

Dane Park Depot Waste

Cabinet	25th January 2024
Report Author	Tony Marmo, Head of Coastal and Public Realm
Portfolio Holder	Cllr Steve Albon, Cabinet Member for Cleansing and Coastal Services
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	An Executive Decision that involves incurring expenditure anticipated to be £250,000 or above.
Ward:	All wards

Executive Summary:

The Head of Coastal and Public Realm started in their role in early September. One of the tasks assigned to the officer was the installation of 5 electric charging points at Dane Park Depot (the depot). During a site visit to the depot to check the location for installing the charging points, the officer found a large waste pile was in this location, as well as in other areas of the depot site.

The waste created from undertaking the maintenance of open spaces across the district is brought to the depot at the end of each day. The amount of waste being brought to the depot was greater than the capacity available in the system that was in place for the disposal of waste. At the time of the visit in September therefore the Council was storing 2,180 tonnes of waste at the depot. The depot has a T23 waste exemption certificate. This means a maximum of 60 tonnes can be stored on site at any one time and the waste stored must be suitable for composting.

The Head of Coastal and Public Realm was concerned by the level of waste on the depot site. The Council's waste consultant was asked to advise on whether the waste at the depot should be removed, how it should be removed and what the consequences might be if the Council did not remove the waste.

The consultant confirmed the waste at the depot exceeded that allowed for under its licence and that as a result the Council was at risk of sanctions being imposed by the Environment Agency (EA). The EA visits exempt premises for compliance with the conditions related to the specific waste exemptions and while in attendance look for signs of non compliant waste activities. The consultant advised that the courts can issue substantial fines and custodial sentences for non compliant waste activities.

The Corporate Management team agreed that immediate remedial action should be taken in order to ensure the Council's full compliance with its waste exemption certificate. A waste disposal service was asked to provide an estimated cost of removing the waste. They estimated the cost would be £225,000. As such the decision to enter into the agreement to remove the waste was not a key decision but a decision that officers could enter into. Given the urgency of remedying this issue it was agreed by the S151 officer that a contract could be entered into with the identified waste disposal service without the usual procurement process. Work commenced removing all the waste in late November and was completed within a matter of weeks. Officers were then advised that the final cost of waste removal was £275,000. The final cost makes this decision a key decision and consequently retrospective cabinet approval is now being sought.

All waste has now been disposed of in a compliant manner. Officers have put in place measures that will ensure the depot is compliant with its T23 waste exemption certificate going forwards.

Recommendation(s):

- a) That Cabinet ratifies the decision made by the s151 officer on the 16th November 2024 to enter into a contract with an estimated value of £225,000 with Mears Group Plc. for the removal and disposal of waste from Dane Park Depot;
- b) That Cabinet approves the payment of an additional £50,000 based on the final cost of removal and disposal of waste from Dane Park Depot being £275,000.

Corporate Implications

Financial and Value for Money

The estimated cost of the work to be undertaken was £225,000. At this level it was an officer's decision. The S151 officer acknowledged the urgency of this issue and agreed that the contract could be entered into without the usual procurement process. However, the final cost for the work turned out to be £275,000. At this level it became a key decision.

Legal

Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 contains the key requirement for environmental permits in relation to the storage of waste. Regulation 38 creates offences where regulated activities are carried out without an environmental permit or in breach of an environmental permit. As referenced in this report sanctions can for breach include fines and in some cases, a prison sentence.

The decision to enter into an agreement to remove waste was initially thought to be an officer decision, based on the estimated cost of removal. This fell below the key-decision threshold. Urgent action was required to remedy the position, as discovered by the Head of Coastal and Public Realm and confirmed by the Council's waste advisor in early November. The decision to enter into the contract outside of the Council's Contract Standing Orders and procurement rules was made by the Chief Finance Officer in order to protect the Council from the risk of sanctions and to remedy a situation that was unlawful. A final invoice for works carried out now takes the contract for this work into the key decision threshold and accordingly cabinet approval is sought in order to ratify the decision made by officers and agree the additional £50 000 over the initial contract price.

Risk Management

A risk register has been developed. The risk register considers financial, health and safety, procurement, and legal risks. The risk register will be maintained as a live document and will be updated.

Corporate

The Council is focused on continuous improvement to ensure we are efficient and effective. This includes being open, transparent and responsive in our activities and the scenarios the Council faces.

Equality Act 2010 & Public Sector Equality Duty

An equalities screening tool has been completed. This confirms that there are no particular equalities considerations arising from this decision and that it is not necessary to complete a full equalities impact assessment.

