

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**  
**LEGISLATION UPDATE REPORT**

**REPORT OF:**  
**HEAD OF WASTE STRATEGY AND CONTRACTS**

<b>FOR SUBMISSION TO:</b> <b>AUTHORITY MEETING</b>	<b>DATE:</b> <b>12<sup>th</sup> December 2007</b>
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**SUMMARY OF REPORT:**  
This report updates members on forthcoming legislative changes which will impact upon the Authority and provides draft responses to two current government consultations, which members are recommended to approve.

**RECOMMENDATIONS**

The Authority is recommended to:

- i. approve the draft Authority response to the government consultation on *National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions* attached as Appendix 2;
- ii. approve the draft Authority response to the *Consultation on recycling targets for packaging for 2008 and thereafter* attached as Appendix 3;
- iii. delegate authority to the Head of Waste Strategy and Contracts, in consultation with the Chairman, to make representations to the Government Office for London for joint waste authority representation on the new London Waste and Recycling Board, to nominate a representative to sit on the London Waste and Recycling Board (should the opportunity arise and the process require it) and, with the support of relevant constituent borough councils, to submit bids to the London Waste and Recycling Fund should timescales preclude any bid coming to a future Authority meeting; and
- iv. endorse the position taken by the London Councils Leaders' Committee, as reported in Appendix 4, to ban the distribution of free, throw away shopping bags in the capital.

**Signed by Head of Waste Strategy and Contracts**

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**Date:** .....

## 1.0 INTRODUCTION

- 1.1 There has been a series of legislative developments recently, which individually might have been incorporated into the NLJWS Update Report, presented at each Authority meeting, but which due to their number and scope are set out here separately.
- 1.2 These relate to new performance indicators coming into place from 1<sup>st</sup> April 2008, Producer Responsibility packaging recycling targets, the Climate Change Bill, the Greater London Authority Act 2007 and the consequent London Waste and Recycling Board with its £19m Fund, and the London Councils work on eliminating or reducing the impact of 'throw-out shopping bags'.

## 2.0 LOCAL AUTHORITY PERFORMANCE INDICATORS

- 2.1 As reported at the last Authority meeting, in the Local Government White Paper, *Strong and Prosperous Communities*, the Government made a commitment to implementing a new performance framework that reduced unnecessary burdens. Amongst other things the White Paper set out plans for a single national set of performance indicators, which will replace existing 'Best Value' indicators from 1<sup>st</sup> April 2008.
- 2.2 In October 2007, as part of the Comprehensive Spending Review (CSR), the Government announced the new set of 198 national indicators for English local authorities and local authority partnerships. A list of these indicators which flow from the priorities identified in Public Service Agreements (PSAs) and Departmental Strategic Objectives (DSOs) was published on 11<sup>th</sup> October<sup>1</sup>.
- 2.3 The Authority will be required to report on only the following three waste indicators in future:
- NI 191 Residual household waste per head
  - NI 192 Household waste recycled and composted
  - NI 193 Municipal waste landfilled
- 2.4 In addition, there are two new carbon dioxide indicators, one is an indicator for local authorities to report upon (NI 185) the other (NI 186) an indicator on which DEFRA will report, based upon local authority data. The draft guidance on reporting requirements (see below) does not suggest that the Authority will be required to report or provide data for these two new indicators, although the draft Authority response to the guidance document requests clarification of this:
- NI 185 CO<sub>2</sub> reduction from Local Authority operations (PSA 27)
  - NI 186 Per capita CO<sub>2</sub> emissions in the Local Authority area (PSA 27)

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<sup>1</sup> (*The New Performance Framework for Local Authorities and Local Authority Partnerships: Single Set of National Indicators*, Department for Communities and Local Government, October 2007), available at <http://www.communities.gov.uk/publications/localgovernment/nationalindicator> ).

## **Consultation on Local Authority Performance Indicator Definitions**

- 2.5 Following on from the publication of the new performance indicator framework, the Government has recently issued its consultation on the detailed definitions of the new national indicator (NI) set for local government. The purpose of the consultation is to ensure that the methodology for measuring individual national indicators at a local level is sound. The consultation seeks views on the methodology, frequency of reporting and data source of each individual indicator. The link to the consultation is at:  
<http://www.communities.gov.uk/publications/localgovernment/indicatorsdefinitions> and consultation responses are due by 21<sup>st</sup> December 2007.
- 2.6 The specific annex with the waste indicators (NI 191, 192 and 193) which is in the section on 'local economy and environmental sustainability' is at:  
<http://www.communities.gov.uk/documents/localgovernment/pdf/542437>
- Also, on the website is feedback from the informal consultation on the waste indicators at:  
<http://www.defra.gov.uk/environment/localgovindicators/index.htm>
- Copies of the full consultation descriptions of the waste indicators from the above are enclosed in Appendix 1 to this report.

## **Incinerator residues sent for recycling**

- 2.7 The key change (if approved) is that it is proposed that 'household waste recycled' figures include metals as well as other incinerator residues that are sent for recycling (currently incinerator residues, even if these are recycled, used as secondary aggregates or in any other way that avoids the need to be sent it to landfill, cannot be counted towards the recycling figures). The current consultation states that 67 respondents (87% of all who responded to this question) following recent informal consultation were in favour of including metals recovered from ash residues resulting from energy from household waste which are sent for recycling (and not towards the energy recovery rate). This included 25 waste disposal authorities (100% of all the waste disposal authorities who responded), 13 unitary authorities (76% of all unitary authorities who responded) and 10 waste collection authorities (59% of all waste collection authorities that responded). Also in favour were the Local Authority Recycling Advisory Committee (LARAC), the County Surveyors' Society Waste Panel, London Councils and the Association of London Cleansing Officers (ALCO).
- 2.8 As detailed in the Authority's Best Value Performance Plan 2007, the Authority's 2006-07 recycling and composting rate was 22.82%. If incinerator residues recycled were included, as per the government's new proposals, this would have increased the Authority's combined recycling and composting rate for 2006-07 to 33.15%.

## Inclusion of reuse

- 2.9 The other major point is the proposal for 'household waste' to include 're-used waste material from household sources'. This means that the more reuse that can happen, the better the Authority's performance on the new indicator NI 191 - *residual waste per head*, because the numerator for this indicator will not include any household waste arisings sent for reuse, sent for recycling or sent for composting. Previously, if waste entered the municipal waste stream, it could only count towards recycling and composting targets, so there was no performance indicator benefit of reuse.
- 2.10 Similarly the new indicator NI 192 - *household waste recycled and composted* will also now, it is proposed, include reuse. In the description of this new indicator as outlined in Appendix 1, the Government consultation states that, 'this indicator measures percentage of household waste arisings which have been sent by the Authority for reuse, recycling, composting or treatment by anaerobic digestion. This is a key measure of local authorities' progress in moving management of household waste up the hierarchy, consistent with the Government's national strategy for waste management. The Government expects local authorities to maximise the percentage of waste reused, recycled and composted.'
- 2.11 The consultation document provides additional information on reuse as follows (NLWA officer highlights):

"Items for reuse would come from material which had been discarded as household waste and is in the possession of a local authority, before being sent for reuse, **plus reuse material separated from the household waste stream by third parties in schemes working in formal partnership with the local authority**, for its original or a different purpose without processing or treatment in a waste recovery operation (other than for repairing or refurbishing). This includes:

- Items for local authority bulky collections, kerbside collections;
- Items disposed of at civic amenity sites;
- This can include items received and passed on by the local authority itself or more commonly by third parties."

The Government says in the consultation document that it intends to provide clarity on what counts as third party reuse that is consistent with the definition of 'municipal waste' that it will publish following its consultation during the summer on the Definition of Municipal Waste<sup>2</sup>. Officers will review this further guidance when it becomes available.

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<sup>2</sup> The Authority responded to this consultation on **The interpretation of the definition of municipal waste used in the landfill allowance trading scheme (LATS) in England**. A copy is available on the Authority's website at [www.nlwa.gov.uk](http://www.nlwa.gov.uk) in the September 2007 Authority meeting folder.

- 2.12 The work which the Authority is undertaking with London Community Recycling Network and the Furniture Reuse Network to identify further opportunities to expand furniture reuse, and particularly formalising relationships between the constituent borough councils and furniture reuse organisations, will assist in meeting the above targets. It will also potentially enable any additional material collected as a result of this work to be counted towards recycling and composting performance.
- 2.13 Members are recommended to approve the draft response to the consultation enclosed in Appendix 2 which is generally supportive of the definitions provided, but which also seeks clarification on whether the two new CO<sub>2</sub> indicators will apply at all to the Authority (as by the current definition they may not).
- 2.14 Once clarification has been obtained on the Authority's reporting requirements against the new indicator set, the current list of voluntary indicators will be reviewed and proposals brought forward to a future Authority meeting regarding the full set of mandatory and voluntary indicators against which the Authority should report in future on an annual basis, and whether these may be published just in the Authority's Annual Report (i.e. eliminating the need for a separate Best Value Performance Plan).

### **3.0 CONSULTATION ON RECYCLING TARGETS FOR PACKAGING FOR 2008 AND THEREAFTER**

- 3.1 During October 2007, the Government issued a consultation on recycling targets of packaging for 2008 and thereafter.
- 3.2 The consultation document discusses the overall recovery targets, overall recycling targets and material-specific recycling targets for packaging waste. The document reviews the existing targets in place for 2009 and 2010 and proposed new targets up to 2012. The proposals are aimed at the UK meeting the requirements of EC Directive (94/62/EC) which is a single market provision on packaging and packaging waste, which aims to reduce the impact of packaging and packaging waste on the environment by encouraging packaging minimisation, as well as greater recycling and recovery. The Directive sets series of targets that each Member State has to meet by 31<sup>st</sup> December 2008 which are as follows:

<b>Target for:</b>	<b>Rate</b>
Packaging Recovery	Minimum 60%
Packaging Recycling	55% - 80%
Packaging material specific targets for:	
- Paper	60%
- Glass	60%
- Metals	50%
- Plastic	22.5%
- Wood	15%

- 3.3 The targets apply to businesses that meet the threshold tests as described in the UK Regulations (which implement the Directive) of handling more than 50 tonnes of packaging per annum and having an annual turnover of over £2 million. Each of these obligated businesses is responsible for meeting their share of the targets with their obligation based upon their role in the supply chain and the amount of material handled in the preceding year.
- 3.4 The consultation document, *Consultation on recycling targets for packaging for 2008 and thereafter, October 2007*, proposes higher targets for packaging waste recycling in order to meet the targets set out in the EC Directive and based upon likely trends in packaging waste production over the next few years. It asks a series of detailed questions relating to modelling the impact of the proposed new targets, if implemented, and for respondents to provide responses, supported by evidence for any comments submitted.
- 3.5 This consultation was not issued for the normal statutory minimum of 12 weeks, but for 8 weeks only in order to give packaging waste producers and packaging waste compliance schemes enough time to plan, and sufficient time to lay the regulations to come into force by 1<sup>st</sup> January 2008. The deadline for submission to the consultation was 30<sup>th</sup> November 2007. The Authority's draft response endorses the submission to the consultation which has already been made by London Councils.
- 3.6 Members are therefore recommended to formally ratify the response to this consultation enclosed in Appendix 3. The response:
- Notes that the consultation on 'recycling targets for packaging for 2008 and thereafter' fails to take account of the role of local government in ensuring the UK achieves high levels of packaging recovery.
  - Supports an option (as outlined in the response to question 4 in the consultation document), for 2008 - 2010 packaging recycling and recovery targets to be based upon a modest rise in obligated tonnage rather than obligated tonnage staying at the level expected for 2007 (this is in line with the Government view that this option is more realistic).
  - Supports the targets for 2011 and 2012 being based upon a modest rise in obligated tonnage, (as outlined in the response to question 5 in the consultation document) as in option 2, which would result in the UK recycling 6.9 million tonnes of packaging waste by 2010, equivalent to a recycling rate of 63.43% (against a target of 60%).

