

CABINET

Date of Meeting	Tuesday, 12 th March 2024
Report Subject	Workplace Recycling Regulations
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

From 6 April 2024, new Welsh Government legislation will come into force requiring all non-domestic premises to separate recyclable materials from all other waste. This will require all workplaces, such as businesses, public sector, and charities to separate their recyclable materials in the same way that require our households to do. The aim of this change is to improve the quality and quantity of commercial recycling collected and separated across Wales.

Natural Resources Wales (NRW) will be responsible for making sure that materials are being separated and collected correctly, and that the ban on recycling going to incineration and landfill is being followed. Local authorities will be responsible for making sure that the ban on food waste going to sewer is followed.

This report provides an overview of the new legislative requirements and outlines the potential impact on the Council and actions required to achieve compliance.

RECOMMENDATIONS

1	That Cabinet notes the changing legislation and the potential impact on Council services.
2	That Cabinet supports the option to explore opportunities to develop non-domestic recycling collections and disposal services.

REPORT DETAILS

1.00	WORKPLACE RECYCLING REFORMS
1.01	<p><u>Background and Context</u> From 6 April 2024, new Welsh Government legislation will come into force requiring all non-domestic premises to separate recyclable materials from all other waste. This will require all workplaces, such as businesses, public sector, and charities to separate their recyclable materials in the same way that require our households to do. The aim of this change is to improve the quality and quantity of commercial recycling collected and separated across Wales.</p>
1.02	<p>There are three sets of regulations that will be implemented, they set out:</p> <p>1) The separation requirements:</p> <ul style="list-style-type: none">• Require the occupiers of non-domestic premises (including businesses, charities and public sector bodies) to present specified recyclable materials for collection separately from each other and separate from residual waste;• Require those that collect the specified recyclable materials to collect them separately from other recyclable materials; and• Require those separately collected recyclable materials to be kept separate and not mixed. <p>2) Incineration and landfill bans, specifically to:</p> <ul style="list-style-type: none">• Ban specified separately collected recyclable materials from non-domestic and domestic premises from incineration and landfill;• Ban all wood waste from non-domestic and domestic premises to landfill; and <p>3) A ban on the disposal of food waste to sewer, specifically to:</p> <ul style="list-style-type: none">• Commence a ban on disposal of food waste to sewer from non-domestic premises.
1.03	<p>The legislation sets out the recyclable materials that will need to be separated, which are much like those currently done in domestic properties. These all need to be separated for collection by the customer and it is the responsibility of the contractor to collect them separately and keep them separate after collection. The waste types are:</p> <ul style="list-style-type: none">• glass• paper and card• metal, plastic, and cartons and other fibre-plastic composite packaging of a similar composition• food waste from premises producing 5kg of food waste and more/week.• unsold small waste electrical and electronic equipment (sWEEE)• unsold textiles
1.04	<p>Natural Resources Wales (NRW) will be responsible for making sure that materials are being separated and collected correctly, and that the ban on recycling going to incineration and landfill is being followed. Local authorities will be responsible for making sure that the ban on food waste going to sewer is followed.</p>

1.05	<p>The law applies to all businesses, charities and public sector organisations will need to separate their waste. This includes:</p> <ul style="list-style-type: none"> • Agricultural premises • Hospitality and tourism - restaurants, bars, pubs, bed and breakfasts, hotels, campsites and caravan parks, holiday accommodation, and licensed premises • Showgrounds • Service stations and petrol stations • Entertainment and sports venues including leisure centres • Transport - bus stations, railway stations, seaports, airports, and heliports • Care and nursing homes • Pharmacies, GP surgeries, dental surgeries, and other primary care settings • Construction sites • Factories and warehouses • Car garages • Education - universities, colleges, and schools • Garden centres • Heritage buildings • Libraries and museums • Offices and workshops • Places of worship • Prisons • Outdoor markets and festivals <p>The only workplaces that have an additional two years to comply is NHS hospitals and private hospitals.</p> <p>This law does not apply to public litter bins, only waste generated by businesses, charities, and public sector organisations on their own property. Alternative options are being explored to maximise recycling collected via public litter bins and street cleansing.</p>
1.06	<p><u>Communications</u></p> <p>Welsh Government have begun their national campaign to raise awareness of the upcoming changes to businesses. This campaign includes:</p> <p>Phase 1: August – September: warm up campaign (complete)</p> <ul style="list-style-type: none"> • Launch of website – www.gov.wales/workplacerecycling • General guidance published. • Explainer film produced. • Digital and social campaign across Facebook, Twitter, LinkedIn, and Google Search • Stakeholder bulletin issued with links to communication assets here: Welsh Government Communications Services Digital Toolkit <p>Phase 2: October - November: 6-month countdown</p> <ul style="list-style-type: none"> • National campaign live week commencing 9th October with advertising on TV, radio, digital and social. • Direct mail to all workplaces

