

# Isitfair

Campaign for the Reform of Council Tax

## **Rubbish Tax**

### **'Where There's Muck There's Brass'**

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## Rubbish Tax – ‘Pay as you throw’

### Introducing your new tax

In 1999 the Government signed the EU Landfill Directive. The Directive's overall aim is

“to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole lifecycle of the landfill”.

The Directive includes the following targets that have been agreed by the UK Government:

By 2010 to reduce biodegradable municipal waste landfilled to 75% of that produced in 1995

By 2013 to reduce biodegradable municipal waste landfilled to 50% of that produced in 1995

By 2020 to reduce biodegradable municipal waste landfilled to 35% of that produced in 1995.

These dates include a four year derogation from the target years 2006, 2009 and 2016 offered in the Directive to Member States who landfilled more than 80% of their municipal waste in 1995. Further details about the Directive and how it affects the UK may be read [here](#).

Britain has been slow to implement the Directive to such an extent that the EU Commission, in March 2007, threatened the UK Government with legal action unless it incorporated the Directive into national law. The EU notice may be read [here](#).

Britain currently buries more than two-thirds of its annual 30m tonnes of household waste in landfill. The Government hopes to cut this amount to 27% by 2010. Ministers say that the rate of recycling must increase from 25% to 40% to meet this target.

To ‘encourage’ a reduction in the amount of rubbish sent to landfill, and to increase recycling rates, Central Government charges an escalating ‘landfill tax’ to all local councils.

Since 2006, Central Government has also been working on implementing a new ‘rubbish tax’ that will be charged to all householders. Basically, all householders will be charged based on the amount of non recyclable rubbish they put out for collection that exceeds a set quota. This type of scheme is known as ‘Direct and Variable Charging’ (DVC) and is based on the principle of ‘polluter pays’. Already, half a million micro-chipped wheelie bins have been introduced by more than 30 councils from Northumberland to Dorset. It was reported in June 2007 that Central Government has drawn up a fine and quota system. All householders who exceed their non-recyclable quota will be fined (taxed).

New legislation for this new tax was included in the [Climate Change Bill](#) in November 2007. In order to disguise this new tax, the scheme is generally referred to as ‘pay-as-you-throw’ and the tax amount is referred to as an ‘incentive’. Schedule 5 on page 60 refers to Waste Reduction Schemes where the power to levy a charge (tax) is laid out.

The implementation of this new tax is very controversial and media reports would seem to suggest that many problems still lie ahead, despite clear warnings being given to Central Government. Readers will make their own conclusions as to whether this new tax is justifiable or not.

## **Recent History**

The introduction of a new rubbish tax has been regularly reported in the national press since early 2006. This section has been compiled from recent press reports.

### **May 2007**

[DEFRA](#) issues its [Waste Strategy](#) for England 2007.

### **July 2007**

In a report by the CLG Select Committee it said that the introduction of fortnightly collections does not provide sufficient evidence of increased recycling. Government should instead look at waste generated by businesses – nine times the amount of domestic waste. The report is in two parts and may be downloaded or viewed [here](#) (look for the Fifth Report dated 16 July 2007 called Refuse Collection), and the Government's response (look for the Second Special Report dated 25 October 2007 called Refuse Collection: Government Response to the Committee's Fifth Report of Session 2006-07). Further information that makes interesting reading is [here](#).

The Waste and Resources Action Programme ([WRAP](#)) issued new guidelines ordering 180 councils to re-introduce weekly collections for food waste. This QUANGO costs taxpayers £80m per annum. Local Government chiefs responded by saying that more money is required from the Treasury otherwise Council Tax will go up. WRAP also told councils to cease 'heavy handed' enforcement of their bin rules and to go easy with on-the-spot fines and prosecutions; 'In particular the use of prosecutions and fixed penalty fines should be the last resort.'

### **August 2007**

The LGA launches three 'save-as-you-throw' schemes and claims that Council Tax bills will be cut by £30 per annum for an average £1,100 bill and up to £10 per week would be possible. Householders will have to meet a recycling target, or will be punished. The LGA claims that two thirds of us support bin taxes based on a poll. More information is available from the [LGA website](#).