#### **4.0 QUEENS' SPEECH AND CLIMATE CHANGE BILL**

- 4.1 On 6th November 2007, the Queen delivered her speech setting out the forthcoming legislative programme for the year. Following on from last year's commitment to introduce a Climate Change Bill the speech included the following commitment to introduce a legally binding framework to reduce carbon dioxide emissions (through the Climate Change Bill), as follows:

*“My Government is committed to protecting the environment and to tackling climate change, both at home and abroad.*

*A bill will be brought forward to make the United Kingdom the first country in the world to introduce a legally binding framework to reduce carbon dioxide emissions.*

*My Government will introduce legislation to provide clean, secure and affordable supplies of energy.”*

### **Climate Change Bill**

- 4.2 The Climate Change Bill will create a legal framework to reduce the UK's carbon dioxide emissions up to 2050 and beyond. The bill will be supported by policy provisions in the Energy Bill (which applies to the UK) and Planning Bill (which applies to England only). It will propose statutory targets to reduce UK carbon dioxide emissions by at least 60% by 2050 and between 26% and 32% by 2020 - as compared with 1990's emissions. It will also provide for pilot schemes by councils to cut household waste and establish an independent committee on climate change to advise on "five-year carbon budgets" - part of a new commitment to carbon reduction. Much of the bill applies to the whole UK. (A consultation on this bill has already been completed, to which the Authority responded<sup>3</sup> as one of nearly 17,000 individuals and organisations who commented).
- 4.3 One of the key proposals announced in the Climate Change Bill *Command Paper*, published on 29<sup>th</sup> October<sup>4</sup> is that the Government will provide a power in the Climate Change Bill for a small number of local authorities to pilot incentives for household waste minimisation and recycling. Under the proposals contained in the Bill, which it is suggested will be passed by Parliament by summer 2008, a maximum of five local authorities will be able to positively reward residents who recycle more and charge those who do not.
- 4.4 In a written statement issued on 11<sup>th</sup> November 2007, the Minister for Climate Change, Biodiversity, and Waste, Joan Ruddock said:

*“Councils will be able to come forward with schemes to fit local circumstances but they will have to be approved by my Right Honourable Friend the Secretary of State for Environment, Food and Rural Affairs, and will need to be consistent with the framework set out in legislation. This approach will allow us to monitor the impacts of the pilots and report back to Parliament before a decision is made whether to roll them out more widely. Parliament would have a say in any final decision.”*

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<sup>3</sup> Authority Meeting, September 2007

<sup>4</sup> The draft Climate Change Bill was published on 13 March 2007 for pre-legislative scrutiny and public consultation. On 29 October 2007 the Government published its response to the parliamentary scrutiny and public consultation in the Command Paper *Taking Forward the UK Climate Change Bill*.

- 4.5 It is anticipated that in order to be approved by the Secretary of State, councils proposing a financial incentive pilot scheme would need to have a "good" kerbside recycling service and should also take into account the needs and impacts on any disadvantaged residents such as young families, as well as drawing up a fly-tipping strategy.
- 4.6 The Government will be making £1.5m available every year for the next three years to support this work.
- 4.7 Irrespective of whether any of the Authority's constituent borough councils apply for, or is successful in becoming one of the pilot authorities, the potential implications of these changes are, in the medium term, the possibility of the power to incentivise and penalise residents financially, being extended and the potential for increased recycling to result, as well as an increasing weight being placed upon the need to take action on climate change. Further developments on the pilot scheme will be reported to the Authority in future meetings.

## **5.0 THE GREATER LONDON AUTHORITY (GLA) ACT 2007**

- 5.1 The Greater London Authority Bill, (previously reported to the Authority in February 2007), gained Royal Assent on 23rd October 2007 so is now an Act. The Act brings into law a broad package of additional powers for the Mayor of London and the London Assembly. The Act gives the Mayor new lead roles in housing and tackling climate change, strengthened powers over planning and waste, and enhanced powers in health and culture.
- 5.2 Under the provisions of the GLA Act 2007 the Mayor will:
- Publish a London housing strategy, setting out his strategic housing investment priorities for London;
  - Be able to determine planning applications of strategic importance in London;
  - Publish a strategy for reducing health inequalities between Londoners;
  - Be subject to a duty to address climate change, and publish a London climate change mitigation and energy strategy and an adaptation to climate change strategy for London.
- 5.3 The Mayor's new power to determine strategically important planning applications will be implemented through changes to existing secondary legislation. The Government will consult on a draft version of the Order in question later this year.
- 5.4 The Assembly will also be subject to a duty to address climate change, and will be able to hold *confirmation hearings* in order to scrutinise candidates for key appointments the Mayor intends to make.
- 5.5 The Act requires London local authority waste strategies to be "in general conformity" with the Mayor's municipal waste strategy, as opposed to the previous situation where they had to "have regard to" his municipal waste strategy, but not if this imposes excessive additional cost on an authority. The Secretary of State may issue guidance on this.

- 5.6 Additionally, the Act provides for the establishment of a London Waste and Recycling Board to promote the production of less waste in the capital and encourage recycling and re-use of waste.

### **London Waste and Recycling Board and London Recycling Fund**

- 5.6 The London Waste and Recycling Board was proposed by a government amendment to the GLA Bill in June 2007. The proposed Board would bring together representatives from the London authorities, (unitary boroughs, boroughs within joint waste authority areas and joint waste disposal authorities), the Greater London Authority and business under the chairmanship of the Mayor of London to improve recycling in the capital. The proposals also included that the Board would manage a new London Waste and Recycling Fund. Although the make-up of the Board is still being discussed, it is recommended that Members delegate authority to the Head of Waste Strategy, in consultation with the Chairman, to make representations to the Government Office of London (GOL) for joint waste authority representation on the new London Waste and Recycling Board and that should the opportunity arise and the process require it, authority be delegated to the Head of Waste Strategy and Contracts, in consultation with the Chairman, to nominate a representative to sit on the Board.
- 5.7 The previous London Recycling Fund, which ran from 2002 - 2006 enabled the Authority and its constituent borough councils to receive several million pounds of funding to boost recycling and composting services, within North London.
- 5.8 Although plans for the London Waste and Recycling Board and the management of the London Waste and Recycling Fund are still being discussed, the indications at this stage are that the proposals for funding will be focused upon infrastructure projects and that as before, the application process will be a competitive one. Accordingly Authority officers have already raised with borough technical officers, possible projects for submission to the Fund,. It is recommended that, should timescales be such that full Authority approval is not possible, authority is delegated to Head of Waste Strategy and Contracts, in consultation with the Chairman and with the support of relevant constituent borough councils to submit bids to the Fund.

### **6.0 OTHER CONSULTATIONS**

- 6.1 The two recent consultation responses arising from the September Authority meeting on the **House of Lords Science and Technology Select Committee Sub-Committee Inquiry into Waste Reduction** and the **The Interpretation Of The Definition Of Municipal Waste Used In The Landfill Allowance Trading Scheme (LATS) In England** are available on the Authority's website at [www.nlwa.gov.uk](http://www.nlwa.gov.uk) in the folder for that meeting.

- 6.2 Since the September Authority meeting and too early for this meeting London Councils consulted on the possibility of introducing a London-wide ban or levy on 'throw out' shopping ('TOS') bags. Over 90% of people responding to the consultation called for action on shopping bags (either a levy or ban), with nearly 60% calling for an outright ban. As a result, on 13<sup>th</sup> November, London Councils' Leaders' Committee approved the submission of a Bill that will seek to ban the distribution of free, throw away shopping bags in the capital. The London Local Authorities (Shopping Bag) Bill is to be deposited in parliament on 27<sup>th</sup> November 2007.
- 6.3 Although the Authority did not respond to the consultation due to the short timescales involved, Members are recommended to endorse the position taken by the London Councils Leaders' Committee as outlined above. The press release from London Councils which outlines the detail of the decision is included in Appendix 4.

## **7.0 RECOMMENDATIONS**

- 7.1 The Authority is recommended to:
- i) approve the draft Authority response to the government consultation on *National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions* attached as Appendix 2;
  - ii) approve the draft Authority response to the *Consultation on recycling targets for packaging for 2008 and thereafter* attached as Appendix 3;
  - iii) delegate authority to the Head of Waste Strategy and Contracts, in consultation with the Chairman, to make representations to the Government Office for London for joint waste authority representation on the new London Waste and Recycling Board, to nominate a representative to sit on the London Waste and Recycling Board (should the opportunity arise and the process require it) and, with the support of relevant constituent borough councils, to submit bids to the London Waste and Recycling Fund should timescales preclude any bid coming to a future Authority meeting; and
  - iv) endorse the position taken by the London Councils Leaders' Committee, as reported in Appendix 4, to ban the distribution of free, throw away shopping bags in the capital.

## **8.0 COMMENTS OF THE FINANCIAL ADVISER**

- 8.1 The Financial Adviser has been consulted in the preparation of this report and has no comments to add.

## **9.0 COMMENTS OF THE LEGAL ADVISER**

- 9.1 The Legal Adviser has been consulted in the preparation of this report and has no further comments to add.

