

## CABINET

**Subject Heading:**

East London Joint Resources and Waste Strategy - Approval of Public Consultation

**Cabinet Member:**

Cllr Osman Dervish

**SLT Lead:**

Barry Francis

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**Policy context:**

The East London Waste Authority (ELWA) and its constituent Boroughs (the 'Partner Authorities') are statutorily required to produce a Joint Resources and Waste Strategy (JRWS) to replace the existing strategy which is expiring. Waste management will also be a key topic within Havering's upcoming Climate Action Plan.

**Financial summary:**

ELWA has set up a Strategy Reserve to cover the costs arising out of the development and planning for post 2027 waste disposal arrangements. Consequently, there is no separate strategy expenditure included in the budget and levy approved by the Authority on 4 February 2019.

**Is this a Key Decision?**

Yes

(c) Significant effect on two or more Wards

**Cabinet, dd mmmm yyyy**

**When should this matter be reviewed?**

February 2022 will see a new decision for formal adoption of the Strategy.

**Reviewing OSC:**

Environment OSC

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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## **SUMMARY**

- 1.1 As Waste Collection Authorities (WCAs) the London Borough of Havering and the other 3 Constituent Boroughs of the East London Waste Authority (ELWA) (Barking and Dagenham, Newham and Redbridge) collect household and other waste that is subsequently treated and/or disposed of by ELWA as the Joint Waste Disposal Authority (JWDA).
- 1.2 ELWA and its constituent Boroughs (the 'Partner Authorities') are statutorily required to produce a Joint Resources and Waste Strategy (JRWS) to replace the existing strategy which is expiring.
- 1.3 The Preliminary Draft of the new East London Joint Resources and Waste Strategy (ELJRWS) has been developed in close cooperation between officers and Members of the Partner Authorities (Appendix 1).
- 1.4 The context around the Partner Authorities delivering waste management services is subject to considerable change over coming years, with changes to national waste policy, obligations through the London Environment Strategy (LES), and the ending of ELWA's current treatment contract in 2027 with the need to develop successor arrangements. Summaries of the above are provided in Appendix 2.
- 1.5 Whilst there are constraints and uncertainties around some of the above, particularly around the context in which ELWA will develop successor waste treatment and disposal solutions, the Preliminary Draft of the ELJRWS will be subject to public consultation to understand the public opinion on its priorities and actions. Future service changes will be subject to consultation as appropriate in line with statutory obligations.

## **RECOMMENDATIONS**

- 2.1 Cabinet is recommended to approve the release of the Preliminary Draft of the East London Joint Resources and Waste Strategy (ELJRWS) and associated documents to the four statutory consultees (Environment Agency, Greater London Authority, Historic England and Natural England).
- 2.2 Cabinet is recommended to approve the start of wider public engagement in line with the proposals in this report.
- 2.3 To delegate to the Director of Neighbourhoods in consultation with the Cabinet Member for Environment, the decision to make minor amendments to the proposal set out in this report. Such amendments will be limited to changes in the public consultation timeline and minor changes within the Strategy document.

## **REPORT DETAIL**

### **3. Background**

### **3.1 Current Waste Management Arrangements**

- 3.1.1 As a Waste Collection Authority (WCA) the London Borough of Havering has a statutory obligation to collect household waste arising from homes and other premises, alongside commercial waste at the request of individual businesses. It is also responsible for undertaking street cleansing and other public realm management duties, which result in the collection of other waste streams.
- 3.1.2 The ELWA is a 'Joint Waste Disposal Authority' and is responsible for providing treatment and disposal for the waste and recycling collected by the Partner Authorities, and the operation of Reuse and Recycling Centres (RRC's) the contract of which started in 2002 and ends in December 2027.
- 3.1.3 Waste Authorities in London, and their associated strategies, are required to deliver waste services in 'general conformity' (subject to some caveats) with the Mayor of London's 2018 London Environment Strategy (LES).
- 3.1.4 The Resources and Waste Strategy for England (2018) sets out the Government's vision for future waste management policy.
- 3.1.5 Appendix 2 provides background information on the above two strategies, including targets for recycling.

