstrate how it intends to contribute to meeting the collective 2025 targets.

Currently Barnet is contributing more than many boroughs to London's recycling rate, and believes that it will continue to do so. Our view is that it is highly unlikely that without a guarantee of further funding and lower performing boroughs increasing their recycling levels the Mayor's collective targets will be met. Further information on how the Mayor will hold individual boroughs responsible for a collective target would be welcome, as well as information on what Direction has been issued to those who are not contributing significantly at this time, including those that are not collecting food waste separately at all.

Ref. 3. The consultation for the LES closed on 17th November 2017, during the review of the consultation responses consideration of the published manifestos of the political parties could have been made, as the LES was published after the London local government elections on 3rd May 2018. Following the Local Government Election, Barnet are implementing the clear manifesto pledge from the Barnet Conservatives to keep weekly (black) bin collections. As such there has been a change of prioritisation since May. Since October when the Barnet response was considered, the financial position of the Council has deteriorated as was clearly set out in the information provided (see Appendix B). In 2017/18 Barnet's call on its revenue reserves was £21.2m.

Ref. 4. Barnet's Environment Committee papers were published on 25th May 2018, and produced in advance of that date. The LES was published on 31st May 2018. Our paper could not have included information from the LES at the time of publication.

The information which was sent to your Officers (see Appendix B) as part of the consultation clearly set out Barnet's future focus on increasing recycling performance by focusing on the area for the greatest potential improvement which was, maximising performance from kerbside dry recycling services, improving flats recycling and food waste reduction and waste prevention. No additional questions were asked or clarifications sought on this information.

How Barnet would reach the 50% reduction in food waste target in 12 years time (2030) was not a question which was asked by the Mayor or his Officers. We do not believe any London Borough or indeed the GLA has planned for this at the present stage. As yet we do not know if this is a London Target or LACW target. Indeed the London Environment Directors Network (LEDNET) has previously asked for information about how these targets are set and how they will be measured, but to date nothing has been shared with them. Barnet's representatives on the North London Waste Authority (NLWA) also posed similar questions when a presentation was made to NLWA, but no response was forthcoming then or since

Ref. 5. The Environment Committee's decision to withdraw separate food waste collections was not in contradiction to earlier reports but reflects the change over time and the deterioration in Barnet's financial position. The change in the financial position was clearly set out in information which was set to your Officers during the consultation period (see Appendix B).

Ref. 6. The reference to "ref2" should be "R2", being - *"Revised waste offer to increase recycling: The planned ending of central Government support for weekly refuse collection will necessitate a revised waste collection offer to residents that will need to focus on the delivery of challenging recycling targets. The Council collects residual waste, recyclables, and food waste from all households. 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. This includes making it easier to recycle food waste and compulsory recycling of dry and food waste (enforced by fixed penalty notices); increasing recycling in flats by working with managing agents to identify the most suitable mix of containers and limiting the capacity for residual waste. The proposals will be supported by small scale pilot projects, incentive schemes and targeted communications projects. 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". The savings from stopping separate food collection are over and above those required for 2019/20.

Ref. 7. Over a number of years Barnet's Environment Committee have reviewed many options regarding recycling and waste performance. Following the Local Government Election on 4th May 2018 Barnet are implementing the clear manifesto pledge from the Barnet Conservatives to keep weekly (black) bin collections. As such there has been a change of direction since May. No additional questions were asked or clarifications sought. The Environment Committee report clearly set out changes and savings associated with round reorganisation, which will be far more difficult to achieve if the separate food waste collections are not stopped. The Council understands where it spends and as such the quantum of savings which can be achieved.

Barnet has regular reviews of bin volumes and understands the issues and potential impact that this may have.

Ref. 8. Barnet agrees that the current separate food waste collection is under used by residents. This was set out in our Environment Committee report. Barnet provided information during the consultation on work which had been trialled following WRAP guidance to increase participation (See Appendix B). None of these options were successful to the level required to make them financially sustainable. No additional questions were asked or clarifications sought by your Officers on this information. It should be noted that even if our current service diverted 7000 tonnes a year to Anaerobic Digestion (AD) significant savings would be made from the cessation of separate the brown bin services.

Ref. 9. We do not agree that the Barnet Environment Committee report makes "assertion and assumptions that the current performance is incapable of being changed and/or improved". The report is focused around the financial savings which are needed to meet our current budget and are based on our expenditure data. As is set out above trials showed that interventions to improve performance of the separate food waste service did not prove to be sufficiently financially sustainable to enable them to be rolled out further.