## **Local Government Act 1972 – Access to information**

- Documents used:** North London Joint Waste Strategy, Mayor's Draft, September 2004
- Waste Strategy for England 2007, DEFRA
- Strong and Prosperous Communities*, Local Government White Paper, Department for Communities and Local Government, October 2006
- The New Performance Framework for Local Authorities and Local Authority Partnerships: Single Set of National Indicators*, Department for Communities and Local Government, October 2007 at <http://www.communities.gov.uk/publications/localgovernment/nationalindicator>
- National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions*, Draft for Consultation, Department for Communities and Local Government, October 2007 at <http://www.communities.gov.uk/publications/localgovernment/indicatorsdefinitions>
- National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions*, Draft for Consultation, Annex C4: Local Economy and Environmental Sustainability, Department for Communities and Local Government, October 2007 at: <http://www.communities.gov.uk/documents/localgovernment/pdf/542437>
- Clean Neighbourhoods and Environment Act, HM Government, 2005
- Environmental Protection Act, HM Government, 1990 (EPA 90)
- Guidance on the Recycling Credit Scheme*, Issued by DEFRA, April 2006
- Refuse Disposal Amenity Act, 1984

*Council Directive 94/62/EC on Packaging and Packaging Waste* (OJ No. L365, 31.12.1994, p. 10 as amended by Council Regulation (EC) no. 1882/2003 (OJ no. L284 31.10.2003, p1), Council Directive 2004/12/EC (OJ No. L47, 18.2.2004, p26) and Council Directive 2005/20/EC (OJ No. L70, 16.3.2005, p17)). These Regulations increase the recovery and recycling targets imposed on producers by the 2007 Regulations.

The Producer Responsibility Obligations (Packaging Waste) Regulations, 2007

*Consultation on recycling targets for packaging for 2008 and thereafter*, Producer Responsibility Obligations (Packaging Waste) Regulations 2007, Department of the Environment Northern Ireland, The Scottish Government, Welsh Assembly Government and Defra, October 2007

Draft Climate Change Bill, HM Government, March 2007, Consultation Document

Draft Climate Change Bill, 13<sup>th</sup> March 2007

Draft Climate Change Bill, Partial Regulatory Impact Assessment, HM Government, March 2007

*Taking Forward the UK Climate Change Bill*, The Government Response to Pre-Legislative Scrutiny and Public Consultation, October 2007

Written Ministerial Statement by Joan Ruddock - Municipal Waste policy - 15 November 2007, The Minister for Climate change, Biodiversity, and Waste (Joan Ruddock), at:

<http://www.defra.gov.uk/corporate/ministers/statements/jr071115b.htm>

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**National Indicators for Local Authorities and Local Authority Partnerships:  
Handbook of Definitions - Consultation Definitions of New Waste Indicators**

<b>NI 191: Residual household waste per head</b>				
<b>Is data provided by the LA or a local partner?</b>		<b>Y</b>	<b>Is this an existing indicator?</b>	<b>Y</b>
<b>Rationale</b>	<p>In line with the position of waste reduction at the top of the waste hierarchy, the Government wishes to see a year on year reduction in the amount of black bag waste (either through increased reuse and recycling or decrease in overall waste collected).</p> <p>The proposed indicator is number of kilograms of household waste collected that is not sent for reuse, recycling or is not composted or anaerobic digestion per head of the population. However a number of stakeholders called for this indicator to be measured per household rather than per head. We are therefore particularly interested in consultation responses that express whether the indicator should be measured on population or on households and have outlined the two different formulas below.</p>			
<b>Definition</b>	<p>Numerator (X)</p> <p><i>'Household waste'</i> means those types of waste which are to be treated as household waste for the purposes of Part II of the Environmental Protection Act 1990 by reason of the provisions of the Controlled Waste Regulations 1992. The amounts deemed to be collected shall include:</p> <ul style="list-style-type: none"> <li>• All waste collected by Waste Collection Authorities (WCAs) under Section 45(1) of the Environmental Protection Act 1990, plus</li> <li>• All waste arisings from Civic Amenity (CA) Sites established under Section 51(1)(b) of the Environmental Protection Act 1990, and</li> <li>• Waste collected by third parties for which collection or disposal recycling credits are paid under Section 52 of the Environmental Protection Act 1990.</li> <li>• Arisings for which collection or disposal recycling credits are paid to third parties under Section 52(3) and (4) of the Environmental Protection Act 1990.</li> </ul>			
<b>Definition</b>	<p>For the avoidance of doubt, 'Household waste' includes waste from the following sources:</p> <ul style="list-style-type: none"> <li>• Waste collection rounds (including separate rounds for collection of recyclables);</li> <li>• Street cleansing and litter collection;</li> <li>• Bulky waste collections, where "bulky waste" is defined as               <ul style="list-style-type: none"> <li>– any article of waste which exceeds 25 kilograms in weight</li> <li>– any article of waste which does not fit, or cannot be fitted into:                   <ul style="list-style-type: none"> <li>(a) a receptacle for household waste provided in accordance with section 46 of the Environmental Protection Act 1990; or</li> <li>(b) where no such receptacle is provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.</li> </ul> </li> </ul> </li> </ul>			

<b>NI 191: Residual household waste per head (continued)</b>	
<b>Definition (continued)</b>	<ul style="list-style-type: none"> <li>• Hazardous household waste collections;</li> <li>• Garden waste collections;</li> <li>• Drop-off/bring systems;</li> <li>• Park litter (but not grass cuttings, leaves, etc);</li> <li>• House clinical waste collections;</li> <li>• Gully sweepings collected by the local authority under Section 89(2) of the Environment Protection Act 1990</li> <li>• Any other household waste collected by the authority.</li> <li>• Re-used waste material from household sources;</li> </ul> <p>Household waste does <b>not</b> include:</p> <ul style="list-style-type: none"> <li>• Incinerator residues;</li> <li>• Beach cleansing wastes (i.e. produced by the specific activity of cleaning up a beach);</li> <li>• Rubble (including soil associated with the rubble) ;</li> <li>• Home composted waste;</li> <li>• Clearance of fly-tipped wastes;</li> <li>• Vehicles (whether abandoned or not);</li> <li>• Grass cuttings, leaves etc in parks.</li> <li>• Gully emptyings collected by the local authority under the Highways Act</li> </ul> <p>'Civic Amenity Site' means places provided by the Waste Disposal Authority (WDA) at which persons resident in the area may deposit their household waste (services provided under Section 51(1)(b) of the Environmental Protection Act).</p> <p>The numerator will not include any household waste arisings sent for reuse, sent for recycling, sent for composting as defined under NI 192 'Household waste reused, recycled and composted.</p> <p>Waste 'sent for reuse, recycling or composting or treatment by anaerobic digestion' is that which has been accepted by the end destination reprocessor as suitable for further processing. Any rejects, either at collection, during subsequent sorting or at the gate of the reprocessor, will not be counted as recycled, composted or reused.</p> <p>Residual waste which is diverted for recycling or composting following sorting or other treatment methods and accepted by the final reprocessor will be included in the recycling/composting tonnages.</p> <p>Denominator (Y):</p> <p>Population in the authority area using ONS mid-year projections</p> <p><u>OR</u></p> <p>If based on households – Number of households (at the end of the financial year as published by the Valuation Office)</p>

**NI 191: Residual household waste per head (continued)****Formula  
(continued)**

Data will be acquired using local authorities WasteDataFlow returns.

a) For Waste Collection Authorities (WCAs), number of kilograms of household waste collected per head is calculated as:

$X/Y$ , where

$X$  = Total tonnage of household waste arisings collected by the WCA minus tonnage of household waste collected by the authority which is sent for reuse, recycling, composting or anaerobic digestion

$Y$  = Population in the waste collection authority area using ONS mid-year projections OR

Number of households (at the end of the financial year as published by the Valuation Office)

b) For Waste Disposal Authorities (WDAs), number of kilograms of household waste collected per head is calculated as:

$X/Y$ , where:

$X$  = Total tonnage of household waste arisings from Household Waste Civic Amenity Sites

Plus

Total tonnage of household waste arisings collected by its WCAs

Minus

Tonnage of household waste that

a) collected by its WCAs which is sent for reuse, recycling, composting or anaerobic digestion

b) collected at Household Waste Civic Amenity Sites that is sent for reuse, recycling, composting or anaerobic digestion the WDA sends for reuse/recycling/composting

Population in the waste collection authority area using ONS mid-year projections OR

Number of households (at the end of the financial year as published by the Valuation Office)

<b>NI 191: Residual household waste per head (continued)</b>			
<b>Formula (continued)</b>	<p><b>c) For Unitary Authorities, number of kilograms of household waste collected is calculated as:</b></p> <p>X/Y, where:</p> <p>X = Total tonnage of household waste arisings collected by the authority</p> <p><u>Plus</u> Total tonnage of household waste arisings from CA sites</p> <p><u>Minus</u> Tonnage of household waste collected by the authority which is sent for reuse, recycling, composting or anaerobic digestion</p> <p>Y = Population in the waste collection authority area using ONS mid-year projections <u>OR</u> Number of households (at the end of the financial year as published by the Valuation Office)</p>		
<b>Good performance</b>	Good performance is typified by a lower figure		
<b>Collection interval</b>	Financial year	<b>Data Source</b>	WasteDataFlow
<b>Return Format</b>	WasteDataFlow	<b>Decimal Places</b>	n/a
<b>Reporting organisation/ Spatial level</b>	<p><b>Waste Collection Authorities:</b> includes 238 district-shire authorities, 21 London Boroughs, and 14 metropolitan authorities in Manchester/Merseyside area)</p> <p><b>Waste Disposal Authorities:</b> includes 34 county councils, 6 Joint Waste Disposal Authorities).</p> <p><b>Waste Collection and Disposal Authorities:</b> includes 47 English Unitary authorities (including the Council of the Isles of Scilly), 11 London Boroughs, Common Council of the City of London and 22 metropolitan authorities).</p>		
<b>Further Guidance</b>	<a href="http://www.wastedataflow.org/html/datasets.aspx">http://www.wastedataflow.org/html/datasets.aspx</a>		