## **4 Key Elements of the Preliminary Draft of the ELJRWS**

- 4.1 The strategy development process is outlined in Appendix 3.

### **4.2 Recycling Rate Targets**

- 4.2.1 Targets outlined in Appendix 2 are respectively national targets for England and London-wide targets, not targets on individual local authorities within these areas. It is acknowledged that individual local authorities will over- or under-achieve against these targets depending on local circumstances.
- 4.2.2 The shared Local Authority Collected Waste (LACW) recycling rate target within the Preliminary Draft of the ELJRWS is 35% for 2030.
- 4.2.3 There are also local ambitions to achieve higher recycling performance than that which has been modelled, with external factors such as the Government proposals for Extended Producer Responsibility (EPR) and Deposit return Schemes (DRS).
- 4.2.4 The targets and modelling assumptions included in the ELJRWS are as set out in Appendix 4.

### **4.3 ELWA's Successor Post-2027 Waste Treatment and Disposal Solution**

- 4.3.1 The end of the current waste treatment contract in 2027 will mean that ELWA needs to make new arrangements to manage the waste and recycling collected by the Partner Authorities. This is a process that can take several years to plan because of the large investments for new infrastructure and because of the lengthy procurement / development times.
- 4.3.2 It is important for ELWA and the Constituent Councils to work together to ensure the most appropriate whole system solution is obtained.
- 4.3.3 Due to the uncertainties around the detail of future policy and the capacity

available for different types of infrastructure in 2027, it is not appropriate or possible to set out a prescribed solution for the management of waste handled by ELWA beyond 2027 at this stage.

4.3.4 Section 4.4.2 of the Preliminary Draft of the ELJRWS contains a series of priorities and actions to guide the process of developing successor arrangements. Given that ELWA's successor contracts could last for up to 30 years in line with standard waste industry contracts, the ELJRWS period is 2027 to 2057.

4.3.5 The Preliminary Draft of the ELJRWS does however still set out a range of actions that the Partner Authorities are committed to undertake to improve services prior to 2027, and commits the Partner Authorities to review of the Strategy between 2028 and 2030 and thereafter at intervals of not more than 10 years.

#### 4.4 Contents of the Preliminary Draft of the ELJRWS

- **Chapter One – Introduction** - sets the context, aims and objectives of the strategy.
- **Chapter Two – What is Our Current Situation?** – sets out the context of the Partner Authorities' area, current waste management arrangements, a description of the waste managed, and the current performance.
- **Chapter Three – What Might the Future Look Like?** - describes how the area will change, impacts of national and regional policy on waste generation, and likely other factors such as changes in consumer behaviour.
- **Chapter Four – Where do we Want to Be?** - sets out the vision for how the Partner Authorities will work together to help reduce waste and reuse and recycling. Sets out recycling targets and priorities and actions for ELWA's post-2027 arrangements.
- **Chapter Five – How do we Get There** - outlines how the Partner Authorities will work together to achieve the aims and ambitions set out in the ELJRWS including provisions for future review; and
- **Chapter Six – Measuring Success** - describes how the performance indicators outlined will be used to measure success.

## 5 **Key stakeholders**

### 5.1 Engagement with the Greater London Authority

5.1.1 Officers from ELWA and the Constituent Councils have been engaging with the Greater London Authority (GLA) since project commencement, in order to chart a course towards achieving general conformity with the LES.

5.1.2 The engagement has been productive and positive, and the Partner Authorities appear to be on track to achieve this. This will be confirmed during formal consultation with the GLA.

