

ITEM No ...3.....

REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE – 12 SEPTEMBER 2016

REPORT ON: WASTE DISPOSAL ARRANGEMENTS AT HOUSEHOLD WASTE RECYCLING CENTRES

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 278-2016

1.0 PURPOSE OF REPORT

1.1 To outline revised measures for controlling the input of waste at Riverside and Baldovie Household Waste Recycling Centres.

2.0 RECOMMENDATIONS

2.1 It is recommended that committee agrees to:

- Continue the ban on commercial vehicles depositing waste at the Household Waste Recycling Centres (HWRCs);
- The introduction of a resident van permitting system; and
- The use of the DVLA enabled enquiry system (WEE) to query the legitimacy of an individual depositing waste at a HWRC.

3.0 FINANCIAL IMPLICATIONS

3.1 It is anticipated additional revenue income from commercial waste charges can be generated through adopting the revised measures outlined within the report. The income at Baldovie Transfer Station for commercial traders will be closely monitored once the new procedures are introduced.

4.0 BACKGROUND

4.1 Civic amenity sites, now known as household waste and recycling centres (HWRCs), were originally set up under the Civic Amenities Act 1967. This stated in Part III (18) that the duty of a local authority was 'to provide places where refuse, other than refuse falling to be disposed in the course of a business, may be deposited at all reasonable times free of charge by persons resident in the area of the authority and, on payment of such charges (if any) as the authority think fit, by other persons'.

4.2 Household Waste Recycling Centres (HWRCs) are provided under section 51 of the Environmental Protection Act 1990 (EPA 1990). Local authorities are obliged to provide HWRCs for residents to dispose of their household waste free of charge. The sites must be reasonably accessible and available at all reasonable times. Other wastes can also be accepted (household waste from non-residents or non-householders, or non-household waste) and charges may be levied for the disposal of these wastes. In Scotland, the charging and trading power is contained in the Local Government in Scotland Act 2003.

4.3 Dundee City Council currently operates two HWRCs at Baldovie and Riverside both licensed by the Scottish Environmental Protection Agency (SEPA) and these continue to have a significant role in enhancing the recycling and waste management services provided for the public. These centres accept significant tonnages of waste and achieve high recycling rates, providing a valuable service to local residents along with an alternative to kerbside collections for the responsible disposal, recycling or re-use of their household waste, particularly for items that are not collected or are costly to collect at the kerbside. In 2015 there were 276,953 visits to both sites.

- 4.4 The sites are each licensed to accept 7499 tonnes of waste. Data returns to SEPA submitted for the year 2015-16 showed an input of 14,400 tonnes broken down to 9,040 tonnes at Baldovie and 5,360 tonnes at Riverside.. The centres make a significant contribution to Dundee's recycling targets with 47% of this waste being recycled. SEPA have asked Dundee City Council to review the tonnage limit at the Baldovie site in light of the total and apply to modify the licence condition or operate within this limit.
- 4.5 Reference is made to report number 198-2011 to the Housing, Dundee Contract Services and Environment Services Committee of 25th April 2011. As of April 1st 2011, commercial waste was no longer accepted at the HWRCs and is required to be taken to Baldovie Transfer Station, Forties Road, Dundee, DD4 0NS, where a charge is levied for disposal via the weighbridge. The previous system of pre-purchased tickets for use at the HWRCs was discontinued from this date.
- 4.6 If waste is generated within a residential home or garden, but as a result of a business activity (for example garden waste generated by a landscape gardener or building waste as a result of removing a fitted kitchen), it is defined as, and therefore subject to regulation as, commercial waste. Such waste should not be brought to the HWRC's.
- 4.7 Van access is allowed at both sites and it is difficult to distinguish between those who are genuine householders and are entitled to use the centres and those traders using liveried/unliveried vans to avoid paying refuse disposal charges for commercial waste. Commercial vehicles are legally required to obtain a waste carriers licence from the Scottish Environment Protection Agency (SEPA) to dispose of commercial waste.
- 4.8 Since 2011 the management of commercial waste at HWRCs has revolved around methods to prevent it from entering the centres and encouraging use of Baldovie Transfer Station. If commercial waste enters the centres without appropriate control measures in place the problems that can arise include:
- congestion on site, which may deter householders;
 - additional service vehicles being required on site;
 - loss of income and the costs of additional disposal;
 - effects on the morale of site staff if they know abuse is taking place and they are unable to take preventative action;
 - potential abuse of site staff when approaching individuals they suspect are using the sites illegally; and
 - commercial waste not being segregated into different recyclable streams, thereby affecting the recycling rate of the site.