<b>NI 192: Household waste recycled and composted</b>			
<b>Is data provided by the LA or a local partner?</b>	<b>Y</b>	<b>Is this an existing indicator?</b>	<b>Y</b>
<b>Rationale</b>	The indicator measures percentage of household waste arisings which have been sent by the Authority for reuse, recycling, composting or treatment by anaerobic digestion. This is a key measure of local authorities' progress in moving management of household waste up the hierarchy, consistent with the Government's national strategy for waste management. The Government expects local authorities to maximise the percentage of waste reused, recycled and composted.		
<b>Definition</b>	<p>Denominator (Y):</p> <p>'Household waste' means those types of waste which are to be treated as household waste for the purposes of Part II of the Environmental Protection Act 1990 by reason of the provisions of the Controlled Waste Regulations 1992. The amounts deemed to be collected shall include:</p> <ul style="list-style-type: none"> <li>• All waste collected by Waste Collection Authorities (WCAs) under Section 45(1) of the Environmental Protection Act 1990, <i>plus</i></li> <li>• All waste arisings from Civic Amenity (CA) Sites established under Section 51(1)(b) of the Environmental Protection Act 1990, <i>and</i></li> <li>• Waste collected by third parties for which collection or disposal recycling credits are paid under Section 52 of the Environmental Protection Act 1990.</li> </ul> <p>For the avoidance of doubt:</p> <p>a) 'Household waste' <u>includes</u> waste from the following sources:</p> <ul style="list-style-type: none"> <li>• Waste collection rounds (including separate rounds for collection of recyclables);</li> <li>• Street cleansing and litter collection;</li> <li>• Bulky waste collections, where "bulky waste" is defined as <ul style="list-style-type: none"> <li>– any article of waste which exceeds 25 kilograms in weight</li> <li>– Any article of waste which does not fit, or cannot be fitted into: <ul style="list-style-type: none"> <li>(a) a receptacle for household waste provided in accordance with section 46 of the Environmental Protection Act 1990; or</li> <li>(b) where no such receptacle is provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.</li> </ul> </li> </ul> </li> <li>• Hazardous household waste collections;</li> <li>• Garden waste collections;</li> <li>• Waste collected from drop-off/bring systems;</li> <li>• Park litter (but not grass cuttings, leaves, etc);</li> <li>• Gully sweepings collected by the local authority under Section 89(2) of the Environment Protection Act 1990</li> <li>• House clinical waste collections;</li> <li>• Any other household waste collected by the authority.</li> <li>• Re-used waste material from household sources;</li> </ul>		

**NI 192: Household waste recycled and composted (continued)****Definition  
(continued)**

b) 'Household waste' does **not** include:

- Beach cleansing wastes (i.e. produced by the specific activity of cleaning up a beach);
- Rubble (including soil associated with the rubble);
- Home composted waste;
- Clearance of fly-tipped wastes;
- Vehicles (abandoned or otherwise);
- Grass cuttings, leaves etc in parks.
- Gully emptyings collected by the local authority under the Highways Act

c) Tyres that are recycled can only be counted if they are 'household waste', i.e. they are collected from a house or Civic Amenity Sites or taken directly from the vehicle. If in doubt, they should not be included in BV82.

'Civic Amenity Site' means places provided by the WDA at which persons resident in the area may deposit their '*household waste*' (services provided under Section 51(1)(b) of the Environmental Protection Act).

Please note that materials collected at Civic Amenity Sites are only to be counted by disposal authorities except in the case of those London Boroughs and Metropolitan Districts which are not disposal authorities but which provide civic amenity sites under their own powers.

Numerator (X):

'Reuse' means items removed from the household waste stream (e.g. furniture from households) for the purposes of reuse without significant processing.

'Recycling' means reprocessed in a production process for the original purpose, or for other purposes, but excluding energy recovery. Waste recycled to form compost should not be included.

Following the recent informal consultation 67 respondents (87% of all who responded to this question) were in favour of including metals recovered from the ash residues resulting from energy from household waste which are sent for recycling (and not towards the energy recovery rate). This included 25 WDAs (100% of all WDAs that responded), 13 UAs (76% of all UAs that responded), and 10 WCAs (59% of all WCAs that responded). Also in favour were LARAC, CSS Waste Panel, London Councils and the Association for London Cleaning Officers

We propose that metals as well as other incinerator residues that are sent for recycling would count towards the numerator.

<b>NI 192: Household waste recycled and composted (continued)</b>	
<b>Definition (continued)</b>	<p><i>'Composting'</i> means, the controlled biological decomposition and stabilisation of organic substrates, under conditions that are permanently aerobic and that allow the development of thermophilic temperatures as a result of biologically produced heat. It results in a final product that has been sanitised and stabilised, is high in humic substances and can be used as a soil improver, as an ingredient in growing media, or blended to produce a top soil that will meet British Standard BS 3882, incorporating amendment No 1. In the case of vermicomposting these thermophilic temperatures can be foregone at the point the worms are introduced.</p> <p><i>'Anaerobic Digestion'</i> means, the biological decomposition and stabilisation of organic substrates in the absence of oxygen and under controlled conditions in order to produce biogas and a digestate. It results, either directly or after subsequent aerobic treatment, in a final product that has been sanitised and can be used as a soil improver, as an ingredient in growing media or blended to produce a top soil that will meet British Standard BS 3882, incorporating amendment No 1. If it meets the standards referred to above, then it should be included in this indicator, otherwise it would count towards an authority's energy recovery rate.</p> <p><i>Reused items</i></p> <p>Items for reuse would come from material which has been discarded as household waste and is in the possession of a local authority, before being sent for reuse, plus reuse material separated from the household waste stream by third parties in schemes working in formal partnership with the local authority, for its original or a different purpose without processing or treatment in a waste recovery operation (other than for repairing or refurbishing). This includes:</p> <ul style="list-style-type: none"> <li>• items from local authority bulky collections, kerbside collections;</li> <li>• Items disposed of at civic amenity sites;</li> <li>• This can also include items received and passed on by the local authority itself or more commonly by third parties we intend to provide clarity on what counts as third party reuse that it is consistent with the definition of municipal waste<sup>8</sup>.</li> </ul> <p><i>'Sent for recycling'</i> means waste delivered to, and accepted by, a company, individual or organisation which will reprocess, or deliver to a reprocessor, waste that is an acceptable form for inclusion in a recycling process. It includes private/voluntary collections of household waste sent for recycling on behalf of the collection authority. It does not include waste sent to sorting facilities, such as Materials Reclamation Facilities (MRF).</p>

<sup>8</sup> Defra consulted during the summer on the Definition of Municipal Waste and is planning to announce the outcome later this autumn.

<b>NI 192: Household waste recycled and composted (continued)</b>	
<b>Definition (continued)</b>	<p><i>'sent for composting'</i> means waste delivered to, and accepted by a individual or organisation (including central or community composting or anaerobic digestion facilities) that is an acceptable form for inclusion in a composting/ad process. If the material delivered to these facilities needs to be sorted then it is only the material sent into the composting process that is to be reported against this indicator. Where the treatment involves anaerobic digestion followed by composting (or vice versa) the tonnage is based on the quantity entering the first biological process. Home composting is not to be included.</p> <p>Material within 'waste sent for sorting' that is separated out because it is not fit for recycling does not count as recycled waste for the purpose of this indicator.</p> <p>Waste will only be deemed as 'sent for reuse, recycling or composting' where it has been accepted by the end destination reprocessor as suitable for further processing. Any rejects, either at collection, during subsequent sorting or at the gate of the reprocessor, will not be counted as recycled, composted or reused.</p> <p>Residual waste which is diverted for recycling or composting following sorting or other treatment methods and accepted by the final reprocessor will be included in the recycling/composting tonnages.</p> <p><u>Contamination Rates at MRFs:</u> Where a MRF is used by a number of authorities to calculate the amount of waste sent for recycling, authorities may use the plant's overall contamination rate if there is no more accurate information on the individual authority's waste stream.</p> <p>Where relevant waste is collected in one year and recycled/composted in the next because there is a delay due to the need for further processing, e.g. refrigerators and freezers, count the collection and recycling/composting when they occur, even if they are different years.</p>
<b>Formula</b>	<p>Data will be acquired using local authority's WasteDataFlow returns.</p> <p>The percentage rate is calculated as below:</p> <p><b>a) For Waste Collection Authorities (WCAs)</b>, percentage of household waste sent for reuse, recycling, composting or anaerobic digestion is calculated as:</p> <p><math>X/Y \times 100</math>, where:</p> <p>X = Tonnage of household waste collected by the WCA which is sent for reuse, recycling, composting or anaerobic digestion.</p> <p>Y = Total tonnage of household waste collected by the WCA.</p>

<b>NI 192: Household waste recycled and composted (continued)</b>			
<b>Formula (continued)</b>	<p><b>b) For Waste Disposal Authorities (WDAs)</b>, percentage of household waste sent for reuse, recycling, composting or anaerobic digestion is calculated as:</p> <p><math>XY \times 100</math>, where:</p> <p>X = Tonnage of household waste collected by the WDA which is sent for reuse, recycling, composting or anaerobic digestion plus tonnage of household waste which is sent for recycling, composting or anaerobic digestion by the constituent WCAs.</p> <p>The authority who is responsible for the collection should report the tonnage so that there is no double counting across the WasteDataFlow returns.</p> <p>This includes outputs from thermal treatment processes which are sent for recycling (i.e. incinerator bottom ash, metals and char/slag).</p> <p>Material from the residual waste stream which is sent for recycling/composting after sorting or other treatment will be included in X.</p> <p>Y = Total tonnage of household waste collected at Civic Amenity Sites by the WDA plus total tonnage of household waste collected by constituent WCAs.</p> <p><b>c) For Unitary Authorities (UAs)</b>, percentage of household waste sent for reuse, recycling, composting or anaerobic digestion is calculated as:</p> <p><math>XY \times 100</math>, where:</p> <p>X = Tonnage of household waste collected by the authority which is sent for reuse, recycling, composting or anaerobic digestion.</p> <p>This includes outputs from thermal treatment processes which are sent for recycling (i.e. incinerator bottom ash, metals and char/slag).</p> <p>Material from the residual waste stream which is sent for recycling/composting after sorting or other treatment will be included in X.</p> <p>Y = Total tonnage of household waste collected by the authority</p>		
<b>Good performance</b>	Good performance is typified by a higher percentage		
<b>Collection interval</b>	Financial year	<b>Data Source</b>	WasteDataFlow
<b>Return Format</b>	WasteDataFlow	<b>Decimal Places</b>	n/a
<b>Reporting organisation/ Spatial level</b>	<p><b>Waste Collection Authorities:</b> includes 238 district-shire authorities, 21 London Boroughs, and 14 Metropolitan Authorities in Manchester/Merseyside area).</p> <p><b>Waste Disposal Authorities:</b> includes 34 County Councils, 6 Joint Waste Disposal Authorities).</p> <p><b>Waste Collection and Disposal Authorities:</b> includes 47 English Unitary authorities (including the Council of the Isles of Scilly), 11 London Boroughs, Common Council of the City of London, 22 Metropolitan Authorities)</p>		
<b>Further Guidance</b>	<a href="http://www.wastedataflow.org/htm/datasets.aspx">http://www.wastedataflow.org/htm/datasets.aspx</a>		