Ref. 10. We also do not agree that we have treated the separate food waste service in total isolation. An invitation to review how the service worked in situ or to be talked through the service operation was extended to your Officers but was not taken up. No additional questions were asked or clarifications sought. We have full knowledge of our own services and how they interact with each other.

You mention ideas such share fleet and implying an element of shared services but no additional questions were asked or clarifications sought on this matter. A full options analysis on service delivery including shared services was presented to the committee in March 20 17 and can be found at

<https://barnet.moderngov.co.uk/documents/s38561/Street%20Scene%20Alternative%20Delivery%20Model%20Revised%20Outline%20Business%20Case%20OBC2.pdf>

Barnet has regular reviews of bin volumes and understands the issues and potential impact that this may have

- Ref. 11. Barnet does not believe that there are sunk capital implications as most vehicle will continue to be used for recycling. Indeed the cessation will prevent capital being spent on some replacement vehicles, and will reduce vehicle maintenance costs.
- Ref. 12. It should be noted that Barnet has not as yet set itself a household waste recycling target for 2020. Information about how Barnet will contribute to the Mayor's 2025 targets will be presented to future meeting of the Environment Committee as the LES evolves. As we have said the Barnet Environment Committee paper was published on 25th May 2018, and produced in advance of that date. The LES was published on 31st May 2018. Our paper could not have included information from the LES at that time
- Ref. 13. We disagree about your assertion that our report makes "significant environmental claims" regarding the cessation of the separate food waste collections. We instead highlight that energy recovery via Energy from Waste (EfW) is an acceptable outcome. Barnet has reviewed a number of studies which agree with our assertion. The conclusions of the main study¹, was that *"for well source separated and clean material fractions, material recycling generally leads to lower environmental impacts than incineration. For organic waste, however, the choice between incineration, composting and anaerobic digestion is not obvious"*. As we are aware landfilling is the worst option in almost all studies.

Barnet will continue to work to increase the dry recycling in our Borough to ensure that we make meaningful contributions to recycling rates in London. We look forward to working with the Mayor to maximise performance from our kerbside services, improving flat recycling and work on food waste reduction and waste prevention.

Yours sincerely



Cllr Richard Cornelius
Leader of the Council

¹ Evaluating waste incineration as treatment and energy recovery method from an environmental point of view. Mattias Olofsson, Johan Sundberg and Jenny Sahlin

MAYOR OF LONDON

Cllr Richard Cornelius
Leader of the Council
London Borough of Barnet
North London Business Park
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London N11 1LP.

Date: 2 August 2018

Dear Cllr Cornelius,

London Environment Strategy – Withdrawal of Weekly Separate Food Waste Collection Service - Further consultation prior to the issuing of a potential Mayoral Direction concerning a Food Waste Service Review

This letter constitutes consultation with the Barnet London borough council ("Barnet"/ "the Council") as required by section 356(4) of the Greater London Authority Act 1999 ("GLA Act", as amended) that I am minded to give the Council a direction under section 356(1) of that Act.

Ref 1, Following my letter of 27 June 2018, and your reply of 28 June, you agreed to set aside a six-week period, within which further data and information that had been used to inform Barnet's decision-making processes would be provided to my officers, so as to better understand and assess the decision ("the Withdrawal Decision") made by your Environment Committee ("the Committee") at its meeting on the 5 June 2018 to withdraw the current weekly kerbside separate food waste collection ("the Food Waste Service"/ "Service") provided to all ground floor residents in your area. This information was provided to us on 12 July and has been thoroughly reviewed by my officers.

Ref 2, As I stated in that letter, the decision made by the Committee to withdraw the Service, stands in direct contradiction of specific provisions within my London Environment Strategy ("LES"/ "the Strategy") which require the Food Waste Service to be provided. This is set out at Proposal 7.2.1 (a) and supporting text (a copy of which is at **Appendix A**), and is the Strategy's "separate food waste recycling requirement". That requirement is a provision of the Strategy dealing with municipal waste management.

