

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: CONSULTATIONS AND POLICY UPDATE

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO: AUTHORITY MEETING

DATE: 21 JUNE 2018

SUMMARY OF REPORT:

This report provides the regular update on consultations and policy issues that have the potential to impact on Authority operations or activities. The report focusses on developments regarding packaging waste and single use plastic packaging in particular, including a London Assembly Environment Committee hearing on single use nappy waste and period products at which the managing director gave oral evidence. The report also notes the government's response to a consultation on reform of the Waste Electrical and Electronic Equipment (WEEE) regulations and at a regional level notes that the Mayor London's draft London Environment Strategy has now been submitted to the London Assembly for review.

RECOMMENDATIONS:

The Authority is recommended to note this report.

SIGNED:

Martin Capstick, Managing Director NLWA

DATE: 11 June 2018

1. PURPOSE AND STRUCTURE OF THE REPORT

1.1. The Consultations and Policy Update is a regular report which provides an update for Members on consultations and policy issues that are relevant to the Authority such that the proposals have the potential to affect the Authority's operations and/or costs. The report additionally seeks approval for responses where appropriate.

1.2. For this particular report there are no draft consultation responses for Members to consider, so the report is organised as follows:

1.2.1. Single use plastic and packaging waste - national issues

1.2.2. Single use plastic waste - regional issues

1.2.3. Reform of the waste electrical and electronic equipment regulations

1.2.4. Draft London Environment Strategy

2. SINGLE USE PLASTIC AND PACKAGING WASTE - NATIONAL ISSUES

2.1. Single use plastic and plastic packaging has caught national media and public attention over the last few months. A particular catalyst was the Blue Planet II television programme, which brought into focus the impact that discarded plastic waste is having on the natural environment and in particular upon the oceans.

2.2. From a policy perspective the following two consultative exercises have also taken place since the last Authority meeting in February, both of which followed the Prime Minister Theresa May's announcement on 11 January 2018 committing the UK to eliminating avoidable plastic waste by 2042 as she launched the national [25 Year Environment Plan](#).

2.3. Discussions on reform of the packaging regulations

2.3.1. The packaging regulations were one of the first pieces of 'producer responsibility' legislation, making producers, packer fillers (who use and fill packaging) and retailers all responsible for the impact of the packaging they produce or use and the associated waste that is created as a result. In practice this legislation translates to obligations on each of the players in the packaging chain to recycle and recover a certain percentage of the packaging waste for which they are responsible (above a de minimis level). These packaging targets have been steadily increasing over the years.

2.3.2. Earlier this year the Secretary of State for the Environment, Michael Gove, invited the Waste and Resources Action Programme (WRAP), along with INCPEN (Industry Council for Packaging and the Environment) and Defra's Advisory Committee on Packaging (ACP)

to facilitate a series of cross-sector discussions to inform how the UK could respond to and reduce the environmental impact of the way we use and dispose of plastic.

2.3.3. WRAP, INCPEN and the ACP engaged in a programme of discussions with stakeholders from across the UK packaging supply chain, culminating in a summit on April 16 2018 to share the findings and agree on a set of recommendations for packaging regulatory reform to be sent to the Secretary of State.

2.3.4. An NLWA officer participated in the discussion which resulted and consequently NLWA is named as one of 11 local authority participants in the process. The letter that was sent to the Secretary of State is available here:

<http://www.wrap.org.uk/blog/2018/05/reform-regulations-relating-packaging>

2.3.5. Key points include:

Businesses have been clear that they are willing to pay more into a packaging producer responsibility system to ensure that it is adequately funded and works effectively.

Producers should be strongly encouraged to design packaging to be more recyclable. This will require agreement on what 'good' looks like through an Approved List defining what is and what is not deemed to be recyclable. This will also have the benefit of aiding communications and labelling of products.

Consistent collections and clear labelling will make it much easier for the public to do the right thing.

The letter recommends that local authorities are required to collect a core set of materials for recycling from householders. For plastic packaging this will need to include bottles, pots, tubs, trays and film. It is noted that funding for this could be provided (from extended producer responsibility) for local authorities that meet a minimum service standard (taking into account rurality and demographics).

It was widely agreed that extended producer responsibility must also cover the cost of local and national communications.

Given the critical nature of end markets for recycled plastic, the letter also suggests some options for increasing the demand for recycled plastic.

2.3.6. The Secretary of State's response to the letter is available here:

<http://www.wrap.org.uk/sites/files/wrap/Secretary%20of%20State%2>

[Oresponse%20letter.pdf](#) The Secretary of State's response confirms that officials are developing models for a packaging extended producer responsibility scheme. This scheme will be consulted upon later in the year alongside government proposals for a Deposit Return Scheme (DRS) and future packaging recycling targets.

- 2.3.7. Officers will continue to engage with these developments bringing information to future Authority meetings as the developments take place.

2.4. Plastic taxes or charges call for evidence

- 2.4.1. Since the last Authority meeting Her Majesty's Treasury (HMT) issued a call for evidence on tackling the problem of single use plastic through the tax system or charges.
- 2.4.2. The call for evidence was seeking to explore how changes to the tax system or charges could be used to reduce the amount of single-use plastic that we waste, in order to deliver better environmental outcomes including:

Reducing the amount of single use plastic waste by reducing unnecessary production

Driving innovation by stimulating businesses to develop and integrate new technology

Encouraging growth in the recycling industry by addressing barriers to investment.

