

**LINCOLNSHIRE WASTE  
PARTNERSHIP  
10 SEPTEMBER 2015**

**PRESENT:**

**COUNCILLOR R A SHORE ((LINCOLNSHIRE COUNTY COUNCIL)) (CHAIRMAN)**

Councillor Anthony Herbert Turner MBE JP	
Steve Willis	(Lincolnshire County Council)
Sean Kent	(Lincolnshire County Council)
District Councillor Michael Brookes	(Boston Borough Council)
George Bernard	(Boston Borough Council)
District Councillor Mrs Sandra Harrison	(East Lindsey District Council)
Victoria Burgess	(East Lindsey District Council)
District Councillor Fay Smith	(City of Lincoln Council)
Steve Bird	(City of Lincoln Council)
District Councillor Richard Wright	(North Kesteven District Council)
Mark Taylor	(North Kesteven District Council)
District Councillor Roger Gambba-Jones	(South Holland District Council)
Emily Spicer	(South Holland District Council)
District Councillor Nick Craft	(South Kesteven District Council)
Ian Yates	(South Kesteven District Council)
Ady Selby	(West Lindsey District Council)
Rachel Wilson	Democratic Services
Ian Taylor	Environmental Services Team Leader (Waste)

**58      PARTNERSHIP MANAGEMENT ISSUES**

**58a      Apologies for Absence**

Apologies for absence were received from Councillor D Cotton (West Lindsey District Council)

It was also noted that Keith Morgan was in attendance from the Environment Agency.

**58b      Declaration of Interests**

There were no declarations of interest at this point in the meeting.

**58c      Minutes of the meeting held on 10 July 2015**

**RESOLVED**

That the minutes of the meeting held on 10 September 2015 be signed by the Chairman as a correct record.

During consideration of the minutes it was noted that the Household Waste Recycling Centre in Bourne was planned to open in April 2016.

Updates were requested on a number of items, however, the Partnership was advised that these were already on the agenda for the meeting.

#### 58d Partner Updates

Members of the Partnership were provided with the opportunity to update the rest of the Partners on any developments within their individual districts which may be of interest, and the following was reported:

North Kesteven District Council – the authority was looking at its charging regime for green waste.

South Kesteven District Council – officers were continuing to try and bridge the gaps from funding arrangements.

Boston Borough Council – nothing to report.

South Holland District Council – a business case for green waste collection scheme was being worked on. The best method for collection was with wheelie bins, however South Holland did not have them so there would be a cost implication. It was hoped that green waste collection would commence in April 2016 subject to member approval.

East Lindsey District Council – officers were looking at different options for service provision.

City of Lincoln Council – a fly tipping initiative was underway. When fly-tipped waste was collected the location would be marked as city council aware, and door knocking and a letter drop would be carried out in the immediate area. The trial was coming to an end and officers would be examining how effective it had been.

It was confirmed that if officers could get enough evidence, the City of Lincoln Council would always seek a prosecution for fly tipping.

A discussion followed and some of the points raised by members of the partnership included the following:

- It would be interesting to know the outcomes at the end of the evaluation process.
- The City Council had written to the Minister as there was a gap in the legislation regarding fly tipping, as students clearing out rented property at the end of the year were dumping rubbish on the street, however the legislation only allowed for residents of the property to be prosecuted.
- Officers reported it was very difficult to obtain 'concrete' evidence.
- There had been over 1000 incidents of fly tipping reported in South Kesteven during the year.

- South Kesteven were planning to run a campaign regarding the Duty of Care regulations. It was noted that North Kesteven had successfully prosecuted using the Duty of Care regulations.
- It was suggested that a few successful prosecutions would help to deter potential fly tipping.
- The City of Lincoln did investigate every incident of fly tipping which was reported.
- There had been some high profile cases of residents being fined for leaving bins on the street.
- The City of Lincoln would be employing an enforcement officer, as it was believed that the fines obtained would fund the post.
- Fly tipping was a countywide issues, and it was suggested that County News was a good place to highlight the issue.
- North Kesteven was very keen to pursue this issue, however it was very resource intensive work, and it was estimated that the time spent investigating fly tipping was the equivalent of a full time employee.
- Members were informed that local authorities could apply to reclaim operational costs as well when going to court for a fly tipping offence.
- It was suggested that authorities should avoid reminding people that they will investigate the waste that was fly tipped, as people may start to ensure that they remove any personal details from waste that was fly tipped.
- It was noted that Lincolnshire County Council had cut its fly tipping gang as part of the budget review. It was acknowledged that the team which had been running for eight years had added great value, but it had had to be cut as part of the savings plan.