A DEFRA consultation paper on waste disposal includes allowing councils to charge for all black bin bag waste at all public tips so that householders cannot avoid the tax. Currently, councils are legally obliged to provide free public tips.

### **October 2007**

Gordon Brown claimed to have scrapped plans to introduce pay-as-you-throw taxes due to deep public disillusion. He was concerned that the scheme would be unfair to many families and difficult to administer.

DEFRA announced that they are to continue with five [pilot projects](#). Taxes to be called 'incentives' or 'rewards' and ministers claim they will amount to no more than £30 per annum. 27 councils have grouped together to introduce bar coded bins so that binmen can record offence details, and computerised fines will be automatically sent. A dustbin database will be required.

### **November 2007**

Despite Gordon Brown supposedly scrapping this new tax last month, Hilary Benn went ahead with the scheme and slipped it into the [Climate Change Bill](#). There is no way that Hilary Benn could have done this without the PM's full permission.

Latest figures show that the volume of recycling has trebled in the last six years, and the amount of rubbish sent to landfill is down to 17m tons from 22m tons six years ago. This rate of reduction is more than enough to avoid the EU fines of £180m per year from 2013.

Landfill rubbish has been reduced by 2.3m tons over the last three years, and a further reduction of 5m tons is required by 2013. Nearly 9m tons of rubbish is recycled. Critics claim that the new bin tax is purely a stealth tax as these figures prove that voluntary schemes are working well.

Government figures show that fortnightly rubbish collections have little impact on the amount of rubbish sent to landfill. The most successful council at reducing the amount went to landfill was Sheffield, which collects weekly. 80% of councils that have reduced their landfill rubbish the most all collect weekly.

### December 2007

Environment Minister Joan Ruddock while appearing before the CLG Select Committee was forced to admit that all rubbish charges are a tax. Words such as incentives, charges or rewards are simply misleading and wrong. She also confirmed that the widespread assumption of a £30 per annum tax may be *too low*. However, she *claimed* that the Government would keep capping powers over the scale of the pay-as-you-throw tax. Trials of the new tax scheme will not start before April 2009.

### February 2008

MPs called on ministers to halt the five pilot schemes saying that the schemes will not work. Their report may be downloaded or viewed [here](#) (look for the Sixth Report dated 21 February 2008 called Refuse Collection: Waste Reduction Pilots).

### March 2008

Recycling is so successful that the companies employed to recycle this waste cannot cope. Last year, nearly 13m tons of paper, plastic and metal was sold and shipped to 75 countries around the world. Destinations included Guinea, Libya, Azerbaijan, Ghana, Vietnam and Sharjah in the United Arab Emirates. The most popular destinations are Turkey (2.4m tons of metal, 260 tons of plastic and 13 tons of paper) and China (390,000 tons of paper, 78,000 tons of plastic and 1.9m tons of paper).

### April 2008

Two cases of enforcement under the Clean Neighbourhoods and Environment Act 2005 were reported nationally. Gareth Corkhill from Whitehaven was taken to court by Copeland Borough Council of Cumbria for leaving his wheelie bin lid ajar by about four inches. For this crime, he was fined £210, ordered to pay an additional £15 'victims of violence' surcharge and given a criminal record which he will have to disclose for the next five years.

Hull City Council fined Sarah Davies £75 when a piece of sausage roll that she was feeding to her daughter fell on the ground. It was soon eaten by hungry pigeons. She was spotted by two 'bin police', who threatened her with arrest if she failed to cooperate with them. One of them was 'rude' and unreasonable. Miss Davies is prepared to go to court over this.

### May 2008

Following the disastrous local election results, No10 'suggested' that rubbish taxes would be axed. DEFRA rejected this 'suggestion' saying that they will evaluate the results of the trials before they make a decision, not No10. This is the third time this 'suggestion' has been made; first was in April 2007 before the local elections, and again in October 2007 when speculation was running rife about a General Election.

DEFRA announces that recycling rates have increased to an all time high of 33.2% as at September 2007. Clearly, voluntary schemes are continuing to work well and the target recycling rate of 40% looks to be achievable by 2010. The argument for 'rubbish tax' to 'encourage' householders to recycle more is demonstrably false. It is looking more and more like a convenient excuse to tax householders more.