All waste authorities in London are under a legal duty to exercise their waste functions under Part II of the Environmental Protection Act 1990 (their "Part II Functions") in general conformity with the provisions of the Strategy dealing with municipal waste management ("the waste management provisions"): see section 355(1) of the GLA Act. The Council is a waste collection authority for the purposes of section 355(1). The waste management provisions and Barnet's Part II Functions include the collection and recycling of waste from residential properties.

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Ref 3, The London Environment Strategy was published on 31 May 2018 and was in legal force on the date the Committee took the Withdrawal Decision. The Strategy's contents had been widely communicated and Barnet responded to the consultation draft of the LES¹, not specifically mentioning any issues or concerns about what is now Proposal 7.2.1 (a) (separate collection of food waste), and stating only that it already meets the minimum service requirement for the separate collection of food waste. No indication was given by the Council of any intention to withdraw the Food Waste Service.

The relevant report (Street Scene Operational Changes 2018-19: "the Report") to the 5 June Committee meeting includes the recommendation to withdraw the Food Waste Service (the "Service Change 2" referred to in the Report) in order to make an in-year (2018/19) financial saving of £300,000 per annum and £300,000 per annum thereafter.

Ref 4, The Report did not refer to the Strategy's separate food waste recycling requirement, nor to Barnet's statutory duty to perform its waste functions in general conformity with it. Neither did it mention or indicate how the Council proposed to offset or make-up the consequent reduction in recycled waste in order to meet the 50 per cent (by 2025) Local Authority Collected Waste (LACW) recycling target or its 50 per cent per head reduction in food waste target requirement by 2030.

Ref 5, The Relevant Decision by the Committee is directly contrary to the Strategy, published on 31 May 2018, which provided that waste authorities in London to provide weekly kerbside collection of food waste, by 2020 at the latest (Proposal 7.2.1 (a) and supporting text). It was fundamentally flawed and unlawful.

Following my officers' detailed review of the data and information submitted by the Council's officers on 12 July, I have concluded the following:

- Ref 5,
- Ref 7,
- Ref 8,
- 1) The Committee's decision to withdraw the Food Waste Service seems to contradict earlier analysis and decision making on its part. In the Committee's own report (the update to the Environment Section of the Council Medium Term Financial Plan (MTFP) for 2018 to 2020²), in the appendix, line ref 2, the report talks of seeking to enhance the Council's food waste offer and to drive its performance improvement along with dry recycling.
 - 2) The only options analysis undertaken by officers in the Report, and so considered by the Committee, was the comparison between maintaining the Food Waste Service and its total and immediate withdrawal. Whilst there are clearly a range of options that sit within these two, they were not explored in the Report or with the Committee at the meeting. For example, options might have included measures to enhance collected volumes of food waste, such as 'bin' volume of residual waste, round structures and logistics, or household education and promotion.
 - 3) From information provided by the Council, it is clear that, as the Service is currently operated, it performs poorly. As a consequence, it is not as cost effective as it might be (on a per tonne collected basis). Data provided by the Waste and Resources Action Programme (WRAP) on their separate weekly food waste collection trials found an average (UK) per household collection weight of 68kg per annum (when combined with weekly collection of residual waste, higher if fortnightly). On this basis, Barnet's food waste collection scheme should be looking to collect in the region of 7,000 tonnes per annum (68kg multiplied by 102,000 properties eligible to receive the service), rather than the 5,000 tonnes, and declining (estimated at 4,600

¹ The Draft LES was subject to public and stakeholder consultation between 11 August and 17 November 2017 and contained Proposal 7.2.1 (a).

² <https://barnet.moderngov.co.uk/documents/s43101/Appendix%20A%20Environment%20Committee>.

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GLA Act 1999 powers

Under section 356(1) of the GLA Act, where I consider it necessary to do so for the purposes of the implementation of the Strategy's municipal waste management provisions, I may give to a waste collection authority in Greater London a direction requiring that authority to exercise a function in a manner specified in the direction. The functions in question are not limited to Part II Functions and may concern any relevant function of the authority. When a direction is given the authority concerned must comply with it: see section 356(5). The power to give a direction under section 356(1) may be exercised generally or specifically. I am required to consult with the authority concerned before giving any direction under that section: see section 356(4)(b). This letter fulfils that consultation requirement.

Considering the submitted evidence by the Council and my officers' subsequent analysis, I am minded to issue a direction under s 356(1) of the GLA Act ("the Direction") to undertake a Food Waste Service Review in the terms (or similar) set out in **Appendix B**, as being necessary for the reasons stated above.