<b>NI 193: Municipal waste land filled</b>			
<b>Is data provided by the LA or a local partner?</b>		<b>Y</b>	<b>Is this an existing indicator?</b>
			<b>Y</b>
<b>Rationale</b>	To measure the proportion of Municipal waste landfilled. The Government's strategy on waste is to move waste management up the waste hierarchy and divert an increasing proportion of waste away from landfill.		
<b>Definition</b>	<p>Denominator (Y):</p> <p>The scope of municipal waste is the same as the European Union Landfill Directive and Landfill Allowances Trading Scheme (LATS).</p> <p>Defra's view is that the definition of municipal waste in the Landfill Directive and LATS encompasses all waste in the possession or under the control of a waste disposal authority or a waste collection authority, or agents acting on their behalf.</p> <p>Municipal waste to landfill will include that residual waste sent directly to landfill and that which was collected for other management routes e.g. recycling, Mechanical Biological Treatment (MBT) but subsequently sent to landfill.</p>		
<b>Formula</b>	<p>Data will be acquired using local authorities WasteDataFlow returns.</p> <p>The percentage rate is calculated as below:</p> <p><b>a) For Waste Disposal Authorities (WDAs)</b>, percentage of municipal waste arisings which have been landfilled is calculated as:</p> <p><math>X/Y \times 100</math>, where:</p> <p>X = Tonnage of municipal waste collected by the WDA which is landfilled plus waste collected for recycling/composting/reuse which was rejected to landfill plus residual waste sent for other waste management processes (e.g. MBT) that was subsequently sent to landfill.</p> <p>Y = Total tonnage of municipal waste collected at Civic Amenity Sites by the WDA plus total tonnage of municipal waste collected by constituent WCAs.</p> <p><b>b) For Unitary Authorities (UAs)</b>, percentage of municipal waste arisings which have been landfilled is calculated as:</p> <p><math>X/Y \times 100</math>, where:</p> <p>X = Tonnage of municipal waste collected by the authority which is landfilled plus waste collected for recycling/composting/reuse which was rejected to landfill plus residual waste sent for other waste management processes (e.g. MBT) that was subsequently sent to landfill.</p> <p>Y = Total tonnage of municipal waste collected by the authority</p>		
<b>Good performance</b>	Good performance is typified by a lower percentage		
<b>Collection interval</b>	Financial year	<b>Data Source</b>	WasteDataFlow
<b>Return Format</b>	WasteDataFlow	<b>Decimal Places</b>	n/a

<b>NI 193: Municipal waste land filled (continued)</b>	
<b>Reporting organisation/ Spatial level</b>	<p>Waste Disposal Authorities: includes 34 County Councils, 6 Joint Waste Disposal Authorities).</p> <p>Waste Collection and Disposal Authorities: includes 47 English Unitary authorities (including ,the Council of the Isles of Scilly), 11 London Boroughs, Common Council of the City of London, 22 Metropolitan Authorities)</p> <p>The Waste Collection Authorities (includes 238 district-shire authorities, 21 London Boroughs, and 14 Metropolitan Authorities in Manchester/ Merseyside area) need to work with their WDAs to provide them with the necessary information for returning data for this indicator.</p>
<b>Further Guidance</b>	<a href="http://www.wastedataflow.org/htm/datasets.aspx">http://www.wastedataflow.org/htm/datasets.aspx</a>

## APPENDIX 2

### **DRAFT North London Waste Authority Response to the Government Consultation on National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions**



**Cllr Brian Coleman AM FRSA  
Chairman**

c/o London Assembly  
City Hall  
The Queens Walk  
London SE1 2AA

Tel: 020 7983 4000

Mr. Edward Gunner  
National Indicator Consultation  
Local Government Quality and Performance Division  
Zone J2, 4<sup>th</sup> Floor  
Eland House  
Bressenden Place  
London  
SW1E 5DU

12<sup>th</sup> December 2007

#### **North London Waste Authority response to 'National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions – Consultation Definitions of New Waste Indicators**

These comments are made on behalf of the North London Waste Authority (NLWA) in response to the invitation published by the Department for Communities and Local Government. As it has been specifically requested that the Department would prefer to receive electronic copies of responses, this response is being sent in both hard and electronic formats.

The NLWA is the second largest statutory waste disposal authority in the country, covering seven London boroughs, namely, Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest with nearly 1 million tonnes of municipal waste each year.

The NLWA welcomes the opportunity to input comments into this consultation on the proposed new definitions for the new local authority indicators for waste management, and attached please find our specific comments on the three statutory indicators on which the Authority will be required to report from 1<sup>st</sup> April 2008, namely:

NI 191 Residual household waste per head  
NI 192 Household waste recycled and composted  
NI 193 Municipal waste landfilled

Please note however that the remaining comments within this letter should be taken as an integral part of our response, but are here because your electronic forms do not facilitate their inclusion elsewhere.

Firstly, it is pleasing to note that the definition of household waste takes account of waste minimisation by the inclusion of waste 'reuse' which is at the higher end of the waste hierarchy. The Authority supports the focus of indicators for all authorities being designed to include waste minimisation and then on delivering the more pressing Landfill Directive targets.

However, it should be recognised that the inclusion of reuse has the potential to encourage the collection of additional materials for reuse that are not currently accounted for within the collected municipal waste stream and may result in an additional financial burden through the reuse and recycling credit system. Additional materials would also have a potential negative LATS implication for local authorities in terms of biodegradable municipal waste diversion. It is imperative therefore that the forthcoming guidance on the definition of 'municipal waste' is clear on this point.

Finally, all the proposed indicators are reliant on the data provided from Waste Data Flow. Whilst waste disposal authorities have a mandatory requirement to complete returns, waste collection authorities have no similar obligation. It is felt that management of the data process would be easier if all authorities had the same requirements. There is a suggestion within the new national Waste Strategy 2007, that waste collection authorities may be legally required to make returns via Waste Data Flow. The Authority would welcome this approach.

Thank you once again for the opportunity to respond to this consultation and if you require clarification on any of the points raised, please do not hesitate to contact me.

Yours sincerely

**Councillor Brian Coleman AM. FRSA**  
**Chairman, North London Waste Authority**

**LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK -  
RESPONSE TO CONSULTATION DOCUMENT**

**Name and address of responding organisation:**  
North London Waste Authority

**Is this your organisation's official response to the consultation? Yes**

**Name and phone number of key contact in case of follow-up queries:**  
Barbara Herridge, 0208 489 5654

**National Indicator Number:**

<p><b>191 - Residual household waste per head</b></p>	<p><i>Please complete a separate form for each indicator on which you wish to respond</i></p>
<b>Indicator Issue</b>	
<p><b>1. Is the Technical Definition of this indicator clear?</b></p>	<p>Yes <input type="checkbox"/>                      No <input checked="" type="checkbox"/></p>
<p>If NO a. What aspects of the technical definition of the indicator are unclear? Please specify clearly - is it in relation to the measurement method, or - on reporting b. Please suggest how the template can be clarified/improved.</p>	<p><b>The definition states that 'household' waste includes 're-used waste material from household sources'. It is not clear what is meant by "Re-used waste material from household sources". The NLWA is currently using the DEFRA guidance on the payment of reuse and recycling credits (Guidance on the Recycling Credit Scheme, Defra, April 2006) for the payment of reuse credits, so it would be helpful if some similar guidance could be published for performance indicator purposes too.</b></p> <p><b>All civic amenity sites in North London are still provided under the Refuse Disposal Amenity Act. Is it intended that waste from these sites should be included in the definition of household waste as the current definition only includes waste arisings from CA sites established under Section 51 (1) (b) of the Environmental Protection Act 1990?</b></p> <p><b>In North London the waste collection authorities provide the civic amenity sites. Clarification is required regarding whether the waste collected should be reported by the waste collection</b></p>

	<p>authority or the waste disposal authority.</p> <p>Clarification is also needed regarding whether leaves from street trees and grass cuttings from highway verges are included in the definition of household waste as the current definition only refers to grass cuttings and leaves in parks being excluded.</p> <p>The definition p87. says that residual household waste per head does NOT include 'Residual waste which is diverted for recycling or composting following sorting or other treatment methods and accepted by the final reprocessor ..' as this will be included in the recycling/composting tonnages. Reference needs to be made to the point made elsewhere in the definition that the recycled, composted or reused material is exclusive of rejects.</p> <p>Finally, in the formula calculation the guidance provides detail of how the residual household waste per head figure should be calculated for waste collection authorities and for waste disposal authorities, but it is unclear, where material from CA sites run by the waste collection authorities should be placed.</p>
<p><b>2. Does the Technical Definition for this indicator have any unintended consequences?</b></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>If YES  a. What are the unintended consequences on this national indicator?  b. Can the unintended consequence be avoided? If so, how?</p>	<p><b>a. The treatment of civic amenity site waste needs to be consistently reported both for the purpose of proper comparison and for the achievement of the government's targets.</b></p> <p><b>The current proposal means that there will be significant variation within London in respect of the amount of residual waste due to the different methods for managing civic amenity sites.</b></p> <p><b>b. If the Government were to repeal the relevant sections of the Refuse Disposal Amenity Act and transfer the responsibility to provide CA Sites to the joint WDAs (under section 51 (1)(b) of the EPA, this would resolve the comparability issue, but this on its own would be a particularly unsound rationale for such a local government reorganisation.</b></p>

	<b>Additionally, it is not possible for this to be completed by next April for the first reporting year (2008-09) of the new indicator framework.</b>
<b>3. Will the Technical Definitions for this indicator work in practice?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If NO a. Why would this technical definition not work in practice?	See above comments
<b>4. Is this indicator defined at the right spatial level?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)	
<b>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</b>	Ethnicity <input type="checkbox"/> Gender <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> (Please specify)