## **'Pay-as-you-throw' Schemes**

At present, several different types of schemes are being considered. Based on experience in other EU countries and the US, it is expected that the five pilot trials will include the following mix of schemes:

- ◆ sack-based
- ◆ bin volume-based
- ◆ frequency-based
- ◆ weight-based.

### **Sack Based**

Householders have to use special sacks supplied to them by the council. If additional sacks are required over and above a set quota, then these are charged for.

### **Bin Volume Based**

The charge is based on the size of bin a household uses. There will be a 'standard' size bin which may or may not be charged for. If a household uses a smaller size bin, then a rebate is payable; conversely, a larger size bin will incur a charge.

### **Frequency Based**

Households pay for extra waste collection on top of a fixed minimum number of collections.

### **Weight Based**

Similar to bin volume base except that the weight of rubbish will be used as the base, not the bin size.

The above is not an exhaustive list, but is probably the most likely.

## Concerns

Increase in fly-tipping – see report by CLG Select Committee.

Neighbours dumping rubbish on other neighbour's properties or in their bins.

Unfairness – large families vs small families, what if you live in a block of flats and share communal bins?

Fortnightly collections and increases in vermin infestations. In September 2007, Oxford resident Dr Frances Kennett refused to pay her council tax following the introduction of fortnightly collections as she had become plagued by rats.

Up to 2005, the number of reported vermin infestations was increasing. However, in 2006 they suddenly fell by about 22 per cent on average. The [National Pest Technicians Association](#) in their latest annual report put this reduction down to the fact that 62 per cent of Local Authorities now charge for dealing with vermin infestations; 'This trend is said by many PCT and officers alike to be the cause of a growing reduction in requests for treatments or complaints and consequently making under-reporting a hidden problem that only creates a 'time-bomb' effect and reservoir of rodents for possible future years.'

In December 2006, a report by consultants [Eunomia](#) based on research on similar bin taxes in Europe estimated that fly-tipping would increase by 80% from 187,500 tons to 342,000 tons if pay-as-you-go schemes are introduced. Costs for taxpayers will increase from £50m to £89m per annum.

In September 2007, a report by the New Local Government Network think tank titled '[How can we refuse? Tackling the Waste Challenge](#)' states that pay-as-you-throw schemes are '*unlikely to be sufficient to change public behaviour, significantly increase recycling or deliver a long-term solution to the waste problem.*' The charges or rewards are too low but will create resentment in the community, increase in fly-tipping and bureaucracy.

In December 2007, research by the [Economic and Social Research Institute](#) for the Environment Protection Agency in Ireland, based on similar charging schemes operating in West Cork since 2003, reported that 42 per cent of all households burn their rubbish, an increase of 33% over the previous year. Local authorities regard backyard burning as a 'significant problem'. The concern is that this could be repeated in England therefore resulting in more air pollution.

## Trials

### **March 2007**

In three areas of Northern Ireland; Newtonabbey, North Down and Craigavon, 250,000 households have had microchips fitted to their wheelie bins. The Government has paid £140k to install the microchips. All three areas operate a fortnightly collection system. There is only very limited information available at present about these schemes and it is unclear whether they have started or not. Click [here](#) for more information.

### **November 2007**

Broxbourne Council in Hertfordshire introduced a test scheme on 3,000 homes in Goffs Oak. Each home was given one free bag per week to use. If they wanted more, each additional bag cost 28p (a normal black bin bag costs just 8p). Any 'non approved' bags used would simply not be collected, and fines of up to £1,000 would be charged. Local residents were in uproar over this. The Council claimed it was to 'encourage' an increase in recycling, but it only provides limited doorstep recycling facilities. For example, it does not recycle any plastic, but this was introduced during the trial. Reports of the trial:

[Broxbourne pilots bag-charging scheme for residual waste](#)

[Broxbourne pilots charging, to reduce residual waste](#)

[Broxbourne bag-charging pilot reports good results](#)

Included in the recently issued Climate Change Bill (Part 5) are provisions for five waste reduction pilot schemes to be trialled. Referring back to the CLG Select Committee report that may be downloaded or viewed [here](#) (look for the Sixth Report dated 21 February 2008 called Refuse Collection: Waste Reduction Pilots) and refer to page 9 paragraph 14 and page 7 paragraph 7, the earliest date that trials will begin is April 2009 and they will each run for three years. The Government will then review the results before deciding whether to roll out these types of schemes to all Local Authorities.

