

**Open Report on behalf of Andy Gutherson, County Commissioner for
Economy and Place**

Report to:	County Council
Date:	14 December 2018
Subject:	Joint Municipal Waste Management Strategy

Summary:

This paper accompanies the proposed final version of the replacement Joint Municipal Waste Management Strategy (JMWMS). The JMWMS sets out how the eight local authorities of Lincolnshire (the County Council as Waste Disposal Authority and the district councils as Waste Collection Authorities) and the Environment Agency will work together as the Lincolnshire Waste Partnership (LWP) to protect the environment by delivering sustainable waste management services and by establishing best value waste management practices. It is proposed that this JMWMS will replace the former version adopted in 2008, which is now out-of-date.

The LWP has endorsed the JMWMS as being ready to be presented for adoption by each of its member councils. As the JMWMS is a joint document, it can only be formally adopted if all the member councils agree to its adoption. As a result, a resolution for its adoption is currently being sought from each local authority.

For this Authority, the Executive has endorsed the JMWMS and recommended its adoption by the full County Council, subject to its adoption by the Waste Collection Authorities.

Recommendation(s):

That the County Council resolve to formally adopt the proposed Joint Municipal Waste Management Strategy (JMWMS), as set out in Appendix A, to take effect at such time as all the Waste Collection Authorities in Lincolnshire have adopted the document in the same form.

1. Background

Under the Waste and Emissions Trading (WET) Act 2003, authorities in two-tier areas have a duty to have, and to keep updated, a shared waste strategy. This allows Waste Collection Authorities (WCA) and Waste Disposal Authorities (WDA) to work together in deciding how they will manage municipal waste in their area. In Lincolnshire, this duty was met through the Joint Municipal Waste Management

Strategy (JMWMS) adopted in 2008, but that strategy is now considered to be out-of-date. A proposed replacement JMWMS set out in Appendix A has therefore been produced by the Lincolnshire Waste Partnership (LWP), which comprises:

- the County Council as WDA;
- the seven district/borough/city councils as WCAs; and
- the Environment Agency as the Waste Regulatory Authority.

The proposed replacement JMWMS has been through a number of stages in its preparation as set out below:

- July 2017 – LWP agreement of a vision and a list of objectives
- 2017/18 – Various initial drafts developed and revised
- March 2018 – Consultation Draft approved by LWP
- April to July 2018 – Public Consultation, including formal scrutiny by LWP partner councils
- August 2018 – Revised Draft prepared in the light of consultation responses, including comments from Environment and Economy Scrutiny Committee
- 10th September 2018 – LWP endorsed JMWMS as ready for formal adoption by each partner council
- 18th September 2018 – Environment and Economy Scrutiny reviewed the Revised Draft JMWMS and recommended that that it be adopted by the County Council
- 6th November 2018 – County Council Executive endorsed the final JMWMS and recommended that that it be adopted by the County Council

Early in the development of the new JMWMS, consideration was given as to whether the process should be a light-touch review of the existing Strategy or should produce a completely new Strategy. In this respect the LWP identified that there had been significant changes to the waste management landscape, both in Lincolnshire and more widely including:

- the successful development of the County Council's Energy from Waste facility – reducing the LWP's landfilling from over 50% to under 5% of its waste, and meeting two of the 2008 strategic objectives (5 and 6);
- reduced council budgets resulting from national austerity;
- the adoption of the European Union's Circular Economy Package (further details of which can be found in section 3.1 of the proposed JMWMS);
- the UK's upcoming exit from the European Union; and
- stalled recycling rates, which have reached a plateau nationally and started to fall locally.

As a result it was considered that a completely new strategy would be needed to make it forward-facing rather than backward looking.

The proposed JMWMS sets out, in Chapter 1, the LWP's new vision and strategic objectives. The **vision** is:

“To seek the best environmental option to provide innovative, customer-friendly waste management solutions that give value for money to Lincolnshire.”