<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated additional burden of collecting and reporting it?</p>	
<p><b>6. Further comments on the questions above and /or any other comments that are not covered above questions.</b></p>	
<p>The consultation definition states that the government is particularly interested in consultation responses that express whether the indicator of residual household waste should be measured on population or on households, and have accordingly outlined two different formulae for the same.</p> <p>The Authority supports the use of this indicator being based on residual household waste per head rather than per household, for the following reasons:</p> <ul style="list-style-type: none"> <li>- a 'per head' figure is easily comparable with performance in other countries and would more easily allow participation in European wide initiatives such as ACR+'s '100kg' reduction campaign, a Europe-wide campaign for waste reduction based on the ambitious but well-founded target of reducing municipal waste by 100 kg per inhabitant each year - see <a href="http://www.acrplus.org/-kg">www.acrplus.org/-kg</a></li> <li>- a 'per head' figure allows communication of progress to the individual, thereby supporting individual producer responsibility initiatives.</li> <li>- with average household sizes in decline over recent years, it is more meaningful to compare residual waste per head rather than per household.</li> </ul> <p>However, the Authority recognises that the reliability of the number of households is likely to be better than the reliability of population statistics and that in particular, the population statistics sometimes don't react sufficiently quickly to influxes of population, which affect places like North London.</p> <p>It is therefore possible that the Authority might report voluntarily on a per household basis, in addition to reporting on a per capita mandatory basis if this was the basis on which reporting became a requirement.</p>	
<p>Completed versions can be sent to <a href="mailto:niconsultation@communities.gsi.gov.uk">niconsultation@communities.gsi.gov.uk</a>. Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4<sup>th</sup> Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.</p>	

**LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK -  
RESPONSE TO CONSULTATION DOCUMENT**

**Name and address of responding organisation:  
North London Waste Authority**

**Is this your organisation's official response to the consultation? Yes**

**Name and phone number of key contact in case of follow-up queries:  
Barbara Herridge 0208 489 5654**

**National Indicator Number:**

<b>192 Household waste recycled and composted</b>	<i>Please complete a separate form for each indicator on which you wish to respond</i>	
<b>Indicator Issue</b>		
<b>1. Is the Technical Definition of this indicator clear?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>If NO</p> <p>a. What aspects of the technical definition of the indicator are unclear? Please specify clearly</p> <ul style="list-style-type: none"> <li>- is it in relation to the measurement method,</li> <li>or</li> <li>- on reporting</li> </ul> <p>b. Please suggest how the template can be clarified/improved.</p>	<p><b>We support the inclusion of reuse within this indicator, but it is not clear what is meant by "Re-used waste material from household sources". The NLWA is currently using the DEFRA guidance on the payment of reuse and recycling credits (Guidance on the Recycling Credit Scheme, Defra, April 2006) for the payment of reuse credits, so it would be helpful if some similar guidance could be published for performance indicator purposes too.</b></p> <p><b>The Authority notes that in the definition provided for this indicator that the government 'intends to provide clarity on what counts as third party reuse that is consistent with the definition of municipal waste' and we support the need for this.</b></p> <p><b>The Authority notes that the definition of household waste recycled and composted does not include home composting. To truly measure household biodegradable waste diversion the tonnage removed via home composting should also be included within the indicator. If not, the incentive may be to collect the material for</b></p>	

composting in order for it to be counted towards the recycling and composting indicator, rather than encouraging 'reduction' at source which is higher up the waste hierarchy. The new national indicator includes both recycling and composting as well as reuse, but it doesn't include home composting.

All civic amenity sites in North London are still provided under the Refuse Disposal Amenity Act. Is it intended that waste from these sites should be included in the definition of household waste as the current definition only includes waste arisings from CA sites established under Section 51 (1) (b) of the Environmental Protection Act 1990?

In North London the waste collection authorities provide the civic amenity sites. Clarification is required regarding whether the waste collected should be reported by the waste collection authority or the waste disposal authority.

Clarification is also needed regarding whether leaves from street trees and grass cuttings from highway verges are included in the definition of household waste as the current definition only refers to grass cuttings and leaves in parks being excluded.

The section on tyres (page 91) makes reference to BV (indicator) 82. This should read NI 192 we suggest.

The definition of 'composting' (page 92) included within this indicator refers to material resulting in a product that can be blended to produce a top soil that will meet British Standard BS 3882. There is no reference to material meeting the PAS 100 standard and it would be useful to include this too.

The definition of 'sent for recycling' on page 92 also EXCLUDES waste sent to sorting facilities, such as Materials Reclamation Facilities (MRFs) from which it is sent onward for recycling/reprocessing. The Authority is unclear if this is correct. Potentially a definition for 'waste sent for sorting - less process rejects' could be added, but this needs clarification.

On page 93 in the first sentence the definition

refers to 'composting/ad' this should be 'AD' as it refers to anaerobic digestion. In the last paragraph of this page in the definition section, the guidance refers to the delays in processing material due to the need for 'further processing'. The Authority suggests that to improve the definition, that the word 'bulking' is added here so the definition reads 'delay due to the need for bulking or further processing'.

Also on page 93, the definition of 'waste sent for sorting' seems to suggest that 'waste sent for sorting' should have been given another definition. The current definition says that material within 'waste sent for sorting' that is separated out because it is not fit for recycling should not count as recycled waste for the purposes of this indicator i.e. MRF rejects are excluded from the recycling figure, whereas elsewhere in the definition as noted above, the guidance suggests that all of the 'waste sent for sorting' at a MRF is excluded from the material recycled figure.

Finally in the formula calculation explanation, the guidance states that the authority who is responsible for the collection should report the tonnage so that there is no double counting across WasteDataFlow. In the case of a Statutory Joint Waste Disposal Authority such as the North London Waste Authority we 'allocate' recycled tonnage extracted from the residual waste stream to our constituent borough councils each year. The definition needs to account for this type of arrangement and the Authority recommends that any apportionment is based upon the percentage of total residual waste delivered to the WDA in order to reflect that some WCAs would be disadvantaged by being directed to waste facilities where no/little residual waste recycling is possible and others will be directed to facilities where significant residual waste recycling may take place, particularly during a period of transition as new infrastructure is put in place for the high diversion targets of Waste Strategy 2007. Different arrangements exist in two tier county and district areas, but the definition needs to take this into consideration.

<p><b>2. Does the Technical Definition for this indicator have any unintended consequences?</b></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>If YES  a. What are the unintended consequences on this national indicator?  b. Can the unintended consequence be avoided? If so, how?</p>	<p><b>There are two principal concerns with this indicator.</b></p> <p><b>1.a)The first is that by combining the previously separate indicators for recycling and composting the Government is failing to recognise that in the uniquely urban and suburban region of London there is not the same potential for composting as less green waste per household exists.</b></p> <p><b>1.b) This could be easily corrected by continuing with the previous practice of having NI192a for recycling and NI192b for composting (like BVPI82a+b)</b></p> <p><b>2.a)The treatment of civic amenity site waste needs to be consistently reported both for the purpose of proper comparison and for the achievement of the government's targets.</b></p> <p><b>The current proposal means that there will be significant variation within London in respect of the amount of residual waste.</b></p> <p><b>2.b) If the Government were to repeal the relevant sections of the Refuse Disposal Amenity Act and transfer the responsibility to provide CA Sites to the joint WDAs (under section 51 (1)(b) of the EPA this would resolve the comparability issue, but this on its own would be a particularly unsound rationale for such a local government reorganisation.</b></p> <p><b>Additionally it is not possible for this to be completed by next April for the first reporting year (2008/09) of the new indicator framework.</b></p> <p><b>3. see also above comments about reused wastes.</b></p> <p>.</p>
<p><b>3. Will the Technical Definitions for this indicator work in practice?</b></p>	<p>Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p>

<p>If NO a. Why would this technical definition not work in practice?</p>	<p>See above comments</p>
<p><b>4. Is this indicator defined at the right spatial level?</b></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)</p>	
<p><b>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</b></p>	<p>Ethnicity <input type="checkbox"/></p> <p>Gender <input type="checkbox"/></p> <p>Religion <input type="checkbox"/></p> <p>Age <input type="checkbox"/></p> <p>Sexual orientation <input type="checkbox"/></p> <p>Disability <input type="checkbox"/></p> <p>Other <input type="checkbox"/> (Please specify)</p>
<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated additional burden of collecting and reporting it?</p>	

**6. Further comments on the questions above and /or any other comments that are not covered above questions.**

Completed versions can be sent to [niconsultation@communities.gsi.gov.uk](mailto:niconsultation@communities.gsi.gov.uk).  
Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4<sup>th</sup> Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.

**LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK -  
RESPONSE TO CONSULTATION DOCUMENT**

**Name and address of responding organisation:  
North London Waste Authority**

**Is this your organisation's official response to the consultation? Yes**

**Name and phone number of key contact in case of follow-up queries:  
Barbara Herridge 0208 489 5654**

**National Indicator Number:**

<p><b>193 Municipal waste landfilled</b></p>
--

*Please complete a separate form for each indicator on which you wish to respond*

Indicator Issue	
<b>1. Is the Technical Definition of this indicator clear?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>If NO</p> <p>a. What aspects of the technical definition of the indicator are unclear? Please specify clearly</p> <ul style="list-style-type: none"> <li>- is it in relation to the measurement method, or</li> <li>- on reporting</li> </ul> <p>b. Please suggest how the template can be clarified/improved.</p>	<p><b>The formula for calculating the municipal waste landfilled by a waste disposal authority is calculated as <math>X/Y \times 100</math> where X = tonnage of municipal waste collected by the WDA which is landfilled, plus waste collected for recycling/composting/reuse which was rejected to landfill plus residual waste sent for other waste management processes (e.g. MBT) that was subsequently sent for landfill.</b></p> <p><b>Clarification is also required in relation to MBT outputs being sent to landfill. Firstly it is assumed that it is the dry MBT product tonnage, if sent to landfill that would be counted towards the municipal waste landfilled figure, rather than an estimate of the 'wet' tonnage of product that went into the MBT plant and then on to landfill. Secondly, if, for example MBT output is subsequently sent to a gasification plant, from which there are residues, which are landfilled, would these second stage residues to landfill also need to be included?</b></p>

<p><b>2. Does the Technical Definition for this indicator have any unintended consequences?</b></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>If YES  a. What are the unintended consequences on this national indicator?  b. Can the unintended consequence be avoided? If so, how?</p>	<p><b>The issue of whether dry tonnage landfilled or estimated equivalent wet tonnage is used for MBT material being landfilled will have a consequence: If dry tonnage is used this is more accurate, (as it will be calculated by weighing the material going into the landfill site(s)), but this will mean that input and output tonnages will not match in WasteDataFlow. If an estimate of wet tonnage equivalent is used then this isn't so accurate a figure, as it is an estimated amount, but it would allow WasteDataFlow inputs and outputs to be matched.</b></p>
<p><b>3. Will the Technical Definitions for this indicator work in practice?</b></p>	<p>Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p>
<p>If NO  a. Why would this technical definition not work in practice?</p>	<p>See above comments in relation to matching input and output tonnages in WasteDataFlow</p>
<p><b>4. Is this indicator defined at the right spatial level?</b></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)</p>	