WRAP has been supporting the trialling of 17 separate food waste collection schemes. Funding of these schemes ceased at the end of March 2008 but many of the local authorities participating in the trials intended to continue. A full report of these trials will be available in June 2008. An information sheet about these trials is available from the [WRAP website](#).

## Costs to Council Tax Payers

### The 'Variable Charge'

At present no cost has been specified, it is simply too early. There has been lots of speculation of amounts of up to £120 per annum. Referring to the CLG Refuse Collection report (section 5 Financial incentives and charging), an *average* annual amount of £50 per household per annum would seem to be the most realistic estimate at present, but don't rule out higher amounts. However, bearing in mind the way that Council Tax has relentlessly increased over the last decade, coupled with the current Government's track record on estimates, it would not be unreasonable to assume a starting cost of £10 per month.

The above is the 'variable charge' and it is this charge that will be used as an 'incentive' to 'encourage' greater recycling rates. This is also referred to as a 'revenue neutral charge'.

A 'revenue neutral charge' means that all monies raised through charges is repaid as 'incentives' by the local authority. It is not allowed to retain these charges. In practice this is how it might work.

The local authority sets a charge amount of say £50 per annum and adds this to your Council Tax bill. Households that fail to hit their recycling target will incur a further charge, and household that exceed their recycling target will receive a rebate. The rebate amount is dependent on the charge amount e.g. neighbour vs neighbour. The net charge (tax) for all local residents within each local authority is therefore zero, but within each local authority, some residents will pay more than others.

### Other Charges

The cost of setting up, implementing and administering these schemes is expected to be met from existing local authority budgets. It will be up to each local authority to decide how to do this, but there is a real possibility that these costs will have to be funded either in part or full via the Council Tax precept. Gary Alderson, for Mid-Beds District Council, estimated set-up costs of £500,000 plus ongoing administrative costs of £100,000 to £150,000 a year to manage the system

See also [Costs to Local Authorities](#), [Landfill Tax](#) and [Enforcement](#) in this document.

## Costs to Local Authorities

In November 2006 the LGA warned the Government that the estimated cost of collection and disposal of household waste will double over the next six years to £4.2bn by 2012 in order to meet targets set by Brussels. This will increase Council Tax bills by £100 per annum for an average band D property.

In the March 2007 budget, the landfill tax escalator was increased from £3 per tonne to £8 per tonne by Gordon Brown. The impact on Local Authorities budgets means that the rate per tonne payable for the next three years will be:

◆ 2008/09	£32 (+33%)
◆ 2009/10	£40 (+25%)
◆ 2010/11	£48 (+20%)

The amounts of Landfill Tax received by the Treasury are as follows:

◆ 2000/01	£500m
◆ 2001/02	£500m (+0%)
◆ 2002/03	£500m (+0%)
◆ 2003/04	£600m (+20%)
◆ 2004/05	£700m (+16.7%)
◆ 2005/06	£700m (+0%)
◆ 2006/07	£800m (+14.3%)
◆ 2007/08	£900m (+12.5%)*
◆ 2008/09	£1,100m (+22.2%)*

\* = estimated amounts

Source = [HM Treasury Budget Reports](#)

In May 2007 the LGA estimated that the higher landfill tax will increase to £3.2bn by 2013; equivalent to £150 per Council Tax payer if nothing is done. The tax is forcing ('encouraging') councils to scrap weekly collections and introduce fortnightly collections and compulsory recycling schemes.

In addition to the Landfill Tax, if the EU target of waste reduction is not met by 2010, then an additional fine of £150 per tonne will be payable. The LGA estimate that these fines will total £200 million by 2013.

These costs will be passed to the Council Tax payer unless mitigating action is taken. In addition to the Government 'encouraging' Local Authorities to increase their recycling rates, every local resident must also do as much as they can to reduce their non recyclable waste.

