

4th June 2014

Dear Sirs,

Daily Mail – 24th May 2014

I write regarding the recent article in the Daily Mail under the headline “More bins on the way in recycling drive: Every home in the country will be forced into compulsory rubbish scheme in desperate bid to meet Brussels' targets”. I believe the article to contain important inaccuracies that lead it to be in breach of Clause 1 of the Editors’ Code of Practice. In particular it repeats claims made in the article that was the subject of my previous Complaint (Reference 134024) and which was resolved when the Mail agreed to print the following statement:

“An article on 17 August 2013 reported that, under the EU Waste Framework Directive, local authorities would be required to issue all householders with four separate recycling bins, and that weekly bin collections would be "axed". In fact, whilst the Directive does enforce the separate collection of recyclates, local authorities can comply without requiring householders to use separate bins for four types of recycling, and are not barred from collecting waste weekly”

The article was occasioned by the publication by Defra on 21st May in response to a Freedom of Information request some unfinished draft guidance on the Waste (England and Wales) Regulations 2011. It is important to establish first of all that as Defra points out (in bold!) in the letter accompanying the released document: “The enclosed document is an unfinished draft. There are no plans to publish it in England and it carries no status.” The publication therefore in no way changes the position that obtained prior to 21st May.

Since the article is relatively short, perhaps the best way to proceed is to explain the issues with each paragraph, and demonstrate how the totality conspires to give a wholly misleading picture of events and the law. Having already retracted very similar claims less than three months ago, it is disappointing that the Mail has so quickly chosen to repeat its inaccurate claims.

Standfirst

“Ministers have laid out plans for households to have multiple bins”

The document does not constitute *plans* on the part of *ministers*. It was prepared by officials, and has no status. It relates to separate *collections*, and makes no reference to there being a need for multiple bins. The fact that separate collections do not entail multiple bins was a key point made in my previous complaint.

“Move comes after figures show recycling is going down rather than up”

The Waste (England and Wales) Regs were introduced in 2011, implementing the Waste Framework Directive of 2008. In both of these years, the recycling rate was still rising rapidly. The release of the document on 21st May cannot reasonably be considered a “move”; it changed nothing. The latest figures show the recycling rate to have fallen by 0.2% to 43.9%, down from a peak in 2012 of 44.1%.

“But Brussels has set a target for 50% of waste to be recycled per home”

The recycling target does not require 50% of waste to be recycled *per home*. The approach to meeting the target adopted by the UK government, one of four options available, requires that overall, 50% of municipal waste (which includes commercial waste collected by councils, together with material collected by bring banks, civic amenity sites etc) should be recycled.

Main Article

1. “Every home in the country will have to cope with compulsory rubbish recycling schemes by next year, according to papers released by ministers yesterday.”

The document makes no reference to “compulsory rubbish recycling schemes” or any impact affecting “every home in the country”, and does not support the Mail’s interpretation. The law relates to waste collection authorities (WCAs) and the requirement that they collect four types of recyclable material by way of separate collection, where doing so is (a) necessary to facilitate or improve recycling and (b) practicable. It in no way makes recycling compulsory for householders.

2. “Instructions prepared for councils have revealed a move to bring in separate collections of paper, metal, plastic and glass in order to meet recycling targets set by Brussels.”

This ambiguous paragraph fails to make clear that the “instructions” were never issued to councils, and have no legal status. The document did not “reveal” the requirements regarding separate collection – these were of course known to the Mail last August when it ran the story that was the subject of complaint 134024. The requirement to collect recycling streams separately derives from the aim of increasing the quality of recycling, rather than simply the quantity, and is not directly related to the 50% recycling target. Indeed the word “target” is not mentioned in the draft guidance.

3. “This will mean that many homes will need more bins and any local councils which have clung to traditional weekly bin rounds – there are thought to be around 100 in England and Wales – will have to establish compulsory recycling systems.”

