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<b>REPORT TO:</b>	<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>16<sup>th</sup> NOVEMBER 2017</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>INTERIM STRATEGIC DIRECTOR</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ADRIAN LOWERY - ext.5764</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>THE WASTE (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2012</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 Committee is recommended to approve the process for procurement of a new recycling contract ensuring that The Waste (England and Wales) (Amendment) Regulations 2012 are complied with.

## **2.0 Purpose of Report**

2.1 Committee is asked to consider the implications of The Waste (England and Wales) (Amendment) Regulations 2012 and the timescales for the successful procurement of a new recycling collection and processing contract.

## **3.0 Detail**

3.1 The Waste (England and Wales) (Amendment) Regulations 2012 set out the duties in relation to the collection of waste, the section relevant to recycling became effective from 1<sup>st</sup> January 2015.

3.2 Under the legislation every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.

3.2 The duties in this regulation apply where separate collection—  
(a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and  
(b) is technically, environmentally and economically practicable. This is commonly known as the TEEP test.

3.3 The Waste Resource Action Programme has issued a route map to enable Local Authorities who follow it to demonstrate compliance with the regulations.

3.4 The current recycling contract is an eight year fixed term fixed price contract which will end in October 2021. In order to ensure any future contract complies with both procurement rules and waste regulations it is important to start the process at the earliest practicable time.

3.5 The following is the proposed timetable for the procurement of a new recycling contract.

ACTION	Start Date	End Date
Develop methodology for testing the requirements of the regulations.	June 2018	August 2018
Apply the testing to current service provision	September 2018	March 2019
Soft market testing	April 2019	August 2019
Revisit testing to any proposed changes to current service provision.	August 2019	November 2019
Prepare committee report for draft specification and tender documents	November 2019	January 2019
Committee consider draft specification and tender documents		February 2020
Revisit TEEP test if necessary	March 2020	April 2020
Prepare committee report for final specification and tender documents	May 2020	June 2020
Committee approve final specification and tender documents		July 2020
Tender submissions	August 2020	October 2020
Tender evaluation	October 2020	November 2020
Prepare contract award report	November 2020	December 2020
Committee approve contract award		January 2021
Contract signed		March 2021
Contract implementation	April 2021	October 2021
Commence new contract		October 2021

#### **4.0 Financial Implications**

4.1 No direct financial implications, however, a future recycling contract will have revenue implications.

#### **5.0 Corporate Implications**

5.1 Any new recycling contract will not commence until the current Corporate Plan has expired in 2021, however, this project should help to inform on any future Corporate Plan outcomes.

5.2 Legal implications – failure to comply with the The Waste (England and Wales) (Amendment) Regulations 2012 could lead to intervention from the Environment Agency, however, no direct guidance on compliance has been issued and there is no relevant case law; as such each Local authority is required to satisfy themselves that they are compliant.

5.3 Employment Implications - staff resources will need to be allocated to the project from Direct Services, Procurement, Communications and Legal; any need for additional resources will be the subject of further reports to committee.

5.4 A communications plan will be developed at the commencement of the project.

#### **6.0 Community Implications**

6.1 Any new recycling contract will not commence until the current Community Strategy has expired in 2021, however, this project should help to inform on any future Community Strategy outcomes.