To help achieve this vision the following **strategic objectives** have been set:

1. To improve the quality and therefore commercial value of our recycling stream
2. To move towards a common set of recycling materials
3. To consider the introduction of separate food waste collections where technically, environmentally and economically practicable.
4. To explore new opportunities of promoting waste minimisation and of using all waste as a resource in accordance with the waste hierarchy.
5. To contribute to the UK recycling targets of 50% by 2020 and 55% by 2025.
6. To find the most appropriate ways to measure our environmental performance, and set appropriate targets.
7. To seek to reduce our carbon footprint.
8. To make an objective assessment of what further waste processing/disposal capacity is required and, as necessary, secure appropriate capacity.
9. To regularly review the LWP governance model in order to provide the best opportunity to bring closer integration and the implementation of the objectives set by the strategy.
10. To consider appropriate innovative solutions in the delivery of our waste management services.

As well as addressing the challenges of the new landscape (particularly through objectives 3 and 6 to 10), the stated objectives for the new JMWMS echo some of the same themes as the 2008 strategic objectives, specifically:

- Improving recycling (new objectives 1 and 5);
- Waste minimisation (new objective 4);
- Customer-friendly services (new objective 2); and
- Value for money (new objective 4).

Chapter 1 of the new JMWMS also summarises the contents of the rest of the document including:

- A summary of key legislation;
- An assessment of our current services;
- Actions to achieve our objectives, along with an initial Action Plan; and
- Notes on the next steps to be taken beyond adoption of the Strategy.

Public Consultation

As referred to in the above timeline the proposed JMWMS was released for 90 days of Public Consultation between April and July 2018. Details and analysis of the consultation responses, including those from LWP partner councils, can be found in Appendix B of the JMWMS. Also listed there are the changes made in response to the feedback received which included:

- Strengthening of some of the **strategic objectives**, whilst keeping the overall meaning which 89% of respondents agreed with; and
- Adding an initial **Action Plan** (included in the JMWMS as Appendix D) to indicate ways in which the LWP will work together to achieve the agreed objectives.

The County Council must give conscientious consideration to the results of the consultation in reaching their decision.

Strategic Environmental Assessment

The proposed JMWMS has also been subject to Strategic Environmental Assessment (SEA). Such an assessment is a legal requirement for certain types of plans and programmes under the Environmental Assessment of Plans and Programmes Regulations 2004. Under those Regulations the relevant plan or programme (in this case the JMWMS) cannot be adopted unless account has been taken of the Environmental Assessment Report and the responses to consultation on the JMWMS and the Report.

The SEA Environmental Report was circulated as part of the JMWMS Public Consultation. The main body of the Environmental Report is attached at Appendix B. The Appendices, which relate to baseline data, other plans and an earlier stage of consultation, are not attached but can be viewed on the JMWMS web page (see address in the Background Papers section of this report).

Whilst most of the identified environmental impacts are positive, the Environmental Report does suggest some potential negative impacts. These have been and will continue to be addressed as follows:

- Additional infrastructure required for food waste collections – The strategic objective relating to this now explicitly states that the LWP will "consider the introduction of separate food waste collections where technically, **environmentally** and economically practicable".
- Sustainability and potential environmental impacts of possible new residual waste management facilities – The strategic objective relating to this has been widened to include consideration of treatment higher up the Waste Hierarchy. Also, the actual development of any sites will be subject to environmental assessment and monitoring.
- Need for monitoring – As stated in the strategic objectives and Action Plan, the LWP will identify and report on a suite of appropriate measures for environmental performance. The measures proposed in the Environmental Report will be considered for this list.

Appendix B of the JMWMS contains the results and analysis of the public consultation on the Environmental Report alongside those for the JMWMS itself.

Action Plan

The initial Action Plan, included in the proposed JMWMS as Appendix D, is based around four main workstreams developed in discussion with the LWP's council Chief Executives. A fifth workstream has been added to reflect the need arising from the objectives of the JMWMS and from the SEA to monitor our environmental performance. These workstreams, and the thinking behind them, are described in more detail in section 7.5 (page 55) of the proposed JMWMS and comprise:

1. Strategic Review of Kerbside Mixed Dry Recycling Collection and Disposal
2. Food Waste Trial
3. Strategic Review of Options for Continuous Improvement for Waste Collection and Disposal Arrangements in Lincolnshire
4. Location of additional processing/disposal sites; and
5. Choosing performance indicators appropriate to measure environmental performance

It should be noted that the initial Action Plan largely relates to the development of future proposals, and that any specific proposals arising from that work will themselves be subjected to the normal political decision-making processes.