If commercial waste is not effectively controlled other measures to improve the efficiency of the centres are likely to be less effective.

5.0 CURRENT POLICY AND PRACTICE

- 5.1 Current policy allows residents with cars, single axle trailers and vans carrying household waste access to the HWRC's. The main problem associated with this policy is that it is open to abuse by traders. Experience has shown that traders in liveried and unliveried vans can pose as members of the public to avoid paying disposal costs. Site staff determine if the waste brought in by vans is commercial or household. They do this by monitoring repeat visitors and checking the type and amounts of waste that is being brought to the sites. If a suspected trader is depositing waste illegally, the details of the vehicle are passed on to staff at both HWRCs.
- 5.2 Regular discussion and feedback between site staff and management on suspected disposal of waste by traders is on-going. Despite procedures being in place, effectively enforcing the current policy and taking action against suspected traders or enforcing a site ban from known

traders is difficult. The misuse of the sites by traders continues and the problem of illegal disposal of waste at both sites persists.

- 5.3 There is also potentially a significant loss of income to the council due to the appropriate charges for commercial waste being avoided. Current disposal charges for commercial waste are £92 per tonne for residual waste. Although the number of traders using both HWRC's has not been quantified, anecdotal evidence suggests that it is a regular occurrence.

6.0 OPTIONS TO DISCOURAGE ILLEGAL DEPOSIT

6.1 Van bans

Consideration could be given to introduce a van ban, based on the assumption that vans are predominantly commercial vehicles. If a van ban is in place, site staff would be encouraged to take responsibility for seeing all vans. The site staff can use their discretion to allow the vehicle to dispose of its waste in certain circumstances, for instance if a resident has hired the van and they can provide proof of hire. Introducing a van ban is likely to cause inconvenience for some site users and there may be some aggression towards staff when the system is introduced, particularly if a resident cannot provide evidence that the van has been hired or provide proof the waste is non commercial. If there is a risk that staff safety may be compromised during the roll-out of such a ban, additional measures could be put in place to support the roll out.

6.2 Residents permit systems for non commercial vans

Rather than banning all vans from the sites, a number of local authorities have introduced a policy that requires residents to register their non commercial van prior to visiting any HWRC and to obtain a free permit. This permit would allow a specified number of visits to a HWRC per year, possibly based on an average of one trip per month. The permit would be non transferable. Livered vehicles would not be eligible and residents with hire vans would still have to show their hire documents. Staff would reserve the right to refuse access to the site if it is suspected that the waste is commercial.

6.3 Use of DVLA web enabled enquiry system (WEE)

To allow local authority officers to make immediate decisions over abandoned vehicles in their area, the Driver and Vehicle Licensing Agency (DVLA) developed the Web Enabled Enquiry (WEE) system to provide 24-hour on-line access 7 days a week, to their vehicle keeper database. The system was rolled out for local authorities in September 2002. The Environment Department have used this system since 2007 to send a letter to the last registered keeper of a suspected abandoned vehicle.

