



# EXECUTIVE BOARD DECISION

<b>REPORT OF:</b>	Executive Member for Environment & Communities
<b>LEAD OFFICERS:</b>	Strategic Director of Environment & Operations
<b>DATE:</b>	11 April 2024

<b>PORTFOLIO/S AFFECTED:</b>	Environment & Operations
<b>WARD/S AFFECTED:</b>	(All Wards);
<b>KEY DECISION:</b>	Y

**SUBJECT: Food Waste**

## 1. EXECUTIVE SUMMARY

The Government, via the Environment Act 2021, has mandated that Councils in England commence weekly food waste collections in 2026.

Under the new legislation, Waste Collection Authorities (WDAs) in England must arrange a weekly collection of food waste for recycling or composting from households. All non-household municipal premises in England must arrange for the separate collection of food waste and to present their waste in accordance with these arrangements, but they are not required to have weekly collections.

Government's preference is for food waste to be collected for treatment by anaerobic digestion (AD), which presents the best environmental outcome for the treatment of unavoidable food waste, due to the generation of biofuel and digestate. This digestate can be spread to land, ensuring nutrients are recycled, creating a more circular economy.

## 2. RECOMMENDATIONS

It is recommended that the Executive Board: -

1. Notes the requirements to introduce food waste collection from 2026.
2. Delegate the Executive Member for Environment and Operations, together with the Strategic Director of Environment and Operations to procure the necessary items, vehicles and processing of food waste necessary to facilitate the introduction for June 2026

## 3. BACKGROUND

The duty of local authorities to collect and dispose of household waste is set out in Section 45 of the Environmental Protection Act 1990.

The Environment Act was enacted into UK Law in November 2021. This made a number of changes to the Environmental Protection Act 1990 and mandates that all local authorities in England provide a separate, weekly food waste recycling service to all households.

The scope of the food waste to be collected under the Environment Act 2021 includes 'all household food material that has become a waste, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be consumed by humans and including any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. This includes food scraps, tea bags, and coffee grounds.'

The date by which local authorities must comply with the regulations and implement a separate, weekly food waste recycling service has been confirmed by Government as 31st March 2026, however, Blackburn with Darwen BC has an approved delay to see the weekly food waste collection service introduced for June 2026, to coincide with the cessation of the existing residual waste disposal contract.

Currently, all households in Blackburn with Darwen are provided with separate bin collections for non-recyclable waste (burgundy bin), and for the recycling of paper and card (blue bin) and glass, cans and plastic bottles (grey bin). Households can choose to recycle garden waste using the chargeable green bin service (brown bin).

The introduction of a food waste collection service would mean households receive an additional outside bin for the separation of food waste.

As a new statutory service, New Burdens Funding will be made available by Government to local authorities to contribute to the implementation and running costs of the service. However, New Burdens Funding will not be provided for any costs incurred due to the impact the introduction of separate food waste collections has on existing residual energy from waste collection contracts, which is why Blackburn with Darwen BC has an approved ministerial delay for implementation, which is termed a Transitional Arrangement.

The specific Transitional Arrangement for a particular authority will be stipulated in the commencement regulations and the date, being the end of this Transitional Arrangement will be the date by which separate, weekly food waste collections need to be in place. However, as the Government position is that collecting food waste for treatment by anaerobic digestion (AD) remains the preferred outcome, Government will contact local authorities with a Transitional Arrangement on an annual basis to discuss whether food waste collections can be introduced sooner than contract expiry dates.

Blackburn with Darwen residents create over 14,000 tonnes of food waste each year. Food waste amounts to over 40% of the contents of the burgundy bin (most other councils are around 25%), with half of that food waste still either in date and also edible. This information is from the 2 yearly waste analyses the Council has undertaken for the past 6 years, with the food waste percentage remaining constant, despite communications campaigns around food waste by the council. However, evidence from councils that have introduced food waste collection services across their borough already, show that the capture rate of the total food waste generated by households in their boroughs is around 33%, so we are expecting an annual food tonnage of approximately 4,600 tonnes.

Globally, food production is responsible for 30% of total greenhouse gas (GHG) emissions, half of this coming from land conversion to agriculture and the rest from production itself. Though there is uncertainty about the precise figures, around one third of all food is wasted. The UN Food and Agriculture Organization<sup>4</sup> reports that if global food waste was a country, it would be the third largest GHG emitting country in the world.

According to WRAP, the UK's avoidable food waste in 2011 gave rise to at least 20 million tonnes of carbon dioxide equivalents per year (an amount of GHGs with a similar warming potential to carbon dioxide, commonly written as CO<sub>2</sub>e)<sup>5</sup>, out of a UK total of around 500 million tonnes. Approximately three quarters of these emissions arise in the UK and the remainder from overseas. Unavoidable

food waste is responsible for at least a further 0.25 million tonnes of CO<sub>2</sub>e. These figures do not take into account the food that is wasted on the farm where we do not currently have reliable data.