Adoption

Each partner council is now asked to undertake the necessary processes for formal adoption of the JMWMS and thus fulfil their duties under the WET Act.

Recommendation of the Executive

The matter was considered by the Executive at its meeting on 6 November 2018. The Executive decision was that the proposed JMWMS, as detailed at Appendix A to the report, be endorsed and recommended to the County Council at its meeting on 14 December 2018 that the said Strategy be formally adopted by the County Council, subject to the Strategy in the same form being formally adopted by all the waste collection authorities in Lincolnshire.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

An Equality Impact Analysis has been carried out, and this was updated in the light of responses to the formal consultation. That consultation included specific questions regarding any potential positive or adverse impacts on any of the protected characteristics groups.

Key negative impacts identified, and mitigation measures, included:

- Confusion over service changes (consultation responses mentioned various groups, particularly the elderly) – Any changes will be accompanied by focussed communications by a variety of means
- Accessibility to services – Assistance (e.g. assisted collections) will be provided to those who need it
- Health issues for the vulnerable from decaying food – Any new collections would be weekly. In most cases this is more frequent than existing collections (included with general waste)

Further details are given in the EIA which is attached as Appendix C to this report.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The proposed JMWMS is considered to contribute to the aims of the JHWS by taking into account and minimising impacts on the environment.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

This obligation has been considered but is not thought to be directly affected by the proposals in the JMWMS.

3. Conclusion

The proposed JMWMS has been endorsed by the LWP as being ready to go before each partner Council for formal adoption. It has been prepared with the cooperation of all eight Lincolnshire councils together with the Environment Agency, and has public support as evidenced through the consultation process.

The preparation of the JMWMS has also been subject to Strategic Environmental Assessment and it is considered that it promotes the right balance between selecting the best environmental options and providing value for money.

4. Legal Comments:

The Council is under a duty, together with other Councils in Lincolnshire, to have and keep up to date a joint waste strategy. Approval by full Council of the Joint Municipal Waste Management Strategy (JMWMS) proposed in the Report would fulfil this obligation.

The full Council must give conscientious consideration to the results of the public consultation on the JMWMS and must take account of the Strategic Environmental Assessment Report and the results of the consultation on that Report in reaching a decision.

The JMWMS is part of the policy framework of the Council and approval of the JMWMS is therefore reserved to the full Council.

5. Resource Comments:

Accepting the recommendation in this report, adoption of the Joint Municipal Waste Management Strategy by the Council, should have no direct financial impact on the Council. Any costs arising from the adoption of this strategy and the associated action plan, will need to be met from service budgets approved by the Council.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Environment and Economy Scrutiny Committee considered the revised draft of the Joint Municipal Waste Management Strategy at its meeting on 18 September 2018. The Committee was advised that the Council had a statutory duty to have a waste management strategy in place, and this had been jointly created with the district councils through the Lincolnshire Waste Partnership. The Environment and Economy Scrutiny Committee endorse the revised Draft Joint Municipal Waste Management Strategy and recommend that that it be adopted by the County Council on 14 December 2018.

d) Have Risks and Impact Analysis been carried out??

Yes

e) Risks and Impact Analysis

Set out in the body of the Report and its Appendices

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Waste Strategy for Lincolnshire (final version of JMWMS)
Appendix B	Strategic Environmental Assessment Report (main body)
Appendix C	Equality Impact Analysis

8. Background Papers

Document title	Where the document can be viewed
Strategic Environmental Assessment - Environmental Report including Appendices	https://www.lincolnshire.gov.uk/recycling-and-waste/waste-strategy-for-lincolnshire/37756.article
Executive Report – Joint Municipal Waste Management Strategy dated 6 November 2018	Democratic Services. Included in agenda reports pack at: http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4973&Ver=4

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