

**REPORT TO:** Executive Board

**DATE:** 23<sup>rd</sup> September 2010

**REPORTING OFFICER:** Strategic Director Environment and Economy

**SUBJECT:** Waste Management Strategy Review

**WARD(S):** Borough-wide

## **1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the current position in relation to Halton's Municipal Waste Management Strategy and seek Members approval to defer a full review of Halton's Strategy for the reasons outlined in this report.

## **2.0 RECOMMENDATION: That**

- (1) Members approve the deferral of a planned full review of Halton's Municipal Waste Management Strategy for a period of up to a further two years;**
- (2) Members approve the updating of associated supplementary documents, including the Councils Waste Action Plan, to ensure that documents remain up to date and fit for purpose, and that;**
- (3) Members receive further reports once the supplementary documents have been updated and the outcomes of relevant waste policy reviews are known.**

## **3.0 BACKGROUND**

- 3.1 Halton's current Municipal Waste Management Strategy was published in 2008. The Strategy is an update of a previous document and the updating of the Strategy was carried out with Defra direct consultancy support funding. A local consultation exercise was carried out as part of the review and updating process.
- 3.2 As per Defra guidance on producing Waste Management Strategies, a number of supplementary documents were produced to support the Council's 'headline' Strategy document. These documents included a Waste Action Plan that set out Halton's actions to meet the objectives and targets contained within the Strategy. A sustainability appraisal of the Strategy was also completed.

- 3.3 It was intended to carry out a full review of the Council's Municipal Waste Management Strategy in 2010. This was a pledge made in the current document. However, having taken a number of factors into account, it is considered that a full review of Halton's Strategy is not necessary and should not be carried out at this stage. This report provides details of the relevant factors and Members are asked to consider and support a recommendation that the planned full review of Halton's Strategy should be deferred.
- 3.4 Halton is a member of the Merseyside and Halton Waste Partnership. The planned review of Halton's Strategy was timed to coincide with the full review of the Joint Municipal Waste Management Strategy (JMWMS) for Merseyside. As Halton had intended to maintain a separate Strategy to that of the Merseyside authorities, the deferral of the Halton review will not impact upon the review of the Merseyside Strategy.

#### **4.0 SUPPORTING INFORMATION**

- 4.1 As a unitary authority, Halton Borough Council is both a waste collection and a waste disposal authority. This means that it does not have the same statutory duty to produce and review its Waste Strategy as 'two tier' authorities, where the waste collection and disposal functions and responsibilities sit with separate authorities.
- 4.2 A comprehensive review of Halton's Strategy will require the use of external consultants to undertake a number of work streams, including a Strategic Environmental Assessment and a public consultation exercise. The review would therefore be costly and it is considered to be a prudent course of action to await the outcome of various issues before carrying out such an exercise, particularly given the current financial pressures facing the authority.
- 4.3 The proposal to defer the review of the Strategy takes into account current guidance, particularly an information note on the review of Joint Municipal Waste Management Strategies published by the Defra Waste Programme in December 2009 which, although aimed at 'two tier' authorities, suggests that authorities will wish to consider the timing of any review of their strategy. A copy of this note is attached as appendix 1. Members will see that the information note states that it may be appropriate for authorities to await the outcome of forthcoming policy consultations before carrying out a review of their strategies.
- 4.4 As the last update of Halton's Strategy was quite recent, the targets, aims and objectives are still relevant. For example, the overall recycling and composting targets are stated as: *at least 30% of household waste recycled or composted by 2010 and at least 40% by 2020*. These are set as realistic targets and are shown as a minimum, and not a maximum, achievement. There is still an aim to exceed 40% recycling and move towards the 50% target in the national waste strategy published in 2007.

4.5 Members are advised that there has been no significant change in local circumstances, policy and priorities and as such it is regarded that the Council's current Strategy remains fit for purpose.

4.6 The key reasons why it is proposed to not carry out a full review at this stage are summarised below:

- Defra advice note on review of Joint Municipal Waste Management Strategies, December 2009 (see Appendix 1).
- The costs associated with the review process.
- The major review of waste policy in England announced by the Environment Secretary in June.
- Impending legislation has resulted in recent or current Defra consultations (e.g. possible landfill bans) which could substantially change the approach to Halton's Strategy.
- Carbon targets could form a new basis for performance rather than an emphasis on recycling targets. It remains to be seen if Defra reintroduce statutory recycling targets for each Authority.
- Halton's current Strategy was only updated in 2008 and is still relevant and fit for purpose.
- The current Strategy does not prevent Halton from continuing with the existing partnership arrangements for procurement of long term residual waste treatment capacity or from continuing with contractual arrangements already secured for Merseyside and Halton.
- Halton will continue to update its Waste Action Plan to ensure continued progress in increasing the levels of waste diverted from landfill.