## Landfill Tax

This tax is charged on each tonne of waste that is sent to landfill. The rate per tonne is subject to an annual escalator, and up to 2007/08, this was set at £3 per tonne. The rate for 2007/08 was £24 per tonne.

However, in his 2007/08 Budget, the then Chancellor, Gordon Brown, increased the annual escalator rate from £3 per tonne to £8 per tonne with effect from the tax year 2008/09. This is an increase of 166.7 percent. On average, each Local Authority will be hit with an addition £1 million cost in 2008/09.

Local Authorities became aware of this in May 2007 and have reacted angrily to this. They state that there is too little time between the implementation of this new tax rate and their ability to introduce new or more recycling schemes in order to mitigate against its impact. Central Government disagrees and dismisses these claims.

Landfill Tax increases from 2005/06 were supposed to be 'revenue neutral' to all Local Authorities. In the 2003 Pre Budget Report, the Government committed to this, but it has never been clear whether they actually did this.

However, in December 2007, John Healey MP, Minister for Local Government, when appearing before the CLG Select Committee confirmed that the Government has changed its position. Under the new Comprehensive Spending Review (CSR) period, Landfill Tax increases will no longer be 'revenue neutral'. Therefore, unless the amount of waste being sent to landfill is not reduced, Local Authorities will be faced with an ever increasing amount of Landfill Tax. This cost will inevitably be passed on to the Council Tax payer in the form of higher bills. Full details may be downloaded or viewed [here](#) (look for the Sixth Report dated 21 February 2008 called Refuse Collection: Waste Reduction Pilots) and refer to page 23 question 10 onwards.

The LGA are clearly not pleased with this change of policy. Landfill Tax increases were supposed to be returned to Local Authorities in the form of a grant in order to allow them to invest in new and more recycling schemes. The idea was that the amount of tax paid by Local Authorities would reduce over time as the amount of waste sent to landfill decreased. Now that this money is no longer available, and coupled with the increases in the rate per tonne, all Local Authorities face a 'double whammy' with regards to their waste disposal costs.

The total additional cost to all Local Authorities over the next three years is estimated at £1.5 billion which equates to an additional £70 per household on their Council Tax bill.

The LGA have launched a '[Landfill tax campaign](#)' in order to try and get this money returned to local authorities.

## Enforcement

All powers are contained in the [Clean Neighbourhoods and Environment Act 2005](#). The list of fines includes:

- ◆ Fine if you put out too many bags
- ◆ Fine if you overfill you bin
- ◆ Fine if you don't close your bin lid properly
- ◆ Fine if you put your bags or bin out on the wrong day
- ◆ Fine if you put the wrong item in the recycle bins or boxes
- ◆ Fine if you use the 'wrong' type of bin bag.

In October 2007 it was announced that from next year, town hall 'bin police' will be given powers to stop, search and seize vehicles whose drivers are suspected of fly-tipping.

In December 2007 the number of on-the-spot fines increased by a third over the year. Nearly 44,000 people received fines of £100. The number of fines being issued is over 100 per day, meaning councils are collecting an additional £1.5m per annum.

In January 2008 ten councils have installed 33 automatic car number plate recognition cameras at 29 public waste sites in order to monitor usage. Councils claim they are there to deter illegal dumpers and traders disposing of trade waste, which should be paid for. Offenders would be fined or sent to jail.

The Environment Department has issued an 'enforcement manual' to all town halls telling them to operate a 'zero tolerance' policy and issue £100 fines for all offences.

In March 2008 it was reported that town halls have employed more than 850 'covert human intelligence sources' to snoop on people and report back any offenders. This will include fly-tippers and anyone who breaks one of the many bin rules.

## Double Taxation

The additional costs that are more than likely to be passed to the Council Tax payer are as follows:

1. Increases in the Landfill Tax at such short notice means that many Local Authorities will find it impossible to avoid
2. The cost of setting up, implementing and administering these schemes is expected to be met from existing budgets (except the proposed five pilots)
3. EU fines are likely to be incurred from 2010 onwards at a rate of £150 per tonne
4. Households will start to pay an additional Rubbish Tax.