	<ul style="list-style-type: none"> • Assets available in range of languages and accessible formats • WRAP led webinars with workplaces underway. • Survey with businesses to check awareness, understanding and support. <p>Phase 3: January – March: get ready.</p> <ul style="list-style-type: none"> • Next burst of national campaign activity to mark 3 months to go to include TV, radio, out of home, digital and social advertising. • More specific targeting for sectors including webinars. • Engagement through PR and stakeholder communications • Reminder direct mail to all workplaces <p>Phase 4: April onwards: law has now changed.</p> <ul style="list-style-type: none"> • National advertising continues. • Continued engagement through PR and stakeholder communications. • Business and public survey post-campaign to measure awareness, understanding and support. <p>As a Council, we will be expected to support and promote the national campaign to raise awareness of the upcoming legislative changes using the tool kit provided.</p>
1.07	<p><u>Trade Waste Collection Services</u></p> <p>Section 47 of the Environmental Protection Act 1990 states <i>A waste collection authority may, at the request of any person, supply him with receptacles for commercial or industrial waste which he has requested the authority to arrange to collect and shall make a reasonable charge for any receptacle supplied unless in the case of a receptacle for commercial waste the authority considers it appropriate not to make a charge.</i> This stipulates that there is a legal duty on the local authority to organise a waste and recycling collection service to any business, on request.</p> <p>We currently provide a business waste collection service to our public buildings, schools, and charities (on request). All businesses receive a residual waste collection service, which is chargeable, and a recycling collection service, which is free.</p> <p>Those businesses currently in receipt of our collection services will have to comply with the new legislation too and adapt to a revised service model and potentially liable for the associated charges. Work is ongoing to model the potential future charges to ensure full cost recovery.</p> <p>Currently, we are not permitted to accept trade waste / commercial waste at any of our household recycling centres (HRCs); however, work is ongoing to explore the option of designating one site for trade waste in the future on a chargeable basis and ensure full cost recovery.</p>
1.08	<p>The early indications are that a charge may be levied for any service provided to achieve full cost recovery; however, the business base and demand for collections is not yet fully established so financial support to prepare for increased service demand is required.</p>

	<p>Welsh Government capital funding may be available to support with the procurement of infrastructure, vehicles etc., The funding is only considered contingency funding and is only available in instances where additional collection capacity is being generated and not for subsidising an existing business base. This funding will not extend to containers as it is expected waste producers will fund these through hiring or purchasing the receptacles.</p>
1.09	<p><u>Opportunities</u></p> <p>With the introduction of the new legislation, there may be an opportunity to review the provision of recycling services for businesses, such as extending our trade waste collection service on a chargeable basis.</p> <p>One other option currently being explored could involve designating a single waste disposal facility (i.e. HRC site) for the receipt of other chargeable recyclable materials (wood, soil, rubble, green waste etc) from businesses.</p> <p>This would require additional back-office support to ensure compliance with waste duty of care for producing, carrying, keeping, disposing of, treating, importing, or having control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe, make sure it's dealt with responsibly and only given to businesses authorised to take it. This means that the environmental permit for the HRC site would also need to be varied, a process that could take between 6-12 months. The intention is to build this option into the future Resource and Waste Strategy.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Local Partnerships and WRAP Cymru are currently commissioned by Welsh Government to support us with several workstreams relating to our Resource and Waste Strategy. The preparedness and implementation of workplace recycling services is one of those workstreams and work will commence later this year.</p>
2.02	<p>Modelling work on the potential charges for full cost recovery is ongoing and will depend on the demand for collections and resources required to deliver.</p>
2.03	<p>Charges for the collection services and containers will need to be included in the annual review of fees and charges.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>Commercial waste collectors are preparing for the legislative change, and it is likely that local authorities will become a “collector of last resort” meaning that only non-profitable or non-viable services requests will be made to the authority e.g. more difficult to access locations or rural areas.</p>
3.02	<p>Any waste collected from businesses will be included in the Local Authority Recovery Targets (LARTs). If the recycling yield from businesses is low, then this may adversely affect the authority's performance.</p>

3.03	Capacity with current waste disposal contractors may be compromised if collected tonnages increase significantly, which may in turn require local authorities to support and provide collection services as a last resort.
3.04	Waste generated from businesses could find its way into the household collection service (i.e. business owner takes the waste home), town centre / local litter bins or be fly-tipped if businesses seek to avoid complying with the new legislation. The Environmental Protection Act gives the local authority enforcement powers to act against those who could commit the offence of not correctly disposing of controlled waste. Natural Resources Wales (NRW) also have a team designated to workplace recycling compliance.
3.05	Should some, or all, of the contingency assets funded through this mechanism end up being utilised to generate income for the LA then Welsh Government will look to recover the funding to a degree that is proportionate to their use and that minimises the risk of any Subsidy Control issues arising.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy.
4.02	WRAP & Local Partnerships.
4.03	Existing business waste customers.
4.04	Natural Resources Wales.
4.05	Employees and Trade Unions.
4.06	Environment & Economy Overview & Scrutiny Committee (this report).

5.00	APPENDICES
5.01	N/A.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Workplace Recycling Regulations website www.gov.wales/workplacerecycling

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Ruth Tulley, Regulatory Services Manager Telephone: 01352 704796 E-mail: ruth.tulley@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	N/A.