4.7 To seek clarification on the situation, Halton was considering sending a position statement to Defra outlining the reasons why Halton proposed not to carry out a comprehensive review of its Strategy at this stage. That position statement included all of the factors outlined in paragraph 4.6 above. Following consideration of the Council's position statement, a reply was received from Defra's Waste Strategy team which stated;

*"We are happy with the decisions you are taking on this – clearly you are taking this responsibility seriously in keeping us informed, and we recognise your reasons for delaying a review at this stage, given the overall policy review that is going on. We are happy with this".*

4.8 It is recommended that the supplementary documents that sit under the current headline Strategy, principally the Waste Action Plan, are updated to ensure Halton continues to achieve the aims and objectives set out in the Waste Strategy. This will ensure that Halton continues to make progress towards increasing recycling and reducing waste sent to landfill.

4.9 For the reasons outlined in this report, and in light of the response received from Defra, the recommended course of action is summarised as follows:

- Defer a comprehensive review of Halton's Waste Management Strategy for a period of up to a further 2 years.
- Await the outcome of government reviews, namely the recently announced waste policy review and the review of duties under the Waste and Emissions Trading (WET) Act 2003, before commencing a Strategy review process.
- Continue to update supplementary documents and plans.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 To not undertake a full review of the Council's Waste Strategy should be seen as a prudent measure as it will result in the avoidance of unnecessary spend associated with public consultation, strategic environmental assessment under the SEA directive and in producing a revised Strategy.

## **6.0 POLICY IMPLICATIONS**

6.1 There are no new policy implications as a result of this report.

## **7.0 OTHER IMPLICATIONS**

7.1 There are no other implications arising from this report.

## **8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **8.1 Children and Young People in Halton**

No direct impact

### **8.2 Employment, Learning and Skills in Halton**

No direct impact

### **8.3 A Healthy Halton**

No direct impact

### **8.4 A Safer Halton**

No direct impact

### **8.5 Halton's Urban Renewal**

No direct impact

## **9.0 RISK ANALYSIS**

- 9.1 There was a perceived risk of challenge by Defra if the Council did not carry out the planned full review of its Municipal Waste Management Strategy, considering the implied policy duty to have a strategy that is fit for purpose. Whilst not a statutory duty for a unitary authority this duty is set out in previous Defra guidance.
- 9.2 This risk has been mitigated by seeking advice from the Defra's waste strategy team as outlined in paragraph 4.7.

## **10.0 EQUALITY AND DIVERSITY ISSUES**

- 10.1 There are no equality and diversity issues as a result of this report.

## **11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

- 11.1 There are no background papers within the meaning of the Act

## Appendix 1

### Information note: review of Joint Municipal Waste Management Strategies

You may be aware that Defra is currently reviewing the duty contained in section 32 of the Waste and Emissions Trading Act 2003 (WET Act) for local authorities in two-tier areas to produce Joint Municipal Waste Management Strategies (JMWMS). The reason we initiated the review was that the Local Authority Performance Framework, which commenced on 1 April 2008, abolished Comprehensive Performance Assessments (CPA) and statutory recycling targets; good performance under either was grounds for exemption from the section 32 duty.

We held informal discussions with key stakeholders in the Spring to take views on a range of possible approaches. We are using their input to define a set of options, on which we are aiming to consult formally in the next few months. Defra is of the view that the provisions in the Joint Municipal Waste Management Strategies (Disapplication of Duties) (England) Regulations 2007 on the duration of exemptions mean that any exemptions that waste authorities are known to have currently can continue until a new policy comes into effect.

Those authorities which are required to have a JMWMS are also required, by section 32(2) of the WET Act, to keep their strategies under review. Defra's current statutory guidance on Municipal Waste Management Strategies, to which authorities must have regard, says that authorities should review their strategies at least every 5 years.

In light of the planned changes to the duty to make strategies, authorities will wish to consider the timing for any review of their strategy. In doing so they should consider the requirements of the WET Act and government guidance, and should seek their own legal advice. The principal factor governing the frequency of review is any changing local circumstances, policy and priorities (for example, a significant change to the projected level of waste arisings). These might require a review to ensure that the strategy remains relevant and up to date. In the absence of any major local change it may be appropriate for authorities to await the outcome of the forthcoming policy consultation before embarking on a review.

Should you have any further queries on Joint Municipal Waste Management Strategies, please contact Philip Walker of Defra's Waste Programme on 020 7238 4376 or email [Philip.Walker@defra.gsi.gov.uk](mailto:Philip.Walker@defra.gsi.gov.uk).

Defra Waste Programme  
December 2009