### 5.2 The Need for a Strategic Environmental Assessment (SEA)

- 5.2.1 An SEA Screening Report has been produced for the ELJRWS (Appendix 5), which will be sent to the statutory consultees - the Environment Agency, Historic England and Natural England. This report will seek their agreement that an SEA is not required for the ELJRWS, given that it does not contain proposals on future waste collection or treatment.
- 5.2.2 The risk of the statutory consultees disagreeing with the Partner Authorities' position on an SEA not being required is considered to be low, however informal engagement with the statutory consultees is being undertaken.
- 5.2.3 There remains a risk that a statutory consultee determining an SEA is needed would delay formal adoption of the ELJRWS until later in 2022.

### 5.3 Wider Stakeholder Engagement Process

- 5.3.1 Due to the aforementioned constraints and uncertainties, the preliminary draft ELJRWS largely sets out broad directions of travel and general principles for future waste and resource management.
- 5.3.2 A public consultation should only be run when there is either a statutory obligation to do so, when there are different options for a plan, policy or proposal being considered, or when views are sought on a single defined matter.
- 5.3.3 These criteria do not appear to have been met for the ELJRWS, subject to agreement being reached about not proceeding with an SEA at this stage.
- 5.3.4 However, engaging local stakeholders would be a useful first step in this process when considering how to meet the targets and ambitions set out in the ELJRWS.
- 5.3.5 It is therefore proposed that a public engagement process is undertaken during the summer of 2021.
- 5.3.6 It is proposed that this takes the form of an online survey, supported by drop-in sessions. The proposed consultation plan and survey questions are attached as Appendix 6.

### 5.4 Timetable

- 5.4.1 A timetable has been provided in Appendix 7 to show the intended progression of the Preliminary Draft of the ELJRWS, through public consultation and leading to formal adoption.

<b>REASONS AND OPTIONS</b>
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## **6. Reasons for the decision:**

- 6.1 The WCAs and WDAs in 'two tier' areas (i.e. areas with separate WCAs and WDAs) in England are required under s32 of the Waste Emissions Trading Act to have in place a joint strategy for the management of household and similar wastes. The Act also obligates these Authorities to:

- Ensure that the policies in the joint strategy are kept under review;
- Have regard to the relevant government guidance; and
- When formulating a joint strategy “carry out such consultation as they consider appropriate”.

**6.2 Other options considered:**

- 6.3 Not produce a new strategy. However, give the above statutory requirements, this is not considered a viable option.

<b>IMPLICATIONS AND RISKS</b>
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**7. Financial implications and risks:**

- 7.1 The targets and priorities within the ELJRWS do not bind the Council to any specific expenditure, but there will need to be investment in recycling and waste services in the future to meet performance expectations, both within the strategy, as well as upcoming national legislation. Further analysis of financial implications will need to be undertaken as more specific proposals are brought forward for the Council's collection services as well as the wider infrastructure solutions for ELWA. Havering's future waste collection services will be designed with expected requirements in mind.

**7.2 Legal implications and risks:**

- 7.3 The WCAs and WDAs in ‘two tier’ areas (i.e. areas with separate WCAs and WDAs) in England are required under s32 of the Waste Emissions Trading Act to have in place a joint strategy for the management of household and similar wastes. The Act also obligates these Authorities to:

- Ensure that the policies in the joint strategy are kept under review;
- Have regard to the relevant government guidance; and
- When formulating a joint strategy “carry out such consultation as they consider appropriate”.

**7.4 Human Resources implications and risks:**

- 7.5 There are no specific HR implications arising from the contents of this report.

**7.6 Equalities implications and risks:**

- 7.7 An Equalities Impact Assessment has been completed for the ELJRWS. There are no specific equality implications relating to the content of the ELJRWS. Local collection arrangements are already in place to meet the needs of mobility-impaired residents. The cultural diversity of the Borough

will inform the development of any communications or education programmes arising from the ELJRWS.

**7.8 Health and Wellbeing implications and Risks**

- 7.9 There are no specific health and wellbeing implications arising as a result of the publication of the draft strategy, nor a public consultation to gather local stakeholder viewpoints. Havering's policy team will be consulted to ensure relevant stakeholders are given the opportunity to respond.

**BACKGROUND PAPERS**

N/A