

# **Consultation on options for local authority statutory performance standards on recycling and composting in 2007/08**

## **Defra questions and NAWDO response**

Nawdo welcomes the opportunity to comment on this timely and crucial consultation on future recycling targets.

On the issue of consultation Nawdo would kindly like to request that Government carry out more pre-consultation meetings with organisations such as Nawdo, Larac and CSS on crucial issues such as this. This type of approach was carried out to very good effect by Government during the development of PPS10, guidance on waste strategies and in development of recent proposals for changing recycling credits. Nawdo believes that extending this approach will not only help to build a partnership philosophy between central and local government on waste management issues but will also lead to more productive consultations. This in turn has the potential to cut the overall time from initiation to implementation of much needed change in the sector.

### **Introduction**

There is no doubt that Local Authorities and Government have transformed recycling in the UK over the last few years and all parties deserve credit for this work and progress. It is also clear that the existing recycling targets have been the cornerstone of that progression. They have largely been welcomed by Local Government which has generally anticipated further targets in order that firm plans can be made for the future.

Nawdo is therefore disappointed to see a consultation document that focussed purely on the short term and expresses little ambition and co-ordination with other drivers and targets, areas that are essential if Government is to meet it EU Landfill Directive targets and WDA's their LATS targets.

In the absence of WCA's having direct responsibility for LATS, recycling targets at a WCA level help WDA's meet their stringent targets. In addition where those targets are high, it has proven to drive true and real partnership working between WCAs and WDA's. Failure to recognise the value of challenging targets for WCA's risks WDA's either paying LATS fines or having to rely on powers of direction to WCA's, and paying costs in that manner. Either way will continue to place undue burdens on WDAs.

Government appears to recognise and accept Nawdo's view in this respect at para 3.10 of the consultation but sadly the consultation paper as a whole does not go on to address it.

Nawdo believes more should be done to encourage the linkage between any future standards and the diversion of biodegradable municipal waste in order to achieve Landfill Diversion targets. The lead-time for the delivery of waste management infrastructure and meeting statutory targets can be long and fraught with difficulties. Therefore any assistance offered by Government in the short to medium term to help Authorities in their attempts to divert biodegradable waste from landfill, is to be welcomed.

Nawdo firmly believes that the short term nature of previous targets has resulted in short term planning, and a lack of long term vision. This is beginning to change with the long term drivers of LATS, but the lack of any proposal for longer term recycling targets threatens to undermine this progress. This would neither be practical or value for money as costs spiral with panic decisions, and a private sector who know we are up against it. This point is recognised by Government at para 3.6 of the consultation paper. Through this consultation Government had an opportunity to give clear and strong direction and to set targets for the future but sadly has not taken it. Nawdo fully expects Government to set future targets and believes they are necessary to achieve the Landfill Directive targets but strongly advises Defra to take a more co-ordinated and long term approach that gives transparency to local government and allows for long term planning.

Nawdo also believes that targets for WCA's have led to the treatment of waste being pushed higher up the waste hierarchy. WCA's are best placed for high quality source separation and recycling. In reality if waste is left un-segregated by the time its reaches a WDA it is more likely to be recovered and therefore dealt with lower down the waste hierarchy. Improved targets are therefore essential to continue to ensure waste is managed properly.

It is within this context that the Nawdo response (outlined below) is provided.

## **Option 1**

### **Question 1**

- a) ***Do you agree with the assessment that it is not a realistic proposal to not set any further recycling and composting targets for local authorities?***

Nawdo entirely supports this assessment. Recycling targets have galvanised recycling in the UK and, where those targets are challenging, have led directly to increased partnership working between WCA's and WDA's. They have also given clear, transparent and meaningful targets for Local Authorities to plan for, and assisted Government in achieving its aims of landfill diversion under the European Landfill Directive. Removal could potentially see a reduction in recycling and composting activity which would be greatly detrimental to UK's requirements under the Landfill Directive.

Such an approach would not support other Government legislation and regulation governing local authorities. For example the ethos and philosophy of Best Value and improvement driven by Corporate Performance Assessment (CPA). Nawdo believes the whole of this consultation does not support the overall improvement philosophy established by Government.

To remove targets will send the wrong message to the public, whose participation is crucial if longer-term targets are to be achieved

The removal of targets could also materially affect the drive towards partnership working. At present they are key legislative driver for tying WCA and WDA together. WDA's have stringent LATS targets and currently this is the key driver for WCA's to be involved and contribute to the WDA's LATS and Governments Landfill Directive targets.

## **Option 2**

## **Question 2**

### **a) *Do you agree with the proposal to maintain the 2005/06 recycling and composting targets for 2007/08?***

Nawdo does not support this proposal. This approach as well as having no ambition could and is already been perceived as a softening of enforcement by the Government and again lacks ambition and continuous improvement. It could also lead to authorities who are currently vastly exceeding their targets to consider reductions in services on the grounds of cost or for the Gershon efficiency drive.

