



CABINET – 18TH OCTOBER 2023

SUBJECT: RECYCLING CONTAMINATION PROCESS

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT



1. PURPOSE OF REPORT

- 1.1 For Cabinet to approve a proposal to refine and enhance our current approach to public engagement and enforcement specifically targeted to recycling contamination at the kerbside.

2. SUMMARY

- 2.1 As Cabinet members are aware, a waste strategy routemap has been agreed and work is progressing on a new waste strategy which is scheduled for consultation early in 2024.
- 2.2 As part of considering the waste strategy routemap the Joint Scrutiny Committee and Cabinet were presented with a number of “quick win” actions that could be implemented relatively quickly and in advance of the longer timescale proposals to assist the Authority with improving its recycling performance.
- 2.3 One of these quick wins related to engagement and behaviour change with the aim of increasing participation in dry recycling and organics collection as well as improving the quality of materials collected. Over recent months, a focussed engagement and communication campaign has been launched, which seeks to explain the reasons why we are encouraging residents to recycle and also explains what materials need to go into which receptacle. The education and engagement campaign underpins our overall approach to maximising recycling and minimising the overall amount of waste produced through a targeted behaviour change strategy that aims to bring sustainable behavioural change over the long term.
- 2.4 Whilst our engagement and communication focus will continue over the long term, we also need to focus upon some specific areas of concern; where a combination of engagement, education and finally enforcement is required. One such area where this combined approach is required is tackling the high levels of contamination present within our recycling bins. The routemap previously agreed by Cabinet, highlighted specifically that “there are high levels of contamination in the existing co-mingled kerbside collection and 20-23% of all waste collected at the kerbside for recycling is not able to be processed as recycling”.

- 2.5 Identifying households that are contaminating recycling through a formal process that combines engagement, education and finally enforcement will provide us with specific data capture and insight into the barriers to participation and enable the Authority to work with individuals through the stage process set out in this report.
- 2.6 The report presents several recommendations aimed at ensuring that the Authority has “all the relevant tools” at its disposal for effective behaviour change by supplementing education and persuasion with enforcement powers where the persuasive approach has failed in a very small minority of cases.
- 2.7 The Authority’s present method of collecting recyclable material at the kerbside using a brown wheeled bin has facilitated the capture of significant tonnages of dry recycle. However, by the nature of the containers provided, a minority of residents are continuing to place inappropriate waste into their recycling bin and causing contamination of otherwise good quality recycling feedstock.
- 2.8 In 2014 a report was submitted proposing a multistage process of dealing with residents who were putting the wrong materials in the wrong bin. The Authority’s Waste & Recycling team have been appraising how other Councils have been dealing with contamination of their recycling collections and propose a refined procedure of dealing with contamination which demonstrates our commitment to dealing with the small number of residents who continue to misuse the service.
- 2.9 In short, the new process consisting of a series of letters and visits used in a targeted manner would be further reinforced with robust sanctions against a persistent offender i.e. the serving of a legal notice and then if deemed necessary the issue of a fixed penalty notice.

3. RECOMMENDATIONS

It is recommended that:

- 3.1 Cabinet approve the implementation of an enhanced education and engagement process that incorporates the option to serve legal notices and in certain circumstances where deemed necessary the issue of fixed penalties to persistent offenders relating to recycling contamination .
- 3.2 Should Cabinet approve implementation of the recommended process the Fixed Penalty Notice (FPN) is proposed to be set at £70 reducing to £35 if paid within 14 days.
- 3.3 That a specific communication campaign is undertaken in advance of implementing the enhanced process.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In order for the Authority to reach the ever more stringent waste recycling targets set by Welsh Government, the Authority needs to go the extra mile to improve performance. Whilst previous education and engagement initiatives have helped to improve general awareness of the importance of waste minimisation and recycling and in turn appropriate participation, there are unfortunately a minority of people who are continuing to misuse the kerbside collection services we offer and thereby

compromising the laudable endeavours of the majority of residents who “waste less and recycle more”.

- 4.2 With some residents continuing to put the wrong materials in the recycling bins provided, the Authority is also at risk of incurring extra treatment costs to clean up the materials collected from the kerbside. A more robust engagement and enforcement process similar to that in place at other Councils across Wales will reduce the risks of suffering financial losses from contract penalties for additional treatment costs and infraction fines from Welsh Government for not meeting statutory recycling targets.

5. THE REPORT

- 5.1 At a meeting on 14th of September 2023 of the Members Waste Review Working Group, members were presented with options on how the Authority can deal with the small number of residents who persistently misuse the kerbside recycling collection service. The member's working group recognised that in order to maximise our recycling rates we must address our contamination levels. In reaching this conclusion, consideration was also given to the feedback received from the front line collection crews who expressed concerns that without enforcement, the education and engagement process would be ineffective in a small number of cases
- 5.2 Option 1 centred on a series of letters and visits with the ultimate sanction of bin removal. This process has been in place since ratification of an engagement process outlined in the 2014 Cabinet report (Appendix 1&2).
- 5.3 Option 2 centred on the sequential process of:
- the collection team applying an advisory contamination sticker to the designated recycling bin (week 1),
 - the issue of another sticker plus sending a letter and then a visit by an officer (Week 2&3),
 - serve a legal notice (week 4) incorporating a 21-day period to comply or appeal and in the meantime a final visit and a final chance to comply.
- 5.4 The use of bin contamination stickers, letters and visits by officers mentioned above, is a process that is already in use (and has been since July 2023) with the back office function being managed by the administrative team within the waste service. This report is not altering the early stages of that process in any way but is recommending the addition of a conclusion (legal notice) stage where the advice and guidance is persistently being ignored resulting in on-going contamination of the recycling stream. Given the low numbers involved (as set out in paragraph 5.7 below), the administration of this additional final step is a minor addition to the work of the waste admin team. It is also worth noting that it is intended to introduce “technology in the cab” during 2024 which will streamline the existing manual process and provide further assurance the data captured will be used to further refine our overall engagement, education and enforcement approach.
- 5.5 The notice procedure is set out in section 46 of the Environmental Protection Act (EPA) 1990 which allows a waste collection Authority to serve notice on the occupier of a premises to specify how, when and where waste should be presented for collection. A 21-day period to comply with the section 46 is provided but if the occupier fails to comply with the notice then a Fixed Penalty Notice (FPN) can be served. However, it

