

Overview & Scrutiny

Effectiveness of Council Enforcement Activity Working Group - 4 September 2019

At its meeting on the 4th September the Head of Locality Services was requested to undertake an exercise to assess and weigh the costs of allowing “free” disposal of commercial builders’ waste at recycling centres and to evaluate the costs of the bulky item service versus the costs of fly tipped wastes.

The Head of Locality Services has spoken at length with colleagues in Merseyside Waste & Recycling Authority (MRWA) who have overall responsibility for the Household Waste & Recycling Centres (HWRC’s) or ‘tips’ as they are commonly referred to.

In answer to the questions raised by the Committee in relation to the tipping of commercial builders’ rubble, please find below a response from Ian Stephenson, Assistant Director at MRWA.

- 1. The statutory requirement is for HWRCs to be provided free of charge to householders only, not to commercial businesses such as builders.*
- 2. In this regard, MRWA are currently only funded to accept household waste. Assuming that the entire network was opened to commercial builder waste, acceptance of such waste free of charge onto the whole HWRC network would clearly result in a very significant increase in the levy on all Councils.*
- 3. Should the proposal be for only Sefton’s HWRCs to be open free of charge to commercial waste (and for Sefton BC to accept the charges that would follow), this would either involve a subsidy from other Councils to Sefton under the current Levy mechanism, or would require a fairly complex change to the current Levy Mechanism.*
- 4. The vehicle throughput and tonnage impact on the HWRC network would be entirely unknown – but it would be reasonable to assume that offering free disposal to commercial builders would result in the sites becoming overwhelmed, meaning very significant impact (such as queues, on-site H&S issues, etc) on other legitimate site users, in addition to potential negative impact on HWRC recycling rates.*
- 5. In terms of potential costs should this happen – realistically, builders would come from far and wide, so it would be impossible to even estimate a potential cost (which would include staffing increases, infrastructure changes such as the requirement for weighbridges, transport and disposal costs, etc)*
- 6. Many of our HWRCs have Permits that do not currently allow for disposal of commercial waste and most sites have specific tonnage limits. A lengthy and costly process would be required to amend Permits and planning permissions to allow for acceptance of commercial waste and increased tonnages which would follow.*
- 7. Site tonnage limits are generally controlled by their physical size and access arrangements. Acceptance of commercial builders waste could displace tonnage capacity for acceptance of genuine household waste - for which we have a statutory duty.*
- 8. There is the question of compliance with public procurement legislation; making such a change would require a significant change to the WMRC contract (which*

Veolia may or may not accept), and such a fundamental contractual change would render the Authority subject to legal challenge from third parties.

9. *The MRWA would consider it highly likely that offering free disposal to commercial builders would lead to a (probably successful) legal challenge from genuine commercial waste management operators who would lose a lot of business – and without looking into the detail, I would suggest that such a proposal is likely to extend beyond our legal powers, as offering free disposal services (i.e. funded by the public sector) to commercial businesses could constitute State Aid (i.e. a subsidy to a business by a public authority).*

10. *I would suggest that given the above concerns and limitations (both statutory and infrastructure) along with the anticipated costs of such a proposal, it would render it both disproportionate and, ultimately, prohibitive. It is also important to note that legitimate, chargeable trade disposal options are provided by Veolia at a small number of our facilities and any commercial builder can be directed to those or any other legitimate disposal point on the EA register – of which there are many across the Liverpool City Region.*

The next question raised by the Committee was that appertaining to the costs of fly tipping when measured against the cost of collection of bulky items by the Council.

Members will be aware that Sefton currently charges £10.00 for up to 3 items to be collected from a property. In a financial year this generates approximately £95,000 in income for the Council, and the service now operates on a 'break even' basis, in that any costs associated with the service (vehicles, staff, etc) are covered by the income generated.

The costs of fly tipping are around £800,000 per annum, and have not substantially increased since the introduction of the charge in 2015. The tonnage of fly tipped materials has remained roughly what it was in 2015, however, there is evidence to suggest that larger items such as beds/ mattresses and settees are fly tipped at a slightly higher level than in 2015.

When the Bulky Item service was last 'free to use' in 2014, we responded to some 36,000 calls in that period and disposed of some 1,200 tonnes of collected material.

After the charge was introduced the number of calls reduced substantially to an average of some 9,500 calls per annum and we now dispose of some 550 tonnes of collected materials per annum.

The majority of collections are white goods (fridges / freezers / cookers, etc) and televisions. These are all either recycled or re-used when delivered to MRWA. The recyclable material collected by the Bulky Item service accounts for 1.5% of the total Sefton recycling figure of 39% in 2018/19.

The charge of £10.00 is the second lowest in the City Region, with only Liverpool who are still, under contractual arrangements until 2021, providing a free service. The cost in Sefton has not risen since 2017, and is considerably cheaper than the rates charges in St Helens (£37.00) and Wirral (£42.00).

All the City Region Councils have a fly tipping issue, with wide variances in tonnages of materials fly-tipped in each area, and whether that particular Council levies a charge. There appears to be no demonstrable link between a charge for a 'Bulky Item' collection, and the level of fly tipping each Council has to deal with.