As the Mail conceded in response to complaint 134024, separate collection need not mean additional bins. It is entirely inaccurate to draw a contrast between councils that continue to collect residual waste weekly and those that have recycling schemes. Every council in the UK already collects recycling in some shape or form, as required by the Household Waste Recycling Act 2003. Some (for example, Bath & North East Somerset) maintain a weekly refuse collection, whilst also using the kerbside sort recycling system, enabling them to collect recycling separately without the householder being required to sort each material into a separate container. It is entirely unclear what is meant by the word “compulsory” in this context, and it creates a wholly misleading impression that there is some obligation placed on householders by the legislation under discussion. The Waste Regulations are binding on Waste Collection Authorities, not on householders. It does not introduce any legal requirement on householders to use the recycling containers provided.

4. “Although some of the materials can be collected in the same bins, documents prepared by the Department for Environment, Food and Rural Affairs (Defra)

explain that this can rarely be done for glass – and claim that in other cases separate bins will often prove ‘necessary’.”

The draft guidance at no point mentions bins. It states that separate collections are necessary. As was established in complaint 134024, separate collection does not entail separate bins. Separate collection requires that materials are not mixed at the point where they are collected – they go in separate chambers in the collection vehicle. It is contrasted with co-mingled collection, where recyclables are mixed together in the vehicle. I explained in my previous complaint how kerbside sorting of recyclables placed in a single box enables separate collection to be achieved without the need for householders to sort waste into different recycling containers.

5. “The push for multi-bin rubbish collection systems follows new figures which show that the amount of household refuse successfully sent for recycling is now going down rather than up.”

As mentioned in relation to the standfirst, the Waste Framework Directive dates from 2008 and the Waste Regulations implementing the requirements from 2011. It is misleading to suggest the release of the draft guidance constitutes a “push” of any kind, to imply that it requires “multi-bin” collections, or follows (let alone “responds to”) the plateauing in the recycling rate.

6. “The statistics, which were released yesterday by Defra, show that in September last year the recycling rate of waste from households was 43.9 per cent – down from 44.1 per cent the year before.”

The results are presented as a trend (“are going down”); the fall between 2012 and 2013 is the first fall on record.

7. “A spokesman for Defra said: ‘We are working to ensure we meet an EU target to recycle 50 per cent of household waste.

‘Everyone has a role to play and we want local authorities working with waste management companies to make it as easy for people to recycle as possible.’”

I have no issues with the quote from Defra.

8. “But Doretta Cocks, a spokesman for the Campaign for Weekly Waste Collections, said: ‘The Government has been going in the wrong direction. They are going to struggle to meet the target.

‘People are resentful. A lot of people don’t bother to recycle properly now. They say that if the council isn’t bothered to collect the rubbish once a week, then I’m not bothered about recycling properly.’”

It might be more accurate to say that Doretta Cocks is the Campaign for Weekly Waste Collections. I have no issues with the quote, but if the Mail is interested in producing accurate stories regarding recycling issues, it might be better advised to seek quotes from someone better able to advise on the meaning of the relevant legislation.

This analysis shows that the headline placed on the story simply compounds the errors:

“More bins on the way in recycling drive”

As per the outcome of complaint 134024, there is no necessary connection between separate collection and additional bins.

“Every home in the country will be forced into compulsory rubbish scheme”

The law relates to waste collection authorities, not households. It is misleading to describe a separate collection system as a “compulsory rubbish scheme” for householders. Recycling is not compulsory for householders.

“in desperate bid to meet Brussels' targets”

The law is intended to raise the quality of recycling. It is not a measure intended to lead to increased recycling.

Conclusion

Aside from the quotations from Defra and Doretta Cocks, the story wholly misinterprets the context and meaning of the Waste Regulations, and the unfinished draft guidance that has recently been released. It wholly ignores the outcome of complaint 134024.

I would therefore urgently ask that the Daily Mail withdraws the article, and publishes a prominent retraction acknowledging the points raised in this letter.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Peter Jones', written in a cursive style.

Peter Jones