## 59      STRATEGIC ISSUES

### 59a      Duty of Care Regulations - Waste

Consideration was given to a report introduced by Victoria Burgess from East Lindsey District Council which advised that Defra was seeking views of the revised duty of care Code of Practice and were inviting comments on whether it offered clear, fit for purpose and practical guidance to holders of waste.

It was reported that the Duty of Care was set out in Section 34 of the Environmental Protection Act 1990 and was a legal requirement for those dealing with certain kinds of waste to take all reasonable steps to keep it safe. This ensured that waste was dealt with responsibly, and described and treated correctly. Compliance with the duty of care helped to prevent waste crime and fly-tipping.

The purpose of the Code of Practice was to give simple, clear and practical guidance on what those who import, produce, carry, keep, treat or dispose of controlled waste have to do to fulfil their legal duty of care obligations; it did not amend the legislation. The changes to the Code of Practice had been made to reflect the legislative changes made to the duty of care since the Code of Practice was published in March 1996 and to promote the awareness of it. The consultation requested responses to 10 questions and the proposed LWP responses had been circulated to the Partnership for discussion.

## LINCOLNSHIRE WASTE PARTNERSHIP 10 SEPTEMBER 2015

In response to one of the consultation questions it was commented that from a local authority perspective the guidance was clear and concise, however, the obligations on the occupier of a domestic property may need to be made clearer. For example, the term 'waste holder' may not be obvious to a member of the public that this referred to an ordinary household.

It was also highlighted to the Partnership that in response to the question regarding whether the signposting of other legislative requirements in Section 4 was useful, that the signposting of the relevant information in this document was useful. It was also thought that it would be useful to know how the revised Code of Practice would be publicised once it was finalised, specifically in relation to raising awareness of householders.

The Partnership was provided with the opportunity to discuss the proposed consultation responses and some of the points raised included the following:

- The revised Code of Practice was now only 11 pages long, the main change was that it included links to the additional information, and had been adapted so it could be accessed online.
- The revised version was considered to be more user friendly and used less legal language.
- It was felt that for residents it was still not clear that they were waste holders and that they had a duty of care. It was considered important that it was explained to residents the part they can play in reducing fly tipping.
- It was commented that it would probably be the role of the Partnership rather than Defra to get these messages out to residents.
- It was suggested whether a picture guide could be produced for residents which showed what a legitimate licence looked like, when employing people to remove waste from a property. It was also suggested that this could be done through County News.

### RESOLVED

That the proposed consultation responses on behalf of the Lincolnshire Waste Partnership be agreed.

#### 59b Update on the Waste Collaboration Project

Mark Taylor from North Kesteven District Council presented the Project Initiation Document for the project to assess the viability of proposals for enhanced joint working on waste/recycling in Lincolnshire. Members were advised that the focus of the project would be two-fold, firstly to look at the potential impact on collections by eliminating the boundaries between districts and also to look at the management costs and support services costs.

In relation to the potential impact of eliminating district boundaries for collections, it was reported that Webaspx was undertaking work into this and the information would be fed back into a computer model. It was expected that there would be savings in terms of vehicles and the number of crews which would be required.

