

TO: JOINT WASTE DISPOSAL BOARD
7th March 2024

LEGISLATION REPORT
Report of the re3 Project Director

1 INTRODUCTION

- 1.1 The purpose of this report is to brief the re3 Joint Waste Disposal Board on a current consultation on the collection of waste electrical and electronic equipment (WEEE) - including proposals for collections to potentially be undertaken by councils.
- 1.2 The consultation also includes proposals which relate to the collection of vapes.
- 1.3 The report also provides further updates on the understanding of, and preparations for compliance with, Simpler Recycling.

2 RECOMMENDATIONS

- 2.1 **That Members note the contents of this report.**
- 2.2 **That Members indicate if there are any changes they would wish to see made to the proposed consultation response and agree the final wording.**

3 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 None for this report.

4 REASONS FOR RECOMMENDATION

- 4.1 The purpose of this report is to brief Members in relation to the Government consultation on the potential for a Producer-led collection service across the UK. A draft response to the consultation has been appended to this report.

5 PROGRESS IN RELATION TO LEGISLATIVE CHANGE

Waste Electrical and Electronic Equipment (WEEE)

- 5.1 The consultation document cites evidence from 2019 that c300,000t of WEEE was collected at council-run Household Waste Recycling Centres (HWRC). Separate evidence is used to explain that in 2020, 150,000t of WEEE was disposed of in residual waste collections.
- 5.2 It is also believed that many households retain some items of WEEE, not least in the form of cables, plugs and adapters.
- 5.3 Accordingly, Government is keen to increase the capture of WEEE by making that process more accessible for the public. Government is therefore proposing to introduce a range of measures aimed at making the return of items of WEEE much easier.
- 5.4 The principal proposals, upon which the consultation is based, are as follows:
 - For Producers to fund kerbside collections of small WEEE, either by councils and/or their waste collection contractors, or by other providers.

- For Producers to fund bulky collections of items of large domestic appliances (Large WEEE).
- For internet sellers and retailers to provide a free takeback of large domestic appliances (Large WEEE).
- For retailers with a turnover of in excess of £100k of electrical sales per annum, to provide a free takeback of unwanted EEE, in store without the need for a purchase.
- For a new category to be created especially for vapes (so other EEE related compliance does not bear the specific burden associated with this product type).

5.5 The draft response from the re3 Partnership indicates tentative support for those proposals.

5.6 Alongside indicating support, the draft response also explains that the re3 Partnership would like to highlight the following:

- That the assumption that council refuse collection vehicles will be able to collect small WEEE should be re-examined. Experience, from within the partnership and elsewhere, suggests that cages (fixed under the body of the refuse freighter) may not be of a sufficient size or on some vehicles are impractical.
- That the proposals should be developed to include specific aspects of any collection service to recognise the needs of those who will use the service. Aspects such as location (rural, high-rise), personal characteristics (age, disability) or accessibility (language, digital access) really need to be developed.
- The re3 draft response seeks to gently point-out that all stakeholders should be protected from undue costs, equitably and in the true spirit of Producer Responsibility.
- That further proposals for reuse and repair are needed (they are mentioned by not detailed). The fundamental principle driving the Government proposals for WEEE collections is that of consumerism. Making it easier to have WEEE taken away actually serves to make wastefulness easier – we do not believe this is Government’s aim. The re3 draft consultation response seeks greater recognition of more robust design principles, longer product life-cycles and more localised repair and repairability.

Comments received from Members, subsequent to the circulation of a draft response, include:

- The re3 councils recognise that Government estimates there will be a 10% reduction in flytipping of WEEE, from its proposals (as described in the Impact Assessment). This is welcomed. However, the re3 councils would urge Government to extend Producer Responsibility costs to cover any remaining WEEE that is flytipped.

5.7 The draft re3 Partnership response was circulated to Members and officers on 15th February in order that it could be digested before the re3 Joint Waste Disposal Board meeting on 7th March.

5.8 Members are asked to indicate any amendments they may wish to make to the re3 Partnership WEEE Consultation response, appended to this report.

5.9 The deadline for the consultation is 7th March. Subject to agreement, the draft response will be submitted at the conclusion of this meeting.

Simpler Recycling

5.10 As described at the January 2024 meeting of the re3 Board, Simpler Recycling was announced in October 2023.

5.11 Following the announcement of Simpler Recycling, a couple of consultations were commenced:

- (i) The first was about the potential expansion of non-domestic properties (to seek coherence between the definitions within the Environment Protection Act (1990), the Controlled Waste Regulations (2012) and aspects of the Environment Act (2021)). It also considered how comingled waste might be treated within new plans for digital waste tracking.
- (ii) The second was on the subject of the provision of an exemption to allow waste to be comingled. Comingling means, in this case, the collection of many different types of recyclable items, all mixed-up within one receptacle. Members may recall that the shift to comingling was one of the principal elements in the Government announcement of Simpler Recycling.