Corporate Priorities

This report relates to the following corporate priorities:

- Environment

1.0 Introduction

- 1.1 The Council is responsible for maintenance of open space across the district. This maintenance is undertaken by the Open Spaces team. The Open Spaces team operate from the Dane Park Depot (the depot). The team produces waste from grass/hedge cutting, tree works, weed/plant removal and from repairs to fencing and other such infrastructure.
- 1.2 In addition to the Open Spaces team, grounds maintenance work is carried out by voluntary and community groups on behalf of the Council on land owned by the Council. The waste produced by these groups is then brought to the depot.
- 1.3 The depot has a T23 waste exemption certificate that expires in February 2025. The exemption allows for the composting of small volumes of vegetation, cardboard and food waste. The compost can then be spread to benefit Council owned land by adding nutrients or improving the structure of the soil. The exemption also allows the Council to treat the waste, before composting it, by chipping or similar activities. The maximum amount that can be stored on site at any one time ready for composting is 60 tonnes.
- 1.4 The Head of Coastal and Public Realm started in their role in early September. One of the tasks assigned to the officer was the installation of 5 electric charging points at the depot. During a site visit to the depot to check the location for installing the charging points, the officer found a large waste pile was in this location, as well as in other areas of the depot site.
- 1.5 The Council was storing 2,180 tonnes of waste at the depot. This waste had built up over a number of years and had come from land owned by the Council. The depot receives more waste each week than can be cleared by the cleansing services team, who can not always provide a weekly skip to clear the waste and take it to a licence disposal location.
- 1.6 At the request of the Head of Coastal and Public Realm the Council's Waste Compliance Manager arranged for a waste consultant to attend the depot site to give their view on the waste. The consultant was asked to advise on whether the waste at the depot should be removed, how it should be removed and what the consequences might be if the Council did not remove the waste.
- 1.7 The consultant advised the waste storage exceeded the Council's licence and advised immediate removal of the waste, warning that the EA has powers to impose substantial sanctions for any breaches/non-compliance.
- 1.8 A report was taken by the Head of Coastal and Public Realm to the Corporate Management Team (CMT) meeting on the 7th November 2023. At this meeting CMT confirmed that action must be taken urgently to ensure the Council rectifies the breach by removing the waste from the site. Finance indicated the costs of undertaking this work would be funded from the risk reserve.
- 1.9 It was initially suggested that the Council would be able to do the work through the contract the Council has with Mears Group Plc. For this reason the Head of Coastal and Public Realm requested a quote from Mears Group Plc. On the 16th November 2023 Mears Group Plc provided an estimate of £225,000. Officers then met on the 16th November 2023. At this meeting it was confirmed that the value of the estimate meant that this could be an officer decision and was not a key decision. The Head of Coastal and Public Realm was instructed to place the order with Mears Group Plc utilising the contract in place with them.

2.0 Current Situation

- 2.1 The waste has been completely removed from the depot using Mears Group Plc. The total final cost of this work came to £275,000. As this exceeded the estimate a detailed breakdown of this fee was sought and is set out below:

Detail	£
32 tonne machine including transport to and from site	3,580
109 journeys of 20 tonne lorry	13,080
2 x 40 yard container transport lorries	340
2 x sweeper lorries for highway and yard during and upon completion of works	580
2 x 40 yard containers containing large timber rsj's with tyres attached etc - 24.7 tons	2,840
109 tipper lorries 15m ³ = 1,635m ³ (2,180 tons)	234,580
Contractor charge	20,000
Total	275,000

- 2.2 In order to ensure that the Council's activities in relation to waste disposal remain compliant and there is no further recurrence of the events described in this report, the Head of Coastal and Public Realm has instructed Open Spaces Supervisors to:
- Fence off the land where the waste was removed.
 - Ensure no-one enters the fenced off area.
 - Ensure no further waste is deposited in the fenced off area.
 - Ensure waste is stored only in the authorised location within Dane Park Depot.
 - Ensure waste on site does not exceed 60 tonnes at any one time by requesting disposal of the waste once it reaches the maximum capacity in the authorised location.
 - Ensure all Open Spaces staff have been given these clear instructions.

3.0 Next Steps

- 3.1 As indicated at paragraph 2.2 above, the Head of Coastal and Public Realm has put measures in place to ensure that waste does not accumulate at the depot. However, there is an issue with the current wood chipping machine, which is 20 years old, as the engine/injectors keep breaking down. This prevents the tree team from reducing and managing their waste. In order to remedy this the Head of Coastal and Public Realm is undertaking a capital bid for a new larger wood chipper with a wider load capacity. This will drastically improve waste management by the tree team. The new chipper can also be used to mulch and process green waste that cannot be processed through the current chipper. The cost of the new chipper will be in the region of £50,000.
- 3.2 The Head of Coastal and Public Realm will closely monitor activities at the depot to ensure that the preventative actions set out in paragraph 2.2 above, continue to be effective and that the Council remains fully compliant with regulations in respect of all its waste management activities.
- 3.3 The Head of Coastal and Public Realm has written to the Environment Agency explaining the circumstances that gave rise to waste being stored at the depot in the manner that it was. The letter set out the measures the Council has taken to remedy this and to ensure that in future all waste will be stored in accordance with permit conditions.

Contact Officer: Tony Marmo - Head of Coastal and Public Realm
Reporting to: Mike Humber - Director of Environment

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)