<p><b>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</b></p>	<table> <tr> <td>Ethnicity</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Gender</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Religion</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Age</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Sexual orientation</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Disability</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other (Please specify)</td> <td><input type="checkbox"/></td> </tr> </table>	Ethnicity	<input type="checkbox"/>	Gender	<input type="checkbox"/>	Religion	<input type="checkbox"/>	Age	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Other (Please specify)	<input type="checkbox"/>
Ethnicity	<input type="checkbox"/>														
Gender	<input type="checkbox"/>														
Religion	<input type="checkbox"/>														
Age	<input type="checkbox"/>														
Sexual orientation	<input type="checkbox"/>														
Disability	<input type="checkbox"/>														
Other (Please specify)	<input type="checkbox"/>														
<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated additional burden of collecting and reporting it?</p>															
<p><b>6. Further comments on the questions above and /or any other comments that are not covered above questions.</b></p>															
<p>Completed versions can be sent to <a href="mailto:niconsultation@communities.gsi.gov.uk">niconsultation@communities.gsi.gov.uk</a>. Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4<sup>th</sup> Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.</p>															

**LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK -  
RESPONSE TO CONSULTATION DOCUMENT**

**Name and address of responding organisation:  
North London Waste Authority**

**Is this your organisation's official response to the consultation? Yes**

**Name and phone number of key contact in case of follow-up queries:  
Barbara Herridge 0208 489 5654**

**National Indicator Number:**

<p><b>185 CO2 reduction from local authority operations</b></p>
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*Please complete a separate form for each indicator on which  
you wish to respond*

Indicator Issue	
<b>1. Is the Technical Definition of this indicator clear?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>If NO</p> <p>a. What aspects of the technical definition of the indicator are unclear? Please specify clearly</p> <ul style="list-style-type: none"> <li>- is it in relation to the measurement method,</li> <li>or</li> <li>- on reporting</li> </ul> <p>b. Please suggest how the template can be clarified/improved.</p>	<b>See below</b>
<b>2. Does the Technical Definition for this indicator have any unintended consequences?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>If YES</p> <p>a. What are the unintended consequences on this national indicator?</p>	<b>See below</b>

b. Can the unintended consequence be avoided? If so, how?	
<b>3. Will the Technical Definitions for this indicator work in practice?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If NO a. Why would this technical definition not work in practice?	See below
<b>4. Is this indicator defined at the right spatial level?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)	See below
<b>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</b>	Ethnicity <input type="checkbox"/> Gender <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> (Please specify)

<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated additional burden of collecting and reporting it?</p>	<p>See below</p>
<p><b>6. Further comments on the questions above and /or any other comments that are not covered above questions.</b></p>	
<p>This indicator states that the reporting organisation is 'local authority' and the spatial level for reporting is single tier, district and county council. There is no reference to statutory joint waste disposal authorities. It is unclear if statutory joint waste disposal authorities such as the North London Waste Authority need to report on this indicator, although clearly our actions in relation to waste management have an impact upon CO2 so this requires clarification.</p>	
<p>Completed versions can be sent to <a href="mailto:niconsultation@communities.gsi.gov.uk">niconsultation@communities.gsi.gov.uk</a>. Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4<sup>th</sup> Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.</p>	

**LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK -  
RESPONSE TO CONSULTATION DOCUMENT**

**Name and address of responding organisation:  
North London Waste Authority**

**Is this your organisation's official response to the consultation? Yes**

**Name and phone number of key contact in case of follow-up queries:  
Barbara Herridge 0208 489 5654**

**National Indicator Number:**

**186 Per  
capita  
CO2  
emissions  
in the  
local  
authority  
area**

*Please complete a separate form for each indicator on which  
you wish to respond*

Indicator Issue	
<b>1. Is the Technical Definition of this indicator clear?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
If NO a. What aspects of the technical definition of the indicator are unclear? Please specify clearly - is it in relation to the measurement method, or - on reporting b. Please suggest how the template can be clarified/improved.	<b>See below</b>
<b>2. Does the Technical Definition for this indicator have any unintended consequences?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>

<p>If YES</p> <p>a. What are the unintended consequences on this national indicator?</p> <p>b. Can the unintended consequence be avoided? If so, how?</p>	<p><b>See below</b></p>
<p><b>3. Will the Technical Definitions for this indicator work in practice?</b></p>	<p>Yes <input type="checkbox"/>                  No <input type="checkbox"/></p>
<p>If NO</p> <p>a. Why would this technical definition not work in practice?</p>	<p>See below</p>
<p><b>4. Is this indicator defined at the right spatial level?</b></p>	<p>Yes <input type="checkbox"/>                  No <input type="checkbox"/></p>
<p>a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)</p>	<p>See below</p>

<p><b>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</b></p>	<p>Ethnicity <input type="checkbox"/></p> <p>Gender <input type="checkbox"/></p> <p>Religion <input type="checkbox"/></p> <p>Age <input type="checkbox"/></p> <p>Sexual orientation <input type="checkbox"/></p> <p>Disability <input type="checkbox"/></p> <p>Other (Please specify) <input type="checkbox"/></p>
<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated additional burden of collecting and reporting it?</p>	<p>See below</p>
<p><b>6. Further comments on the questions above and /or any other comments that are not covered above questions.</b></p>	
<p>This indicator states that the reporting organisation is 'DEFRA' and the spatial level for reporting is single tier, district and county council. There is no reference to statutory joint waste disposal authorities. It is unclear if statutory joint waste disposal authorities such as the North London Waste Authority's information will be incorporated into this indicator, although clearly our actions in relation to waste management have an impact upon CO2 so this requires clarification.</p>	
<p>Completed versions can be sent to <a href="mailto:niconsultation@communities.gsi.gov.uk">niconsultation@communities.gsi.gov.uk</a>. Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4<sup>th</sup> Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.</p>	

## APPENDIX 3

### **DRAFT, for ratification, response from the North London Waste Authority to Consultation on recycling targets for packaging for 2008 and thereafter**



**Cllr Brian Coleman AM FRSA  
Chairman**

c/o London Assembly  
City Hall  
The Queens Walk  
London SE1 2AA

Tel: 020 7983 4000

Mr Ian Atkinson  
Producer Responsibility Unit  
Defra  
Room 6D  
Ergon House  
Horseferry Road  
London  
SW1P 2AL

13<sup>th</sup> December 2007

Dear Mr. Atkinson,

#### **Ref: Consultation on recycling targets for packaging for 2008 and thereafter**

Thank you for the opportunity to respond to the above consultation and accordingly please find attached the North London Waste Authority's response to the consultation on "recycling targets for packaging for 2008 and thereafter".

This response is submitted following ratification at the meeting of the Authority on 12<sup>th</sup> December 2007.

In brief, the Authority is pleased to fully endorse the response already provided by London Councils, namely that:

**"The consultation on 'recycling targets for packaging for 2008 and thereafter' fails to take account of the role of local government in ensuring the UK achieves high levels of packaging recovery.**

London Councils welcomes the consultations documents statement that the targets for 2008 and beyond need to be reviewed to take account of the following factors:

- Changes in the amounts of packaging entering the waste stream;
- Changes in the level of obligated tonnage (ie the amount of packaging for which producers are responsible to finance recycling and recovery)
- The Government's ambition to improve the UK's performance in recycling of packaging waste.

London Councils support the consultation proposals to extend packaging waste targets beyond 2008. However, London Councils does not believe that the government's proposals go far enough. Simply increasing recycling and recovery targets does not necessarily translate to more challenging targets for industry and does not necessarily translate to invigorating packaging recycling and recovery. The targets need to hit harder at the front-end of packaging – packaging design and production. Additionally London Councils believes that greater emphasis needs to be given to in producer obligations to recycling over recovery as it sits higher up the waste hierarchy.

Any revision of the packaging targets must be backed up with powers for the Environment Agency for robust monitoring to ensure that business fully complies. London Councils would like to see obligated businesses required to fund waste authorities operating compensatory schemes. Companies obligated to meet recycling achievements/targets for EU producer responsibility streams must be clear about their responsibilities towards meeting the national targets.

London Councils recognises that the UK Packaging Regulations have had an impact on the management of packaging waste streams through the Packaging Waste Recovery Notes (PRN) system. However, more demanding targets for 2008 and thereafter, will mean that even more packaging waste will need to be sourced from household waste. London Councils would therefore welcome stronger drivers from government to strengthen the PRN and PERN system to ensure that business invests in the infrastructure and facilities that the UK requires to achieve its obligations.

With the impact on local government in mind London Councils is concerned that the consultation document states that the proposals in this consultation are expected to be of greatest interest '*to amongst others Waste disposal and Waste collection authorities*', yet not a single local government body was included in the formal list of consultees. It is therefore likely that the local government position will be under represented in the review of the consultations responses.

Additionally, and more importantly the consultation document makes no mention of the role of local government in ensuring the UK achieves high levels of packaging recovery. This seems at best naive. Under the proposals in this consultation, local authorities will continue to meet substantial additional costs for separately collecting packaging waste for recycling, therefore much of the cost of meeting "producer responsibility" targets will continue to be met by local tax payers rather than being reflected in the price of over packaged products.

London Councils is of the opinion that to date the policy of issuing PRNs to producers, to show compliance with recycling regulations, has failed to halt rising levels of packaging. Waste Strategy 2007 still falls short of presenting effective proposals to tackle excess packaging, particularly over enforcement of current Packaging (Essential Requirements) Regulations.

Current Government policies fail to address with sufficient rigor the need to cut the amount of packaging used by both suppliers and sales outlets, with continued reliance on voluntary action to reduce packaging. London Councils believe that voluntary agreements too often simply allow industry to avoid significant behavioural change.

London Councils consider that if the pricing of products reflected the true packaging and end-of-life waste costs, producers would then have a proper incentive to reduce these costs by e.g. light-weighting, design for longer life etc. Consumers would then shift towards purchasing products with lower waste impacts to save money. An economic distortion would be removed and the framework would no longer be subsidising the production of waste but helping to minimise it."

The North London Waste Authority also supports London Councils responses to the specific consultation questions as follows:

**Q1. Do you agree with our assessment and proposals?**

**Are you aware of any other factors which may affect the levels of packaging entering the waste stream? Please provide us with as much evidence as possible to support your answer.**

London Councils is essentially happy with government's assessment of the data, but is disappointed by the conclusions drawn from this, and would rather have seen more challenging targets.

**Q2. Do you agree with our assessment? Are you aware of any other factors which may affect the levels of obligated tonnage reported? Please provide evidence to support your answer.**

London Councils is satisfied with the government's assessment of obligated tonnage as set out in scenario 2 with obligated tonnage rising at the same rate as overall growth in waste. However, as set out below London Councils is concerned with the lack of enforcement of the regulation.