The system has since been enhanced to allow enquiries to assist the investigation of other environmental offences, where a vehicle was involved. A local authority may make an enquiry to request keeper details after witnessing or receiving reports regarding the alleged depositing of waste on an open or public space, from a stationary or moving vehicle, which is not an authorised waste disposal site or without the permission of the landowner. Sufficient evidence is required prior to accessing the link and this evidence must be retained and available for audit inspections. Information should only be obtained where sufficient evidence is held to ensure a successful prosecution. This system could be utilised to query the legitimacy of an individual depositing waste at the HWRC. Again this would require enforcement and follow-up activities to ensure that site users are aware that it is not acceptable to abuse the site.

6.4 Automatic number-plate recognition

Automatic number-plate recognition (ANPR) systems can be very effective if they are used to their full potential. For example, the system can be set up to trigger an email to a staff member, who can then follow up suspected traders who are depositing commercial waste (for

example when a vehicle has breached a set number of visits over a given period). Alternatively, if the system does not provide alerts, a member of staff can monitor the ANPR data and highlight any vehicles that are frequently entering the site. All ANPR or disclaimer systems require enforcement and follow-up activities to ensure that site users are aware that it is not acceptable to abuse the site.

6.5 Height barriers

Research into the management of HWRC's has found that height barriers, used in conjunction with other control methods (such as automatic number plate recognition) can act as an effective deterrent to traders. There are a range of different types available including manual barriers that the site operative performing the meet and greet function must raise, after discussing with the driver the type of waste they are disposing of.

6.6 Refusal to accept certain waste types

Not all sites are required to accept all types of waste. Local authorities can choose to accept certain wastes, such as asbestos or paint, at specific sites only, or through alternative provision outside the HWRC network. Many authorities are now implementing restriction policies, mostly related to large quantities of rubble, soil and DIY-type waste. Such restrictions limit the amount of specific wastes that a householder can bring to a site during a set time period. If any site users need to dispose of more than this allocation within the specified time period, this is classed as commercial waste. However, any policy that places a restriction on the quantity and type of waste that can be disposed of within a particular time period can be difficult to manage without the use of automatic number plate recognition (ANPR), or very vigilant site staff to police the type of waste being deposited.

7.0 PROPOSED POLICY

- 7.1 It is recommended that the current policy of banning commercial vans from each recycling centre be continued and a resident permitting system be introduced. Residents would have to register their non commercial van prior to visiting any HWRC to obtain a free permit. If a resident has hired the van, they will be requested to provide proof of hire and given access to the site once this has been shown. All commercial vans will be required to use Baldovie Transfer Station. This should lead to additional income as traders would have to pay the appropriate fees for disposal rather than receiving free disposal at the HWRC's.
- 7.2 It is further recommended that the use of the DVLA WEE system be implemented. The DVLA have confirmed this is a permissible use of the WEE system. DVLA guidance states a local authority may make an enquiry to request keeper details after witnessing or receiving reports regarding the alleged depositing of waste on an open or public space, from a stationary or moving vehicle, which is not an authorised waste disposal site or without the permission of the landowner. An enquiry may also be made where a vehicle is carrying controlled waste and the driver fails to produce authority or waste transfer documentation, or the waste being carried is proven to be liquid, hazardous or clinical waste.
- 7.3 There are no additional costs associated with the use of the DVLA WEE system as Neighbourhood Services already have the system in place to deal with a range of environmental offences. The revised procedure is set out in Appendix 1. The intention would be to seek compliance, prosecute the relevant offences and ban any vehicles that are illegally depositing commercial waste at the sites. Any such vehicles would also be carrying waste without a waste carriers licence. Registration is required via Scottish Environment Protection Agency (SEPA). Notification would be provided to SEPA as the regulator of waste carriers in Scotland. The relevant offences are within Section 33 & 34 of the Environmental Protection act 1990.

7.4 It is recommended that, as a spend to save initiative, the costs of the installation and use of ANPR with height barriers, to identify any repeat visitors who are likely to be traders, be investigated to support the revised measures. Although restrictions on certain types of waste being accepted on the site are in place, it is recommended that the possibility of further restrictions be considered as part of this initiative.

