
WASTE MANAGEMENT

1.0 INTRODUCTION

- 1.1 The assurance map has identified Waste Management as an area where there may be a mismatch between the level of risk identified and the assurance provided to Committee. This is predominantly due to the Council being in the process of implementing a new waste strategy and the uncertainty being created by the Scottish Government's ban on landfilling Biodegradable Municipal Waste (BMW) from 2025. This was identified as a mismatch when the assurance mapping exercise was carried out and reported to the Committee in September 2019 however at that stage the BMW ban was to be implemented by 1 January 2021 which made it a more imminent concern. It was agreed then that Waste Management should be an area for audit or scrutiny focus at an appropriate time and the CIA's recommendation was that it be considered as a future scrutiny item. This remains the CIA's recommendation however the delay in ban implementation until 2025 reduces the urgency.
- 1.2 In December 2022, the Environment, Development and Infrastructure Committee agreed to pursue a derogation from the Scottish Government, from the implementation date of the Biodegradable Municipal Waste ban of 1 January 2026 to the end of the Council's Waste PPP contract in September 2026. The Committee gave consideration to a report providing an update on a meeting held with the Minister for Green Skills, Circular Economy and Biodiversity on 26 July 2023 and a subsequent meeting between Council officers and Scottish Government Officials.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Audit and Scrutiny Committee consider and note this report.

3.0 DETAIL

- 3.1 The BMW ban is a measure introduced under the Waste Regulations (Scotland) 2012. The ban was planned to come into force across all of Scotland from January 2021. However, in November of 2019 the deadline for compliance with the ban was changed and a new date set by the Scottish Government of 1 January 2026. Compliance with the BMW ban represents a significant and enduring cost challenge to the council as previously reported.

- 3.2 The Scottish Government has acknowledged the unique challenges faced by the council in complying with the ban. Scottish Government officials have given a commitment to work with Council Officers to assist in the development of a compliant solution in the form of a transition from landfill to recovery via energy from waste.
- 3.3 In December 2022, the Environment, Development and Infrastructure Committee agreed to pursue a derogation from the Scottish Government, from the implementation date of the Biodegradable Municipal Waste ban of 1 January 2026 to the end of the Council's Waste PPP contract in September 2026.
- 3.4 The Environment, Development and Infrastructure Committee gave consideration to a report in November 2023 providing an update on various meetings held with the Minister for Green Skills, Circular Economy and Biodiversity, Scottish Government officials and the Scottish Environment Protection Agency (SEPA) regarding the derogation request. The full report can be viewed here: [Agenda for Environment, Development and Infrastructure Committee on Thursday, 30 November 2023, 10:30 am - Argyll and Bute Council \(argyll-bute.gov.uk\)](#)
- 3.5 As per the Environment, Development and Infrastructure Committee report, officers continue to engage with SEPA. If a derogation isn't forthcoming the Council will need to make changes to the Renewi contract which will enable the remaining part of the Renewi contract to be compliant with the BMW ban.

4.0 CONCLUSION

- 4.1 This report provides an update to Audit and Scrutiny Committee and advises of a detailed report to Environment, Development and Infrastructure Committee on 30 November 2023.

5.0 IMPLICATIONS

- 5.1 Policy – The council's waste strategy will evolve in line with the changes in legislation relating to the BMW ban of waste to landfill. A derogation will be sought, failing a successful response the current Renewi contract will be varied to comply with legislative changes.
- 5.2 Financial – Compliance with the 2025 Landfill ban will require financial resource from the Council. As the Scottish Government are initiating the change, Officers will pursue financial support from the Scottish Government for this change to provide a long-term financially sustainable solution. Through lobbying it is our intention to seek to recover any additional costs which have resulted from the changes to legislation, through Scottish Government. There is, however, a risk that funding is not forthcoming.

- 5.3 Legal – The existing PPP contract was not designed or written to accommodate the changes that the 2025 legislation will require. The contract allows variations to be made although the process is quite cumbersome. There will be legal implications, which will need to be resolved, relating to a contract variation relating to the derogation and/or changes in Renewi's contract.
- 5.4 HR – HR issues will be addressed prior to and during the process of contract handback. Having sufficient resource will factor into the project demands of waste management. TUPE will be relevant at the handback and during the process of progressing to handback should the Council operate the sites themselves
- 5.5 Fairer Scotland Duty: None known.
 - 5.5.1 Equalities - protected characteristics – None known.
 - 5.5.2 Socio-economic Duty – None known.
 - 5.5.3 Islands – There may be potential ferry capacity issues for bulking and transporting waste material from islands, this has been flagged to Transport Scotland.
- 5.6 Climate Change – Transitioning from Landfill to Energy from Waste would result in a reduction in the annual quantity of Greenhouse Gas Generated in Argyll and Bute. However, the additional road miles incurred taking waste to EFW markets will offset the carbon reductions achieved through not landfilling.
- 5.7 Risk – Significant risk of increased costs as a result of compliance with the Landfill ban.
- 5.8 Customer Service – None known.

Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure

Policy Lead for Climate Change and Environment, Councillor Ross Moreland

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For further information contact:

Jim Smith, Head of Roads and Infrastructure Service
Jim.Smith@argyll-bute.gov.uk

John Blake, Fleet, Waste and Transport Manager
John.Blake@argyll-bute.gov.uk