To highlight the impact on the environment, by taking food waste to an AD plant rather than to landfill, there's a huge carbon saving to be made. For every tonne of food waste that is sent to an AD plant, we are creating less than ten kilogrammes of CO<sub>2</sub> equivalent. With that tonne of food waste, if it sent to landfill, it creates 650 kilos of CO<sub>2</sub>. That means it's 65 times worse to take food waste to landfill.

For every tonne of waste sent to energy from waste, each tonne of municipal solid waste incinerated typically releases between 0.7 and 1.7 tonnes of CO<sub>2</sub>. This includes emissions of both fossil CO<sub>2</sub> (e.g. from burning plastics) and biogenic CO<sub>2</sub> (e.g. from burning wood, paper and food), as the waste sent to energy from waste facilities is invariably pre-mixed prior to incineration.

Simply put, food waste recycling will help the council towards its net zero strategy.

#### **4. KEY ISSUES & RISKS**

The introduction of a new separate food waste collection service would require new diesel or electric refuse collection vehicles, additional staffing, infrastructure development and the need to secure sufficient food waste treatment capacity.

Households would receive a small kitchen caddy and an outside food waste bin. As a new statutory service, New Burdens Funding would be made available by Government to contribute to the implementation and running costs of the service.

DEFRA have stated that subject to Ministerial and Cabinet Collective Agreement, local authorities will receive New Burdens Funding to cover: -

- Capital costs for the procurement of new vehicles and containers.
- Ongoing funding to cover the ongoing costs incurred by local authorities to run services, subject to future spending reviews.

DEFRA have confirmed that £295m has been allocated across all local authorities to cover one-off capital funding for vehicles and containers, to be distributed via a funding formula, with payments confirmed to Councils in January 2024.

This funding is provided through Section 31 grants. Letters have been sent to local authorities in January 2024 to confirm their allocated funding on a non-ring-fenced basis. The funding has been calculated in collaboration with the Waste Resources Action Programme (WRAP). It has been modelled using a bottom-up modelling approach that has involved creating modules for common service areas, typically operated within each council area. The key modules are kerbside, flatted/communal and remote rural properties. The modules each contain standard groupings to account for contextual and service variation within each council area to reflect the different cost profiles for each housing stock type.

The cost values are scaled by the numbers of properties reported in each council area to provide a unique cost allocation for each council. The model accounts for a number of variables including rurality, levels of deprivation, number of kerbside and flatted properties, configuration of flatted properties, food waste yields, vehicle and container unit costs, and average collection round sizes. Blackburn with Darwen has been allocated capital funding of £1,157,421, which covers and is comprised of the following breakdown: -

£132,930 for Kitchen caddies (5 or 7 litre small bins to be kept in the kitchen)

£293,181 for Food waste bins (generally 25 litre bins – the standard burgundy bin is a 140-litre bin)

£15,210 for large communal containers for blocks of flats

£716,100 for food waste collection vehicles.

Some practical consideration is also required on how a separate food waste collection service could be implemented. In an attempt to reduce capital costs (as well as carbon footprint), discussion has commenced with the 12 district councils in Lancashire and Blackpool BC, as part of the Lancashire Wastes Partnership, to consider a joint procurement exercise to enable economies of scale to be an opportunity for financial savings. Work on this is ongoing for summer 2024.

Transitional revenue funding will be provided from the 2024/25 financial year also, with the amount expected to be confirmed late 2024. This money will be provided to waste collection authorities that either need to implement a weekly food waste collection service partially or fully. Additionally, it has been stated by Government that ongoing resource/revenue costs will be provided from 1 April 2026 and will be provided to all waste collection authorities, including those that have already fully implemented a food waste collection service.

The Council would benefit from all available Government New Burdens funding to assist in the implementation and ongoing costs associated with providing the service.

The introduction of separate, weekly food waste collections would provide Blackburn with Darwen residents with additional recycling opportunities. Residents would be able to recycle food waste from their home, in addition to the services already provided for paper, card, glass, cans, plastic bottles and garden waste.

Modelling was carried out using the Waste and Resources Assessment Tool for the Environment (WRATE) and demonstrated that separate food waste collections should increase Blackburn with Darwen's annual recycling performance by 6%.

As part of the Lancashire Waste Partnership, a letter, jointly signed by the Council leaders of the district and unitary councils in Lancashire, has been sent to Defra to advise that capital funding provided does not meet the costs to the councils for the procurement of the capital funded items needed to introduce a weekly food waste collection service. A response has not yet been provided by Defra.