Nawdo is also concerned that this approach could be perceived as effectively removing the 2005/06 target for most authorities, implying instead that they now have a further two years in which to attain the required standard. This would be a regrettable position and likely to make it more difficult for Government to take firm enforcement on those who fail to meet the 2005/06 targets.

## **Question 3**

### ***Do you feel that any further modifications should be made to this proposal to focus targets for 2007/08?***

Until this document was released Nawdo was not aware that existing targets once met did not have to be maintained. Nawdo believes that in reality this will not occur because of public demand/outcry. However, it does believe the Government needs to take steps to ensure this cannot happen and that performance is maintained once achieved. Nawdo believes this is particularly important for any WDA which needs to direct a WCA to help it meet stringent LATS/Landfill Directive targets.

It has been perceived by WDA's that should, as a last resort, powers of direction be required they would only need to pay WCA costs above that taken to achieve/maintain their Statutory Targets. However, if the system, as implied, is allowed to occur it is theoretically possible that a WCA could state it has no intention to continue with recycling on cost grounds and, therefore, claim that the WDA should meet more/all of its costs. Nawdo appreciates this is an awkward issue and one that is based on speculation and theory but wishes to draw the matter to the Governments attention as it is known that some WCA's have already indicated such moves are feasible.

If this occurs it will be highly confrontational which could even end in the courts. This will waste money and just importantly time in making necessary and much needed change.

## **Option 3**

## **Question 4**

### ***Do you agree with the Government's preferred option to maintain the level of recycling performance at 2005/06 levels and increase the floor recycling target from 18% to 20% for 2007/08?***

Of the options offered by the Government this is the one preferred by Nawdo as it recognises the need to raise the level of achievement with lower performing authorities. However, as for the reasons detailed above Nawdo does not support this proposal. It is imperative that targets for all authorities are designed and focussed on delivering the more pressing Landfill Directive targets.

Nawdo is also concerned that this option does not offer a consistent or fair approach to recycling targets and could be deemed to further support those authorities who have historically under performed.

Nawdo accepts that, in some areas, it is easier to achieve higher recycling performance than others i.e. Shire Counties to inner cities and this needs to be taken into account.

However, leading Councils are now achieving 50% recycling and NAWDO would like targets to be set that continue to challenge all local authorities in particular those that currently achieve around 18%. Those authorities who engaged/embraced recycling early and received an 18% recycling target in 2003/04 were then given two years in which to achieve a 50% increase to 27%. Similar criteria may be applied to local authorities that have historically underperformed.

In addition Government have stated that under the last FSS they put an additional £880 million into EPCS for waste management up until 2007/08. We are led to believe that all WCA's and WDA's are funded in a similar manner/formula so accepting the general rule that recycling costs more how can Government justify accepting lesser performance by some authorities in this manner when they have received similar settlements to achieve increased performance.

Nawdo would also like to see Government offer clear guidance to the Audit Commission who judge and score local authorities on their performance against statutory targets in CPA and other assessments. In the judgment for say CPA will an authority who fails to meet a 30% plus target for example be treated in similar manner to one who fails to meet a 20% target?

### **Question 5**

***Do you feel that any further modifications should be made to the proposal to focus any future targets?***

Nawdo believes this consultation offered Government the opportunity to consult on longer term targets. Nawdo accepts and understands Government requirements to reserve various aspects for the revision of the National Waste Strategy. However, Nawdo believes that as a minimum this was a missed opportunity to gauge general support for the principles and format of future targets. This information could then have filtered into the waste strategy revision process.

It would appear under this consultation that no account has been taken of increased performance by local authorities who have benefited under negotiated LPSA settlements or through additional Defra funding. In some instances the level of support has been extensive. Nawdo does not believe this approach to be fair to those authorities who have been unsuccessful in achieving such assistance. Any further/new targets should as a minimum abide by the agreed outcomes to the additional support.

It is Government's stated aim to link statutory performance targets to those associated with the diversion of biodegradable waste from landfill. Under the current BVPI system it is theoretically possible to achieve the combined targets for recycling and composting (82a + 82b) without the recycling of large amounts of biodegradable waste – particularly for those Authorities with lower targets. . Future targets should take into account the need to increase biodegradable waste diversion.

Nawdo would also suggest that tonnage sent for re-use (and on which re-use credits are paid by an Authority or through CA site activity) should be included within BVPI82a calculations, or given some form of higher consideration than currently exists. If not, there may be a perverse incentive to send the material for recycling in order for it to be counted towards the performance standard rather than re-use which is higher up the hierarchy.