It should be noted that Council Tax already includes the cost of rubbish removal and disposal. This cost is currently covered by revenue received from both the central government grant and council tax. The average cost per household at present is £75 per annum.

The introduction of fortnightly rubbish collections (50% service cut) have not resulted in any lower Council Tax bill.

## Joint Waste Authorities

The Government proposes, in the [Local Government and Public Involvement in Health Act 2007](#), to allow for the creation of Joint Waste Authorities (JWA) where several local authorities desire formal co-operative arrangements. These JWA will be able to take full control of all waste collection schemes across several local authorities in order to benefit from 'efficiency gains'. The JWA will be comprised of existing local authority staff that transfer to them. They will be full legal entities in their own right, and funded by the local authorities whom they provide waste services for.

DEFRA is currently consulting on draft regulations and full details are available from the [DEFRA website](#).

## Loss of Democracy

JWA will have the power to set the level of 'rubbish tax' payable by all households. Critics, or defenders of democracy, have said that this breaks the established principle of 'no taxation without representation'. Effectively, the Local Authorities can absolve themselves from responsibility, and unlike the May 2007 local elections, local residents will no longer be able to vote out a council if they disagree with their waste collection service. This was the year when about 30 councils who switched to fortnightly waste collections were voted out by the local residents.

Residents must be consulted by town halls on transferring rubbish collection to a JWA, but will have no vote on the decision.

## 'Spin'

Cuts of weekly collections are counted as 'efficiency gains' by councils.

Fines are counted as 'productivity improvements' or 'efficiency savings'.

Fully approved and backed by Central Government. All part of Gordon Brown's annual 2.5% efficiency savings for Local Government.

Rubbish Taxes are regularly referred to as either 'incentives', 'charges' or 'rewards' which are all wrong and totally misleading.

Claims that the average Council Tax bill will be cut by £30 per annum, but omitting that the new rubbish tax will more than likely cost at least £10 per month or £120 per annum.

The LGA calls these new schemes 'save-as-you-throw' schemes but the correct phrase to use is 'tax'.

"It's not pay as you throw, it's earn as you recycle"

In November 2007 responses to a DEFRA consultation on recycling 'incentives' by local councils advised that the cost of administration would push up Council Tax bills in addition to charging pay-as-you-throw taxes. Councils described the new tax as 'electoral suicide', 'unworkable', 'impractical', 'fundamentally flawed' and 'politically unacceptable'. The tax would not be revenue neutral, as claimed by Central Government. These fierce criticisms were suppressed by Hilary Benn when Whitehall published its version of what councils had said.

## Protest

In September 2007 Dr Frances Kennett withheld a portion of her Council Tax (£131) after Oxford City Council introduced fortnightly collections, and her home became infested with rats. Dr Kennett won a 'moral victory' at court – the District Judge explained that he had no option but to grant an order in favour of the Council, but Dr Kennett was not a criminal and he sympathised with her. Council's costs were refused.

Dr Kennett has written an account of her experience for Isitfair that was published in the December newsletter. Her account is titled 'The Day The Rats Came' and may be read [here](#).

## Is this new tax Justifiable?

An irrelevant question as the decision has already been made. Readers who review and read all the source material might well question whether there is a better way to implement this new tax. The costs and potential costs are a deep matter of concern as it is obvious now that the Council Tax payer will pick up the bill, one way or the other.

However, to put everything into perspective, the following is by the CLG Select Committee in the opening paragraphs of their report Refuse Collection:

"Yet, the strength of reaction that rubbish inspires may seem disproportionate to its true significance. Municipal waste collection in England accounts for less than one tenth of all waste: the rest comes from commerce, industry, mining, quarrying and construction (in all of which sectors, it is fair to say, recycling rates are higher than for municipal waste). Once the commercial waste that some councils collect is removed from the municipal total, the household component—what we put in our domestic bins, bags and boxes—is only around 7 per cent of the nation's waste. The efforts of the past decade may have quadrupled the household refuse recycling rate, but it is rarely pointed out that this equates to less than 2 per cent of the resources in the nation's total annual waste stream."

We remain to be convinced.