The Partnership was provided with the opportunity to discuss the project initiation document, and some of the points raised included the following:

- It was queried whether there were any examples of areas where joint working had been successful. It was noted that this issue had already been identified and a small group had been set up to identify questions that needed to be asked as the project developed. It would be important to learn from the experiences of others, however, authorities should not be put off if it had not worked as planned in other places.
- It was planned to carry out a survey and hold telephone conversations with others that had been through this process.
- Boston Borough had been working successfully with East Lindsey for some time with collection routes.
- It was suggested that visits to other authorities that had implemented joint working would be useful.
- There was a limited amount of time in which to carry out this project and so some of the work may need to be carried in parallel to that being carried out by the consultant.
- South Kesteven had previously highlighted some concerns which were reflected in the document.
- It was suggested that a model be looked at which included the authorities forming a separate company, to ensure that the support costs were not just spread out within each authority. It was also have the advantage of becoming outsourced, but also being in control of the service.
- Members were advised that all options would be considered.
- It was queried whether the private sector had been tested to see whether there was a company that could provide this service for the whole county.
- It was noted that this was a piece of work which was just starting, but it could be a catalyst for other work as well.

## RESOLVED

That the Project Initiation Document presented and comments made be noted.

### 59c Glasgow Refuse Vehicle Fatal Collision December 2014 - Briefing Note

The Partnership received a briefing note which had been presented to the Lincolnshire Health and Safety (Waste and Streets) Group in relation to the fatal crash of a refuse vehicle in Glasgow in December 2014. The Lincolnshire Health and Safety (Waste and Streets) Group had been following proceedings to try and identify lessons learned. The briefing note set out the current legal position, interim learning and future activity.

The Partnership was advised that at the time of writing of the report neither the Council nor the driver had been charged under criminal law such as death by dangerous driving however, this is still open to civil claims.

It was reported that this report had been brought forward to members so that the Partnership knew that officers were aware that there would be implications for working practices following this incident. There had also been a lot of information about this incident through press coverage. This was not a straight forward issue and there would

be some complexities, including around the future design of vehicles. It was suggested that the report and the findings from the inquiry were noted, and then bring back a report.

It was suggested that if there were to be changes to vehicles such as panic buttons in the cabs or installation of collision avoidance systems, authorities should be looking to the industry to provide this in new vehicles, as it could cost local authorities a lot of money if these systems needed to be fitted to vehicles retrospectively. However, it was felt that authorities should try to accommodate safety measures where practicable.

#### RESOLVED

That the update be noted.

#### 59d County Campaign and Contamination in Recycling

The Chairman advised that he was going to consider the two items of County Campaign and Contamination in Recycling together. It was noted that it was planned to run an article in the January edition of County News in relation to contamination in recycling.

The Partnership was advised that when Mid-UK commenced the new contract, they also started a materials sampling operation. However, initially there were some serious concerns raised regarding the way that samples were collected as part of the sampling regime. Following a series of engagement meeting with Mid-UK the methodology for collecting samples has been changed and has significantly improved. However, there were still considerations that could be made.

It was noted that a decision had been made regarding the statistics which had been presented in April, May and June of 2015 would not be used as they were flawed. The data collected in July (using the new methodology) would be applied retrospectively to the earlier months.

The sampling process was still showing high levels of contamination in the materials collected, and officers were meeting monthly with Mid-UK. An overview of the market for recyclables was requested, as with the reducing oil prices, it was now cheaper to produce new plastics than to recycle.

It had also been found that when residual bins were analysed, there were still considerable levels of recyclable material being thrown away.

Members of the Partnership were provided with the opportunity to ask questions to the officers present in relation to this issue and some of the points raised during discussion included the following:

- It was commented that it should be a moral obligation rather than financial reward which drove the need to recycle.
- There was a need to work towards a more consistent mix, in order to provide a better quality product.
- It was noted that an article in Materials Recycling Weekly had observed that recycling markets were approximately where they expected to be for the time of year.