## **Option 4**

### **Question 6**

***Do you agree with the recommended approach to not remove the 30% cap on recycling and composting targets for 2007/08?***

Nawdo does not support this approach and believes Government should carry out an impact assessment if this approach is to be adopted for two reasons.

Firstly to fully understand the effect it will have on the Government and WDA's meeting their requirements under the EU Landfill Directive and LATS. As the EU Directive is the primary driver for waste management practice in this Country it is crucially important that legislative drivers, such as this, fully support the aims and objectives.

Secondly, to understand what the continuation of the cap for high performing WCA's will have on WDA targets. In some areas WDA's will have a 30% or near 30% uncapped target which has in part set with the proviso that high performing WCA's would achieve a higher than 30% performance. The result of the cap will mean WDA's will need to recycle far more. In some instances this could lead to unreasonable and unsustainable expectations of performance from Household Recycling Centres until alternative technology to landfill can be provided to deal with the non recycled waste delivered by WCA's. Where HRC performance is relied on by WDA's the problem is already exacerbated by the fact that easily recyclable material will have already been removed by the WCA's for the same purpose.

### **Question 7**

***Do you feel that any further modifications could be made to the proposal to make it more acceptable to Government and the local authorities concerned?***

As indicated earlier in this response Nawdo believes that Government should take account of former agreed LPSA targets and Defra funding.

If the 30% cap remains it is important that Government sends out the right and positive messages on recycling and should actively encourage local authorities to continue the excellent work that has already prevailed and to go beyond the cap. This approach would be inline with the principles of Best Value and the positive 'Direction of Travel' expected under CPA assessments for which waste still remains a key performance indicator even if not the critical indicator initially proposed.

## **Pooling of Targets**

### **Question 8**

***Do you agree with the proposal to allow pooling arrangements similar to those previously deployed?***

Nawdo firmly supports joint working between WCA's and WDA's and believes pooling helps facilitate this, and therefore fully supports this approach. Pooling could also be a useful tool to help overcome the concerns raised above about the keeping the 30% cap and its potential effect on Household Recycling Centres.

However, Government will need to take close account of the development of pooling arrangements if and when setting future targets. Nawdo believes that pooling arrangements put forward and accepted by Government should be binding on each individual authority as the Statutory recycling target would have been. The Government should also satisfy itself that any pooling arrangement would not reduce overall performance. This would be particularly important if two WCA's pooled within a County as any reduction in overall performance would then put undue pressure on the WDA target.

## **Engagement and Intervention in poor performing authorities**

### **Question 9**

***Do you agree that any local authority failing to meet its statutory performance standards for recycling and composting can expect to receive some form of engagement or intervention from Government?***

Nawdo fully supports this approach. Government needs to be prepared to fully support /enforce its own initiatives and demonstrate it is serious about achieving national targets and all local authorities playing an active role in doing so. However, Nawdo accepts that there may be difficulties for higher performing Authorities in the achievement of increased targets. Therefore it is suggested that there needs to be more flexibility when considering why an Authority with a higher target may not have reached the expected levels.

The most intensive intervention should be targeted at those Authorities with the lowest recycling and composting rates.

### **Question 10**

***Do you have any specific comments on the form of engagement of intervention used?***

What is most important is a consistent and fair approach to this issue. The personal intervention of a senior civil servant, or, better, a Government minister, is a very strong indicator of where the government's own priorities lie. Early engagement and personal discussion is better than intervention that is too late and based on direct measures. **(Note this is an exact copy of the Larac response drafted by Andrew Craig, which I believe is spot on)**

### **Question 11**

***Which of the options (One to Four) is your preferred approach to setting targets in 2007/08?***

As stated, of the options presented Nawdo favours Option 3. However, Nawdo believes that this lacks ambition and sends out the wrong messages for the future.

Clear, transparent and structured targets for the future give direction to local authorities and enable better long term planning for new infrastructure/ technology when it becomes a necessity to achieve the targets. Future targets should clearly link into national targets such as the Landfill Directive. In this respect Nawdo strongly advises Government to establish as a minimum, further targets in 2009/10 and 2012/13 to reflect the key target years under European Landfill Directive. Using the extensive waste management information and statistics now available these targets should ensure that the UK firmly meets its European obligations and avoids infringement proceedings.

Finally Nawdo would encourage Government to look at targets and other drivers holistically and ensure they are pulling in the same direction. Developed approaches should be consistent with requirements of the EU Landfill Directive. Nawdo believes Government needs to keep a close eye on how waste management is funded especially when areas are providing very different services due to large differences in targets. Sadly waste management funding in this Country is not transparent and Government risks having money allocated for waste management used for other services especially where waste management legislation, guidance and drivers are not considered holistically.