8.0 IMPLEMENTATION

In order to support the revised policy measures the following actions will be taken prior to implementation:

- relevant staff will be trained to implement the revised measures;
- a two page leaflet/flyer will be developed explaining the revised measures and handed out on site prior to the policy being introduced;
- the relevant pages on the Dundee City Council website will be updated to reflect the revised measures, including the leaflet/flyer and permit application; and
- existing administration procedures will be modified to deal with permit requests and breaches of policy.

9.0 POLICY IMPLICATIONS

9.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

10.0 CONSULTATION

10.1 The Chief Executive, the Executive Director of Corporate Services and Head of Democratic and Legal Services, and all other Executive Directors have been consulted and are in agreement with the contents of this report.

11.0 BACKGROUND PAPERS

11.1 None.

Elaine Zwirlein
Executive Director of Neighbourhood Services

Gary Robertson
Head of Environment

26th August 2016

Appendix 1 - Revised Guidance

Dundee City Council Environment – HWRCs

Procedure for Checking for Trade Waste

Background:

As a Local Authority, Dundee City Council has an obligation to provide a place for its residents to dispose of their household waste free of charge. Traders however are not entitled to use the site for disposing of commercial waste and they should take their material (which is chargeable) to Baldovie Plant.

Residents are entitled to reasonably use vans / trailers to bring their material to the sites however this will require a permit. In order for the department to ensure that this public service is not detrimentally affected by being used by traders, we are entitled to enquire about the source of any waste which appears to be commercial.

Procedure:

No commercial vans are entitled to use the sites. All commercial vans are instructed to use Baldovie Plant.

Residents have to register their non commercial van / pick up / minibus or vehicle with single axle trailer prior to visiting any HWRC to obtain a permit. Permits are free to householders wishing to dispose of small quantities of bulky household waste, or to access reuse and recycling facilities. They are valid for 12 months and allow up to 12 visits.

If a resident has hired the van; they will be requested to provide proof of hire.

Site staff are encouraged to take responsibility for seeing all other vans. The site staff can then use their discretion as to whether to allow the vehicle to dispose of its waste. Site staff have the right to refuse entry to the site if the waste being carried is trade or commercial waste.

Vehicles that don't require a permit

- car, estate car, people carrier;
- MPV;
- 4x4.

Vehicles that do require a permit

- van;
- pick-up;
- car, van or pick-up with single axle trailer;
- mini-bus (8-11 seats).

Vehicles not allowed on site

- commercial vans;
- a vehicle over 3500kg gross weight;
- a tipper;
- a vehicle with a twin axle trailer;
- a vehicle with more than 4 wheels;
- a vehicle or pedestrian carrying commercial waste.

The department reserves the right to investigate site usage and, if necessary, withdraw a permit.

Breaches of policy:

If a vehicle is seen depositing suspected commercial waste at the household waste recycling centre and the incident(s) are witnessed the details will be recorded by the site attendants on an incident form. Site attendants will record the following details: type of waste; date; location; description of incident including vehicle registration mark; witness details and details of evidence. This will be passed onto the Operations Controller.

The Operations Controller will pass the incident form to the Assistant Waste Services Manager and an enquiry will be made on the DVLA WEE system to obtain the registered keeper details. CCTV images of the vehicle entering and/or leaving the site on that particular day would be retained with the "casefile" as supporting evidence. The "casefile" would include a form of signed statement by the witnesses as indicated above.

If the enquiry confirms the registered keeper's details as a business address then the case file will be passed to the environmental compliance team for consideration in relation to potential enforcement action under the Environmental Protection Act 1990. A follow up letter would be issued concurrently by the Assistant Waste Services Manager banning the vehicle from the site.

If the enquiry confirms the registered keeper's details as a householder then no further action will be taken.