The operation of the service from the perspective of the majority of residents within the borough, will see them have the small kitchen caddy in their kitchen ideally, with an empty plastic bag liner provided on a roll that is replaced when the resident places a bag round the handle of their food waste bin. The kitchen caddy bags would be tied by the resident and placed in the larger food waste bin by the residents. The food waste bin would likely be stored outside the property by the residents. The food waste bin has a self-locking lid, to stop ingress from animals and would be placed at the front of the property on collection day by the residents. The in-house collection teams will take the food waste bin to the collection vehicle and the contents of the food waste bin tipped into the vehicle, with the bin then returned to where it was collected from.

Currently, an assisted collection service is available to anyone who needs additional help with their collections, either on a temporary or permanent basis. When implemented, waste food collections will be added to this existing service if required, although food waste collections are expected to take place from the front of properties, with the food waste bins only 25 litres in size.

The collection vehicle when full, would transfer the food waste load to a suitable site for either transfer onward or processing. This will need to be tendered.

A full communications plan will be needed for the introduction of the food waste collection service, with funding from the Transitional revenue funding from Government expected to cover this. Liaison with the Councils' PR and Communications team will be undertaken to identify the best available strategy for the implementation of the scheme, based on the funding available.

The risks of the introduction of food waste collections can be summarised from the following: -

- Recruitment delays as 24 staff would be needed at the same time for the boroughwide commencement of the service.
- Delays from producers in providing kitchen caddies, food waste bins, delivery of these items and collection vehicles, as all councils in England will require the same or similar items at the same time, thus seeing long lead times for delivery to the Council, as well as potentially inflated costs – a sellers' market. Procurement of these items will be necessary.
- The lack of suitable AD plants locally available. Suez has Planning permission for an AD plant at their Goosehouse Lane site, but it is unlikely to be operational for 2026. A tendering exercise will be needed for a suitable service supplier to be available from June 2026.
- The capital funding made available by Defra is not sufficient for the costs of the service, with the kitchen caddies, kitchen bins and vehicles likely to cost some 25% higher than the available funding received by the Council. This figure may change as and when all English councils require the items of equipment and vehicles.
- We do not yet know what level of Transitional revenue funding will be made available to the council for the delivery of the service.

## **5. POLICY IMPLICATIONS**

Food waste collections will augment the existing recycling of household waste. It will allow households to reduce their food waste ideally, by showing explicitly how much food waste households are generating, thereby contributing towards the Councils Climate Emergency action plan, as well as hopefully enabling residents to consider the impact of the average household throwing over £70 per month of food waste in their bin. It is noted by WRAP that separate food waste collection schemes are significantly associated with lower total food waste arisings amongst householders.

It supports the strategic priorities of the corporate strategy: -

- Supporting a strong, resilient local economy by ensuring the environment of the Borough is supported, improved, and protected.
- Acting on the Climate Emergency and protecting the environment.
- Improving the health and wellbeing of our residents and communities.

## **6. FINANCIAL IMPLICATIONS**

The introduction of food waste collections will require significant resources to ensure food waste collections are integrated with an efficient and effective, harmonised waste and recycling service.

The lack of clarity from Government as to the amount of New Burdens funding to be made available is a concern, particularly as the Government has not fully funded the capital allocation needed for the procurement of the equipment and vehicles needed to introduce a weekly food waste collection service, currently estimated at 25% short of the required amount, estimated at a £290,000 shortfall that the Council will need to provide.

There is a high risk that the New Burdens funding provided would not cover all of the revenue or capital costs associated with the service, and this may exceed the £3m included in the Council's Medium Term Financial Analysis from 2025/26.

## 7. LEGAL IMPLICATIONS

Blackburn with Darwen BC as a Unitary Authority has a duty under the Environmental Protection Act 1990 to arrange for both the collection and disposal of household waste, as it is both a Waste Collection Authorities (WCA), and also a Waste Disposal Authority (WDA).

The Environment Act was enacted into UK law in 2021, and amends section 45A of the Environmental Protection Act 1990 to include the separate collection of food waste for recycling, at least once a week. With section 45A of the Environmental Act 1990 in force, the Council has a duty to collect food waste for recycling at least once a week.

The council will be required to find an outlet for the food waste collected, as part of its obligations as Waste Disposal Authority.

## 8. RESOURCE IMPLICATIONS

Additional resources have been made available for the procurement of the equipment and vehicles, although as stated above, this is likely to be insufficient. The procurement of the items would be managed within existing resources.

The resources needed for the revenue support for the delivery of the service are not yet known, with more detail expected from Government later in 2024, however, there is a need for additional staff to be recruited to operate and supervise the service.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Government has consulted a number of times on the environment Act and has determined that there be a mandatory food waste collection service operated by councils across England from 2026, unless Ministerial approval is given to delay the commencement, which can only be based on contractual implications for existing waste disposal contracts.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>VERSION:</b>	<b>2</b>
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<b>CONTACT OFFICER:</b>	<b>Joanne Byrne</b>
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<b>DATE:</b>	05-04-24
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<b>BACKGROUND PAPER:</b>	
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