should be pointed out that the issue of the FPN would only be employed after all stages of dialogue have been exhausted.

5.6 The latter option (Option 2) has been considered following research on exemplar practice in other Welsh Local Authorities which proved that the hierarchical enforcement approach resulted in most people complying before the issue of a fixed penalty notice. For example, one Authority had issued 5000 letters to householders requesting the placement of clean recyclable material only, subsequently, the number of properties that required further action dwindled to the level whereby 260 legal notices were issued. With further engagement between officers and residents the majority of cases were resolved with only 2 householders being issued with a fixed penalty notice.

5.7 Caerphilly CBC's present monitoring and engagement regime for contamination of recycling bins is similar in numbers. These numbers have been confirmed since the monitoring process commenced at the beginning of July (approx. 12-13 weeks of data) :

Number of contamination stickers applied to bins 10,636

Number of letters sent to residents 908

Number of visits & second letters 247

Number of follow up visits 90

Number of recycling bins that could be removed or formal notice issued is less than 10

The number of formal notices that could be issued at 10 no. equates to a percentage of only 0.01% of the 75,000 weekly recycling collections that are undertaken.

5.8 As with most fixed penalty notice processes, the Authority has the powers to set its own FPN level including reduced tariffs for an early payment. The maximum FPN that can be set is £100 with the option for a reduction for early payment. The aforementioned authority utilises the maximum value of FPN at £100 with a reduction to £60 if paid within 7 days. It will be for Cabinet to confirm the level of FPN and there was debate at the Member Working Group on the level of FPN and concerns that it should be set at a level that is conscious of the current cost of living crisis. It is therefore proposed to set the level of FPN at £70 reducing to £35 if paid within 14 days.

Following lengthy and articulate debate by all members of the Working Group there was unanimous support for option 2 i.e.: the issue of an FPN process.

5.9 The Working Group Members stated that removing a recycling bin does not ultimately help either the householder or the Authority. The aim is to advise, encourage and enforce with the ultimate aim of transforming a householder's waste and recycling practices.

5.10 This process has been endorsed by stakeholders including the WLGA's Waste division and the WG consultants WRAP Cymru on the basis of the performance improvements achieved by those Councils utilising this approach. By implementing the process operated by the aforementioned exemplar Authority it is anticipated that Caerphilly CBC can make further gains in recycling performance.

5.11 The Authority is currently in the process of recruiting a team of recycling advisers and once in post, these staff will receive training in relation to the relevant legal process (section 46, EPA 1990) and processes for serving legal notices.

6. CONCLUSION

- 6.1 The working group concluded that the protocol for dealing with inappropriate participation in the kerbside recycling collection service be refined and enhanced to include the additional elements of enforcement using the appropriate legal measures set out in section 46 of the Environmental Protection Act which enables the Authority to serve legal enforcement notices followed by the issue of fixed penalty notices for non-compliance with the section 46 notice.
- 6.2 The use of the section 46 enforcement powers is an important element of our overall education and engagement approach that underpins our overall behavioural change ambitions over the long term. Specifically, the use of Section 46 notices is an important element to our overall focus upon reducing contamination rates in our recycling bins.

7. ASSUMPTIONS

- 7.1 It is assumed the appropriate staff are in place to deliver this new process and the digital interface will be in place during 2024 to further refine and improve the data capture. It is assumed that the positive responses and experiences from elsewhere in Wales will be mirrored across the county borough.

8. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 8.1 An integrated impact assessment has been developed and is attached as an Appendix (Appendix 3)

9. FINANCIAL IMPLICATIONS

- 9.1 The Authority is presently at risk of receiving infraction fines if it fails to attain the statutory recycling targets. These are set at a rate of £200 per tonne and could equate to an infraction fine of circa £400, 000 for failure to achieve the existing statutory target of 64%. This level of potential fines will increase alongside the increase in the statutory target which will increase to 70% for 2024/25. Minimising recycling contamination ensures that the amount of waste required for treatment and disposal is minimised thereby reducing our overall cost envelope.

10. PERSONNEL IMPLICATIONS

- 10.1 As detailed within the report, additional staff are currently being recruited to undertake this specific role.

11. CONSULTATIONS

- 11.1 The issue of public engagement and enforcement was discussed by the Waste Review Working Group on 14th of September 2023 specifically in relation to the kerbside waste and recycling collection services and the proposed contamination process.
- 11.2 All consultation comments received have been incorporated into the report.

12. STATUTORY POWER

- 12.1 Environmental Protection Act 1990
Clean Neighbourhoods and Environment Act 2005
Environment (Wales) Act 2016

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Background Papers:

Appendices:

Appendix 1 - Cabinet Report on Kerbside Collection of Recyclables 22nd January 2014

Appendix 2 - Regeneration and Environment Scrutiny committee Kerbside Collection of Recyclables 10th December 2013

Appendix 3 - Integrated Impact Assessment