**Q3. Do you have information on the number of free-riders and the estimated levels of obligated tonnage affected? (Please note that all comments will be treated confidentially)**

London Councils has major concerns with the issue of free-riders and their resulting implication for local authority resources. The enforcement of the Packaging Regulation and Producer Responsibility Obligation Regulation are too weak. London Councils is concerned by the resource or lack-there-of that is put into enforcing these regulations.

Waste collection and disposal authorities are responsible for the delivery of municipal waste and recycling services. As part of this service local government is responsible for collecting, recycling and processing for recovery a vast quantity of the packaging that enters the UK's municipal waste stream. Until Government fully address the issue of free-riders, through empowering the Environment Agency to introduce of a robust monitoring system with effective punitive measures for non compliance, local authorities will continue to meet the substantial costs for separately collecting and processing packaging waste. The current situation means that much of the cost of meeting "producer responsibility" targets is met by the local tax payers rather than being reflected in the price of over packaged products. Additionally local authorities are working to achieve their landfill allocations under the Landfill Allowance Trading scheme (LATs) to ensure England to meets its targets, as a contribution to the UK targets, under the EU Landfill Directive. The continuing issue of high levels of non-recyclable packaging within the UK's municipal waste poses a considerable threat to the UK achieving its Landfill Directive targets. London Councils urges government to strengthen the drivers to improve packaging design and reduce production. London Councils was disappointed by the new waste strategy's continued reliance on voluntary action to reduce packaging. London Councils believes that voluntary agreements too often simply allow industry to avoid significant behavioural change.

London Councils supports the concept of producer responsibility and recognises that the New Waste Strategy places emphasis on making this work, including proposals for the new statutory higher packaging recycling targets set out in this document. However London Councils does not believe that the government's proposals go far enough. London Councils is concerned with the approach that Government is continuing to take to its implementation

and enforcement. Government must ensure that the problems of slow impact on waste streams and continual delays in implementation experienced with current producer responsibility arrangements are rectified. Delayed implementation and inadequate enforcement create significant additional burdens for local authorities who have to expand their services significantly without commensurate financial support from Government. Local authorities have achieved significant reductions in waste to landfill, but this needs to be complemented by a focus on producers to reduce waste at source.

London Councils welcomes the statutory measures proposed in this document but would like to see more challenging targets. Additionally these must be backed up with robust monitoring and punitive measure if businesses fail to comply. London Councils would like to see obligated businesses required to fund waste authorities operating compensatory schemes. Companies obligated to meet recycling achievements/targets for EU producer responsibility streams must be clear about their responsibilities towards meeting the national targets.

**Q4. Do you agree with the Government's recommendation? Please provide evidence/rationale for any comments submitted. We also welcome any comments you may have on the accompanying Impact Assessment.**

Of the two options available London Councils supports option 2. London Councils does not believe that the targets go far enough to challenging business to be imaginative with packaging design or to fully engage in packaging recycling and recovery.

Under the new target regime it is vital that no additional burdens are passed on to local authorities to help industry to achieve these targets, without considerable investment from business in the infrastructure and facilities that the UK requires to achieve its obligations.

The aim of the targets should be to challenging and drive industry to reduce packaging at source, putting a greater emphasis on waste prevention and re-use. In line with the waste strategy London Councils would like to see targets that seek to decouple waste growth from economic growth. At present there is a public perception, perpetuated by industry that the more packaging on a product the better its quality and the higher the price that can be put on it.

Paragraph 2.21 of the consultation documents talks about the mechanism of carry over for non-obligated tonnage from one year to the next. Excess (non-obligated) tonnage of packaging waste collected in one compliance year can be carried forward, with the commensurate PRNs or PERNs being available on the market in the following January. This means that the total tonnage that the business is expected to deliver in the new compliance year is greatly diminished and the demand driven by the set targets has less to accomplish, having a material effect on market prices for PRNs and PERNs. London Councils considers that if government is considering reviewing targets they should review the mechanism for carry forward of excess non-obligated tonnage. This system of carry forward with no fixed target years is an anomaly and one not replicated in municipal waste, and currently creates a disincentive for industry to push the barriers with regarding packaging design and recycling. London Councils would urge government to consider a mechanism similar to that used in the Landfill Allowance Trading Scheme – where there are fixed target years where carry over is not permitted.

Para 2.23 considers the issue of PRN/PERN price fluctuations and the implication in the overall capacity and the available sources of PRNs and PERNs. Local authorities can be willing to work with producers to ensure the capacity gap is filled. But producers must provide financial input into the system.

**Q5. Are the targets proposed for 2011 and 2012 set at an appropriate level?  
Please provide evidence for any proposals to increase/reduce the levels indicated.**

London Councils agrees with the preferred targets option 2, but as set out above does not believe that the targets go far enough. London Councils believe that the only way to drive industry is through a challenging targets and effective monitoring to ensure compliance.

At present the UK is comfortably meeting its packaging recovery/recycling targets. As a result there will easily be enough Packaging Recovery Notes (PRNs) or Packaging Waste Export Recovery Note (PERNs), to satisfy demand from producers. However, the generally comfortable situation for packaging producers means PRN and PERN values remain relatively low. This in turn limits producer investment in new recycling capacity and may reduce the profitability of collecting packaging materials.

The current mechanism for the reimbursement of local authorities through the purchase of PRNs and PERNs is not working. Money from PRNs and PERNs is entering the system from obligated business, but it is not finding its way through the system in significant quantities to the local authorities that deliver recycling collections. Put simply the 'trickle down' effect is not working, therefore much of the cost of meeting "producer responsibility" targets is being met by local tax payers through local authority waste services.

Additionally compliance schemes may want to work with local authorities to invest in collection infrastructure, but this in turn puts up the costs to their members, who may choose to move to other (cheaper) compliance schemes. The current system of yearly registration by obligated businesses with compliance schemes impedes long term investment by compliance schemes, as there is no guaranteed revenue which therefore prevents structure investment. Until the value of PRNs and PERNs increase industry will continue to pay lip service to the redesign, reduction, recycling and recovery of packaging.

Thank you once again for the opportunity to respond to this consultation and if you require clarification on any of the points raised, please do not hesitate to contact me.

Yours sincerely

**Councillor Brian Coleman AM. FRSA  
Chairman, North London Waste Authority**

### London Councils Proposals on Throw Away Shopping Bags

#### London Councils' Press Release

#### London takes a lead on banning throw away shopping bags

13/11/2007

London's council leaders have agreed to go ahead with a Bill that will seek to ban the distribution of free, throw away shopping bags in the capital.

The decision follows a London-wide consultation organised by London Councils on its proposals to introduce either a levy or a ban on throw away shopping bags in the capital. Over 90 per cent of people responding to the consultation called for action on shopping bags; nearly 60 per cent felt strongly enough to call for an outright ban.

Leading environmental organisation Waste Watch, and global social change movement We Are What We Do, have also today announced their support for the proposals.

In the UK, over 13 billion bags are issued every year to shoppers – roughly 220 per person every year.

For London, a conservative figure based on population size would indicate Londoners use at least 1.6 billion bags per year – although the number of tourists in the capital suggests that this figure is probably much higher.

While some of these bags will be re-used once or twice, official figures reveal that only one in 200 of these are recycled, meaning that billions of shopping bags are sent to landfill every year. Many of these will be plastic bags that can take over 400 years to break down.

Welcoming the cross-party decision to push to ban throw-away shopping bags in the capital, **London Councils Chairman Councillor Merrick Cockell** said:

“The campaign to rid the capital of the environmental blight of throw away shopping bags begins here. As a society, we need to do far more to reduce the amount of waste we are sending to landfill and London as a city is determined to take an ambitious lead on this issue. I urge all Londoners to voice their support to their MP and back the Bill once it gets to Parliament.”

**Director of Waste Watch, Peter Robinson** said:

“We've seen successful action taken on carrier bags all across the world from Australia to Zanzibar, and now it's time for London to take a lead on this issue in the UK. Like the vast majority of Londoners, we want to see a massive reduction in disposable carrier bags going to landfill so we fully support this Bill.”

**Eugenie Harvey of We Are What We Do**, said:

“It's truly fantastic to see so many organisations, environmental groups and individuals coming together around the issue of plastic bag usage in the UK. We Are What We Do is proud to have played its part in getting it onto the national agenda with the 'I'm Not A Plastic

Bag' project. We are delighted to support the work that London Councils is doing to introduce a ban in the capital. Our belief in 'small actions x lots of people = big change' is that we will only see the end of the disposable carrier bag when every individual is inspired by such activity to decline a plastic bag every time they go shopping and to use a more sustainable alternative."

London Councils will now deposit a private Bill in Parliament at the end of the month. While the purpose of the Bill will be to encourage shops to provide more environmentally friendly alternatives, they will still be able to sell plastic bags. However it is hoped that any profits retailers generate from the sale of bags will be channelled into environmental projects.

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### **Further information**

The London Local Authorities (Shopping Bag) Bill is due to be deposited in Parliament on 27 November.

The public consultation on throw away shopping bags ran from Friday 14 September, to Friday 26 October 2007. [www.londoncouncils.gov.uk/thebigquestion](http://www.londoncouncils.gov.uk/thebigquestion)

1,752 people took part in the online consultation, with another 100 emails and 270 letters received. An extensive list of industry, environmental and government bodies were also contacted directly to take part in the consultation. 91.5 per cent of respondents to the online consultation said that they supported London Councils proposals to introduce either a levy or an outright ban on throwaway shopping bags in the capital.

Of the proposed options, 58.2 per cent of online respondents called for an outright ban on throwaway shopping bags. The majority of respondents – 64.6 per cent – called for any action only to apply to plastic bags.

Waste Watch is a leading environmental organisation working to change the way people use the world's natural resources. Its vision is a less wasteful society, and the organisation believes everyone has a part to play in reducing waste and living more sustainably.

See [www.wastewatch.org.uk/](http://www.wastewatch.org.uk/)

We Are What We Do is a movement working to inspire people to use their everyday actions to change the world. It is running a nationwide campaign to reduce the use of plastic bags, and co-created the Anya Hindmarch cotton shopper to raise awareness of the issue.

See [www.wearewhatwedo.org](http://www.wearewhatwedo.org)

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### **Press Contacts**

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London Councils is committed to fighting for more resources for London and getting the best possible deal for London's 33 councils. We develop policy, lobby government and others, and run a range of services designed to make life better for Londoners.

## Related Documents

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- > [We asked London the big question](#)  
London Councils asked Londoners to tell us what they thought should be done about the environmental impact caused by throw away shopping bags. Ninety per cent of Londoners called on London Councils to lobby for a ban.

**Report Ends**