- It was suggested that the reason why the quality of recyclables presented was so poor was because districts did not have the budget available to promote good quality recycling.
- It was suggested whether a visit to Mid-UK could be organised?
- One of the biggest issues was that there were so many different variables, with a need to try and simplify the message across all districts as there was a lot of confusion among residents.
- In relation to the sampling methodology, what day the sample was taken could be important, as the City of Lincoln officers were aware of particular areas in the City where recycling contamination was high.
- County Council officers would be exploring further with Mid-UK how the sampling was programmed.
- It was reported that in June 2015 the levels of contamination in recycling were between 28% - 30%, but they had now fallen to 15%-18%.
- There was also an issue in relation to target and non-target materials, and whether non-target materials were being recycled. Members were informed that Mid-UK were a fairly proactive company and if there was a way for something to be recycled it would be.
- It was queried whether not increasing the recycling rate would affect the calorific value of the EfW. Members were advised that an increase in green waste would affect it, however, when all waste reached the EfW it was mixed. The most important role within the facility was the grab operator to ensure that the waste was mixed properly before it was fed into the grate.
- It was reported that the EfW was currently operating at its optimum level, and it had been working very efficiently for the last 18 months.
- It was queried whether removing all plastics from the residual waste and into the recycling stream would have a negative effect on the EfW. It was commented that this was a matter for debate, as it was possible that if the recycling mix was simplified, this could lead to an increase in residual waste and a decrease in recycling.
- There was a need to consider what the optimal mix was and what financial impact this would have.
- It was noted that there was still work to do to build relationships between the County Council and Mid-UK. Ian Taylor and his staff would visit periodically to watch the processes at work.
- It was suggested that a very small task and finish group should be set up to meet before the next meeting of the Partnership which was scheduled for 19 November 2015, to discuss some of the ideas for the County News article, and then make a presentation to the meeting on 19 November 2015. Councillor Shore, Sean Kent, Councillor Smith and Steve Bird agreed to be part of the group and meet up with Simon Cotton from the Communications Team.
- In South Holland the recycling wheel had been the most successful tool for promoting recycling.
- The message in the article needed to be simple, such as no food waste in recycling, no black bags in recycling etc..
- It was suggested that it should be included in the article how much it cost if an average household recycled as much as possible compared to not recycling.

**LINCOLNSHIRE WASTE PARTNERSHIP  
10 SEPTEMBER 2015**

- It was queried whether the longer term impact of the requirement to recycle 50% of household waste by 2020 was understood, or whether this was something which should be looked at further.
- It was queried whether there was a need to come up with a uniform list of what items were accepted for recycling.

**RESOLVED**

1. That the update be noted;
2. That Councillors R A Shore and Mrs F Smith, and Sean Kent (LCC), Simon Cotton (LCC) and Steve Bird (CoLC) form a working group to discuss ideas for an article in the January 2016 edition of County News on recycling practices, and then present these suggestions to the meeting of the Lincolnshire Waste Partnership scheduled for 19 November 2015.

**60      OPERATIONAL ISSUES****60a      Overview of Officer Working Group Workload**

It was reported that the Officer Working Group (OWG) was working really well and there were three things to make the partnership aware of:

- Road Traffic Accident clean up – legal advice had come back, and the advice stated that this was a district council function. Further discussions with colleagues in Legal Services had been arranged.
- Clinical waste – discussions were underway with the Executive Director of Community Wellbeing and Public Health to explore the extent of the issue, such as the number of sharps boxes presented etc..
- Confidentiality agreement – a report was being put together by FCC at the time of the meeting, and it was planned that this would be signed off by the Chief Executives.

**RESOLVED**

That the update be noted.

**60b      Energy from Waste Update**

It was reported that the EfW was currently on a scheduled close down for maintenance until 23 September 2015. However, it had been working well and there had been no issues reported by the district councils.

The Partnership was advised that the facility had performed extremely well over the past year with only one or two minor problems.



It was queried what research had taken place regarding use of the energy which was produced. It was reported that the first meeting in relation to the district heating scheme had taken place in August, and there was a meeting of the project board scheduled for October 2015. Work was currently in the data gathering process and to begin with a 'quick win' was being looked for. Officers were working with Teal Park representatives and a lot of work was being done on a heat study. However, there was a need for businesses which required a lot of energy such as refrigeration companies, swimming pool, green houses etc.

The first phase of the work should be completed by January and it was planned to bring a report to the Partnership.

It was confirmed that the MOD had been included in discussions regarding possible uses for the energy produced.

It was noted that the EfW was never meant to be the only solution for waste disposal in the future, but there had been a 29 year contract (including the build time). The facility had a 50 year life span as after 25 years of operation the County Council would go out to tender for a new contract for operation, which would include a refit. There may still be a need for to look at other processes, such as anaerobic digestion, however, no district council had indicated that they were going to collect food waste.

**RESOLVED**

That the update be noted.

The meeting closed at 12.15 pm