- 2.4.3. As there was insufficient time to bring the matter to an Authority meeting an Authority response was submitted by the deadline of 18 May using the Managing Director's authority to do so as outlined in the Authority's Standing Orders (Standing Order 2.14). This response is available on the Authority's website at <http://nlwa.gov.uk/media/2461/hmt-tackling-the-plastic-problem-response-from-nlwa-issued-18-05-18.pdf>

3. SINGLE USE PLASTIC - REGIONAL ISSUES

- 3.1. On 23 May the London Assembly Environment Committee held a hearing on plastics - nappies and period products. NLWA was invited to participate in a panel to give evidence about our experience of operating a reusable nappies incentive scheme and the costs of disposing of single use nappies. The Authority currently pays £54.15 to the parents or carers of babies wearing reusable nappies. The incentive is distributed in one of two ways:

- 3.1.1. a voucher scheme where parents receive a voucher that can be redeemed against the cost of a reusable nappy, administered by

Real Nappies for London (RNfL), a project of the London Community Resource Network (LCRN); or

- 3.1.2. a cash back scheme where parents can claim back the subsidy after they have purchased the nappies.
- 3.2. The panel included representatives of *Real Nappies for London*, the *Absorbent Hygiene Product Manufacturers Association*, the *Women's Environmental Network* and the *Cup Foundation*. Questions were raised about the need for plastic in disposable nappies and period products, the alternatives available, the amount of nappy waste in the waste stream (about 3% in north London) and how the north London reusables scheme is promoted.
- 3.3. A report from the meeting of the Assembly Environment Committee will be available in due course.

4. REFORM OF THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) REGULATIONS

- 4.1. The government has recently consulted upon the possible reform of the WEEE Regulations which make producers of electrical and electronic products responsible for the management of the waste that results. Specifically producers of electrical and electronic equipment must pay for the costs of collection and recycling of a certain percentage of WEEE. Usually the producers meet this obligation by paying to join a producer compliance scheme or PCS which meets the obligations on its members' behalf - by arranging for collections of WEEE to be taken to recycling facilities. As a result of these regulations NLWA is provided with free-of-charge pick-up and recycling of WEEE from the north London reuse and recycling centres and from a number of other designated collection facilities.
- 4.2. The consultation on the WEEE Regulations was required because a more recent WEEE Directive (Directive 2012/19/EU) had introduced a number of changes to the original WEEE Directive (Directive 2002/96/EC) which included a move to 'open scope' to ensure that all electrical and electronic waste is brought within the scope of the Directive from 15 August 2018.
- 4.3. NLWA responded to the consultation as noted at the December 2017 Authority meeting, but since the February 2018 Authority meeting the government has responded to the consultation responses outlining the changes it plans to introduce as a result. These are summarised below:
 - Proceed with its preferred option of retaining the current system of 14 categories of WEEE with new flexibility to allocate products previously out of scope to one of the 14 categories. – NLWA expressed no preference about this as it will not affect us.

- Make membership of the Producer Balancing Scheme compulsory for producer compliance schemes (PCSs) collecting WEEE. Under the Producer Balancing Scheme any local authority which has found itself without a PCS contractor can ask the PBS to organise the collection on their behalf. The proposal is to make membership of the PBS compulsory so that the costs of collecting WEEE when requested by local authorities will be shared among all PCSs. Any such compulsory scheme would be subject to consultation before its approval. – NLWA supported compulsory membership of the Producer Balancing Scheme.
- Change how producer fees are allocated in the UK to ensure that in future PCSs will have to pay the fees for their producer members to the agency in the nation in which those producers are based. This approach will apply regardless of where the PCS itself is based. – NLWA supported this.

4.4. In conclusion, the government's response to the consultation, and the proposed reforms outlined as a result, either support NLWA's preferred position or will have no impact on the Authority.

5. LONDON ENVIRONMENT STRATEGY

5.1. In May 2018 the London Mayor produced the London Environment Strategy following consultation on the draft strategy between the 11 August and 17 November 2017. NLWA responded to the draft strategy consultation in November.

5.2. The London Environment Strategy sets a city-wide framework for managing waste in the capital until 2040 so it is an extremely important document for us.

5.3. The London Assembly has recently reviewed the London Environment Strategy and the final version was published on 31 May.

5.4. Given the timing of this adoption a further update will be provided to Members at the September Authority meeting.

6. COMMENTS OF THE LEGAL ADVISER

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

7. COMMENTS OF THE FINANCIAL ADVISER

7.1. The Financial Adviser has been consulted in the preparation of this report and all comments are incorporated.

List of documents used:

A Green Future: Our 25 Year Plan to Improve the Environment, HM Government, January 2018, available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

Letter sent to the Secretary of State for the Environment by Marcus Gover, Chief Executive Officer of the Waste and Resources Action Programme (WRAP), on behalf of WRAP, INCPEN (Industry Council for Packaging and the Environment) and the ACP (Advisory Committee on Packaging) 15 May 2018, available at:

<http://www.wrap.org.uk/blog/2018/05/reform-regulations-relating-packaging>

Secretary of State for the Environment's response to the above letter, May 2018, available at:

<http://www.wrap.org.uk/sites/files/wrap/Secretary%20of%20State%20response%20letter.pdf>

Call for evidence on tackling the problem of single use plastic through the tax system or charges, Her Majesty's Treasury (HMT), March 2018

UK Waste Electrical and Electronic Equipment Regulations 2013 – Consultation on proposed amendments, October 2017

UK Waste Electrical and Electronic Equipment Regulations 2013, Summary of consultation responses and the UK government's response to proposed amendments, Department for Environment, Food and Rural Affairs (Defra) and the devolved administrations, 18 May 2018 available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709447/weee-consult-sum-resp.pdf

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