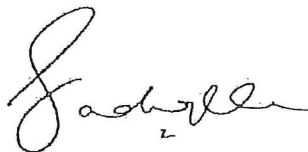
Conclusion

I genuinely hope you find my proposal for a Food Waste Service Review helpful as a way forward and that it will not be necessary to issue a statutory direction. While I appreciate that Barnet, like all local authorities across London, faces a challenging short, medium and long term financial environment, I am not convinced that its decision to withdraw its weekly separate kerbside food waste collection service has been made in full recognition of the wider choices available that could, potentially, save more money for the Council and its residents in the future.

The opportunity for the Council to engage with external experts in understanding how the waste collection and recycling services can be optimised is I feel a valuable one. It has the potential to furnish the authority with the full breadth and depth of options and choices that will enable it to implement measures to enhance the performance and cost effectiveness of its entire waste recycling and collection services and to lay the foundation for even higher recycling in the future.

I request you to formally respond to this letter, for the purposes of section 356(4)(b) of the GLA Act no later than **8 August 2018**. Given the need to scope the food waste service review, procure external support and deliver the review within four months, I consider a response by 8 August to be reasonable notice. Please provide confirmation of your agreement by signing a copy of this letter.

Yours sincerely,



Sadiq Khan
Mayor of London

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tonnes currently) as at present. If Barnet could identify options for increasing volumes of collected food waste, the cost savings available on the disposal side could go some way to enhancing the cost effectiveness of the Service, as opposed to keeping the waste in the residual bin and incinerating it as proposed. It is not clear on the evidence presented that the Council has identified the best value solution.

- Ref. 9, 4) The background information and analysis provided in the Report to justify the recommendation to withdraw the Service makes the un-evidenced assertion and assumption that this current poor performance is incapable of being changed and/or improved.

From analysis it is clear that:

- Ref. 10, A. The Food Waste Service has been treated in almost total isolation of other waste collection and recycling services in the borough. Evidence from other authorities performing well on food waste recycling suggests that a more system wide perspective, incorporating the full range of resources and operations mobilised across dry recycling, residual collection and garden waste, offers the fullest range of options and choices (for example, the utilisation of staff resource across shared collection rounds, control of residual collection volumes via bin size or collection frequency, shared /modified fleet etc). These alternatives do not appear to have been presented to the Committee previously or put to Committee members in the report.
- Ref. 11, B. The financial case presented for the Service's withdrawal, does not adequately account for and deal with the issue of sunk capital investment. While this is understandable to the extent that the priority is to make in-year savings in revenue budgets, it does suggest a very short-term perspective, which ignores capital investment made to date and its ability to support cost effective service delivery in the medium to longer term. Given the Mayor's requirement that all waste authorities have separate weekly kerbside food waste collection in place by 2020, it appears highly unlikely that Barnet would be able to re-introduce the Service at a later date within the next 16 months. And, even if it did, it would represent an inefficient use of existing and productive capital infrastructure.
- Ref. 12, C. No detailed information is provided as to how, in the absence of the Service, and with a clear plateauing of Barnet's dry recycling performance, the Council would seek to sustain and drive further improvements towards its own recycling target of 50 per cent household waste by 2020 and contribute to the Mayor's London-wide Recycling target of 45 per cent household recycling by 2025 and 50 per cent by 2030 - let alone credibly and cost-effectively restore the Service by the backstop date of 2020 as required by the LES.
- Ref. 13, D. The Report makes significant environmental claims about the preferred option: withdraw separate food waste collection and leave food waste in black bin for onward incineration. It claims that the current onward processing of food waste by Anaerobic Digestion (AD) is equal in environmental terms to leaving food waste in the black bins for onward processing by incineration at Edmonton. Indeed, it goes further and suggests that given Edmonton is nearer than the AD plant in Hampshire, its incineration is environmentally preferable. No evidence for this claim is submitted beyond the referencing of the waste hierarchy. The Government's own advice on the waste hierarchy and indeed all research and evidence supports the separate collection of food waste and processing by AD as the most environmentally beneficial route for food waste. This is so even allowing for transport movements of the collected waste for processing.