5.12 The principal question in relation to the provision of an exemption, to allow waste comingling, read as follows:

Q6 – Do you agree with the provision of an exemption to allow for the co-collection of paper and card, plastic, metal and glass in one bin without needing a written assessment?

5.13 The outcome of the consultation has not yet been published. The fact that a consultation was undertaken suggests that the question, of whether to provide an exemption, was a genuine one.

5.14 Quality concerns with co-mingled collections have been a source of, quite fierce, debate within the waste industry for over a decade. The quality of collected material was a key driver behind the original proposals, contained within the Government's Resources and Waste Strategy (2018). At that time, and until Simpler Recycling, greater emphasis was on separating some types of recyclables at the point of collection.

5.15 The British Glass Federation has recently released a report, upon which it collaborated with the Waste and Resources Action Programme (WRAP), advocating for pursuing separate collections of glass. It cites the 92% recycling rate of glass, in Wales, as evidence of the quality that can be achieved - with authorities that collect glass comingled having three times more 'non-target' material in their recycling.

5.16 Accordingly, it should be noted that a co-mingled collection of 'dry' recyclables, including glass, remains the *presumptive* standard for councils to achieve, from March 2026.

5.17 In combination with the delay to the payment of funding (reported on to the January 2024 Joint Waste Disposal Board), this means that local authorities across England can arguably only continue to plan their preparations for compliance, and cannot make any firm service decisions at the time of writing this report.

Glass Collection

- 5.18 At the January 2024 Joint Waste Disposal Board, officers noted that a kerbside glass collection was the only significant element of Simpler Recycling that the re3 partners need to add. Members were presented with a range of options for delivering a glass collection (shown in the table below).

1	2	3	4	5
Retain bottle banks only (no kerbside collection), until it is economic to change collection/sorting	Separate collection of glass from the kerbside	Separate collections of Glass from the kerbside, arranged through the re3 PFI Contract.	Collect Co-mingled and undertake retrospective engineering to allow new mix of dry recycling to be sorted.	Collect Co-mingled but send all dry recycling to a merchant MRF that already sorts that material.

- 5.19 Since the meeting, discussions between officers, across the re3 Partnership, have progressed. Two options (2 and 4) have emerged as offering the most likely solution, while a third (1) has been identified as a practical 'backstop' option. None of the options will be completely discounted at this stage. The options are discussed below.
- 5.20 The most likely options for the provision of a compliant kerbside collection of glass are a separate collection of glass (option 2), and a 'co-mingled' collection of all dry recycling (option 4).
- 5.21 The separate collection of glass would require a new receptacle, in other councils this has often been an open c50 litre box. The service often works on a fortnightly schedule but could be extended to as much as a month.
- 5.22 The co-mingled collection of glass would use existing receptacles (ideally a wheeled bin) for recycling collections and glass would simply be placed into the existing recycling, alongside plastic bottles, cans, tins, paper etc. On account of its relative simplicity for residents, this option is likely to be the preferred option of the two.
- 5.23 The 'backstop' option (1) is for the retention of the current bottle banks – though likely only for the period of time that it takes to establish a financially sustainable and compliant collection. As previously reported, the funding arrangements for glass collection put councils at a risk and arguably compound supply chain pressures. The re3 councils may not wish to pay a premium cost to establish compliance, particularly where that may have corporate finance implications.

Simpler Recycling Working Party

- 5.24 As discussed at the January 2024 Joint Waste Disposal Board meeting, officers have held a first meeting of the Simpler Recycling Working Party, on 22nd February 2024.
- 5.25 At this stage, there is nothing materially significant to add (aside from the briefing above). Further meetings will be held, and a report will be brought to the next Joint Waste Disposal Board meeting.

6 ADVICE RECEIVED FROM ADMINISTERING AUTHORITY

Head of Legal Services

6.1 None for this report.

Corporate Finance Business Partner

6.2 None for this report.

Equalities Impact Assessment

6.3 None.

Strategic Risk Management Issues

6.4 None

Climate Impact Assessment

6.5 None.

7 CONSULTATION

7.1 Principal Groups Consulted

Not applicable.

7.2 Method of Consultation

Not applicable.

7.3 Representations Received

Not applicable.

Background Papers

JWDB Reports - September 2023

Contacts for further information

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