

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 12TH DAY OF FEBRUARY, 2014**

(adjourned from 30th January, 2014)

**The States resolved as follows concerning Billet d'État No II
dated 20th December 2013**

PUBLIC SERVICES DEPARTMENT

IMPLEMENTATION OF THE SOLID WASTE STRATEGY

- I.- After consideration of the Report dated 9th December, 2013, of the Public Services Department
1. To rescind Resolution 3 of Article VII of Billet d'État No. IV of 2012.
 2. To establish, with effect from 1 January 2014, a "Solid Waste Trading Account" and for the financial arrangements in relation to solid waste to be managed therefrom, including that currently within Public Services Department's Revenue Budget.
 3. To authorise the Treasury and Resources Department to approve expenditure from the "Solid Waste Trading Account" necessary to progress development and implementation of the solid waste strategy; funding of waste minimisation; and recycling initiatives, including kerbside collections, until such time as a new charging regime is in place, whichever is the sooner.

Export of Waste

4. To direct the Public Services Department to tender for the construction, or construction and operation, of the Transfer Station as part of the infrastructure necessary for the new waste strategy and, following that tender, to recommend a tenderer for the same to the Treasury and Resources Department.
5. To direct the Public Services Department to tender for the transportation and export of residual waste to an off-island energy from waste facility and, following that tender, to recommend a tenderer for the same to the Treasury and Resources Department.
6. To authorise the Treasury and Resources Department to approve the Public Services Department's recommended tenderers outlined in proposition 4 and proposition 5 above, on receipt of a suitable business case and to release the relevant funds for capital costs and for operational costs of the same upon such

approval, with the capital costs being funded by way of a loan either from the States General Investment Pool or the external market.

Other Infrastructure

7. To direct the Public Services Department to tender for the construction, or construction and operation, of the following:

- Materials Recovery Facility
- In-Vessel Composter
- Civic Amenity Site
- Repair and Reuse Centre
- Kerbside collection vehicles (if required)

and, on receipt of such tenders, to recommend preferred bidders to the Treasury and Resources Department.

8. To authorise the Treasury and Resources Department to approve the Public Services Department's recommended tenderers for propositions 4 and 7 above on receipt of suitable business cases; and to release the relevant funds for capital costs up to a total sum not to exceed £29.5 million (including capital costs related to export of waste) with the capital costs being funded by way of a loan either from the States General Investment Pool or the external market; and at the same time to approve operational costs associated with those same facilities.

Legislation and Policy

9. That certain current controls on licensing of private waste disposal sites, under the Environmental Pollution legislation, be extended to other private facilities which may compete with the Island's key waste infrastructure (as set out in particular in paragraphs 27.1 to 27.4 and 37.1).
10. That the Waste Disposal Authority's current duty to make reasonable provision for the disposal of household and commercial waste be amended to cover the making of arrangements for recovery or disposal of such waste and consequently to widen the current powers of the Waste Disposal Authority to impose waste acceptance criteria at public waste disposal sites to all States provided, funded or arranged recovery or disposal facilities (as set out in paragraphs 37.2 to 37.3).
11. That the Douzaines retain their current waste collection functions but that the parochial collection of refuse legislation be amended to:
- (a) require the Douzaines to:
- (i) make such arrangements as may be necessary to collect the separate waste streams as required by the Waste Disposal Authority;
 - (ii) transfer such waste to the waste management facilities as required by the Waste Disposal Authority and not just for final disposal;

- (iii) provide the above collection and transfer service for small businesses opting into the parish collection service, and
- (iv) take into account the Waste Disposal Plan in carrying out their functions in relation to parochial collection of waste,

as set out in paragraphs 30.2 to 30.6, 32.5 to 32.6, 37.5 and 37.11;

(b) confer on the Douzaines a power to delegate their functions under the Parochial Collection of Refuse Legislation to the Waste Disposal Authority as set out in paragraphs 30.7 to 30.9 and 37.25 and

(c) remove the Douzaines' current power to impose limitations on the quantity of refuse collected under the Parochial Collection of Refuse Legislation as set out in paragraph 37.26.

12. To introduce a new charging system for waste management services provided to householders (as set out in particular in 31.9 to 31.11 and 37.7 to 37.10).
13. To amend the Waste Disposal Authority's current gate fee charging powers to include all States' provided, funded or arranged recovery or disposal facilities (as set out in particular in paragraphs 31.16 to 31.21, 32.1 to 32.3 and 37.6).
14. That statutory duties be imposed on occupiers of households and small business premises using parish collection services in relation to the presentation of household waste and other parochially collected waste put out for collection (as set out in particular in paragraphs 33.1 to 33.7 and 37.12).
15. That a civil fixed penalty scheme be introduced to enforce the statutory requirements outlined in proposition 14 (as set out in paragraphs 37.13 to 37.24).
16. That amendments be made consequential to the above policy proposals to the Environmental Pollution (Guernsey) Law, 2004 and legislation made under it, the Parochial Collection of Refuse (Guernsey) Law, 2001 and other legislation relating to waste and legislation making references to the same.
17. To direct the Public Services Department and the Commerce and Employment Department to work with the commercial sector to develop and implement voluntary initiatives to prevent or minimise waste both generated by businesses directly and indirectly and through the products and services businesses provide.
18. To direct all States Departments and Committees, and Councils (however named) to implement, as far as practicable, such waste prevention and minimisation initiatives as are needed to contribute to the achievement of the States' approved recycling targets.
19. To direct all States Departments and Committees and Councils (however named) that own or manage land hired out or otherwise used for public events to include,

where practicable, in terms and conditions of such hire or use, a requirement for organisers to provide recycling facilities.

20. To direct all States Departments and Committees and Councils (however named) that own or manage land hired out or otherwise used for public events to include, in terms and conditions of such hire or use, a requirement that, where relevant, only recyclable or reusable tableware and takeaway food and drink containers be used, such conditions to be phased in as soon as practicable but in any event no later than 31 December 2018.
21. To direct the preparation of legislation as may be necessary to give effect to their above decisions.

A J NICOLLE
HER MAJESTY'S DEPUTY GREFFIER