Appendix B – Extract from information sent by Barnet during consultation

Information Requested:

- a) *“All specific or general cost and performance data prepared, considered or used by Council officers or members in their assessment of the ongoing financial and operational viability of the Brown Box Collection and the cost and performance of any comparators (e.g. leaving food waste in residual bins for onward processing at Edmonton EFW plant)*
- b) *Whether and what alternatives (if any) to cessation of the Brown Box Collection were prepared or considered including and specific analysis and options appraisal that sought to place the service’s withdrawal in the explicit context of ‘other choices’ that it could be assessed against and the extent to which a full range of cost savings options was considered.*
- c) *Any specific work undertaken to demonstrate the operational and performance impact(s) on the Council its recycling service and targets (and the targets in my LES) of the service’s withdrawal, and planned services enhancements (if any) that it can demonstrate the Council will continue to drive forward its performance and make a meaningful and proportionate contributions to the London wide targets in my LES*
- d) *The relevant report (Street Scene Operational Changes) to 5 June Environment Committee meeting makes significant claims of the preferred environmental performance of withdrawing the separate Brown Box Collections and requiring householders to leave their food waste in residual collections (black bin) for onward processing at the Energy from Waste plant at Edmonton. Please provide all relevant data and analysis that was prepared used or considered in making this assessment*
- e) *(Without prejudice to the above) all other information or other data/material that constitutes a “background paper” to the Street Scene Operational Changes report considered on 5 June 2018, within the meaning of s100D(5) of Local Government Act 1972 (as amended)*

| # | Information Title and Details | Information location | Relevant Request |
|---|--|--|------------------|
| 1 | Policy and Resource Committee Reports | This paper provides an update on the council’s financial position and the process for updating the council’s Medium Term Financial Strategy (MTFS) to 2023/4, to ensure that future challenges are managed and opportunities realised. P&R Paper June 2018 P&R Paper July 2018 | E |
| 2 | Environment Committee - Business Planning report. November 2017 | The update to the Environment Section of the Council Medium Term Financial Plan (MTFP) for 2018 to 2020. Savings to be required from the Environment Committee are £4.7m in this period. Environment Committee Business Planning Report Savings Appendix - Business Planning Report | A, B, E |
| 3 | Environment Committee - Business | The update to the Environment Section of the Council Medium Term Financial Plan (MTFP) for 2017 to 2020. Savings to be required from the Environment Committee are £6.6m in this period. | A, B, E |

| | | | |
|----|--|---|---------------|
| | Planning report. November 2016 | Environment Committee Business Planning Report Savings Appendix - Business Planning | |
| 4 | Environment Committee - Business Planning report November 2015 | The update to the Environment Section of the Council Medium Term Financial Plan (MFTP) for 2016 to 2020. Savings to be required from the Environment Committee are £10.6m in this period. Environment Committee Business Planning Report Savings Appendix - Business Planning Report | A, B, E |
| 5 | Environment Committee - Business Planning report. November 2014 | The Environment Committee agreed a five-year plan for achieving savings of £5.9m by 2019/20. This forms part of the MFTP for Barnet and is annual agreed through full Council once the Budget has been through a consultation process Environment Committee Business Planning Report Savings Appendix - Business Planning Report Appendix C - Commissioning Plan | A, B, E |
| 6 | Recycling and Waste Strategy | Recycling and Waste Strategy Summary 2016-2030 Recycling and Waste Strategy 2016-2013 Recycling and Waste Strategy Action Plan Data Set https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---resident https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---legislation-and-targets https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---market-dynamics https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---technology- https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---built-environment https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---demographic https://open.barnet.gov.uk/dataset/municipal-waste---recycling-strategy---economic-and-financial-outlook | C |
| 7 | Savings Make up | See Document A – Barnet Brown Bin Cessation Costing | A |
| 8 | Tonnage Information | See Document A – Barnet Brown Bin Cessation Costing https://open.barnet.gov.uk/dataset/tonnage-report---residual-and-recycling-waste-2017-18 https://open.barnet.gov.uk/dataset/tonnage-report---residual-and-recycling-waste-2016-17 https://open.barnet.gov.uk/dataset/tonnage-report---residual-and-recycling-waste-2015-16 | C |
| 9 | Climate change impacts | No information Available | E |
| 10 | Food Waste expansion and increase participation work | See Document B – Food Waste Behaviour Change Project Report See Document C – Flats Food Waste Trial Report See Document D – Costing Food Waste from Flats Rollout | A, B, C, D, E |
| 11 | Additional Information | See page 3 onwards (below) | D, E |