



At the Meeting of the Authority
held on Friday 20th April 2007

Present : Councillor Cluskey
 Councillor Swann
 Councillor Tattersall
 Councillor Turner
 Councillor Crowther
 Councillor Salter
 Councillor Moseley

58. **Apologies for Absence**

An apology for absence was received from Councillor Keaveney.

59. **Declarations of Interests by Members and Officers**

Councillor Swann declared a non-prejudicial interest in item 8, recorded herewith as minute 60 in so far as it relates to his capacity as a director of Mersey Waste Holdings Limited.

Councillor Swann declared a non-prejudicial interest in the following item, recorded herewith as Resolution 60, and in accordance with the Code of Conduct, remained in the meeting.

60. **To hear and respond to any question submitted by a Member of the Public in accordance with Procedural Rule 10.**

Members of the Public may ask questions of the Relevant Portfolio Holder at ordinary meeting of the Authority in accordance with Section 10 of the Authority's Procedural Rules.

The following questions were received and asked by members of the public:

1. **Submitted by: Barrie Price, Ruabon, Wrexham**
Are MWDA prepared to reveal to the ratepayers of Liverpool and to those present here today, how much it costs per tonne,

to transport their waste to Hafod Quarry, Johnstown? I asked this question at the November meeting (and provided cost figures) and was requested to send it in by email to MWDA, so that my projected figures could be confirmed before a reply was give to those present at the meeting. I am still waiting for a reply to this since last November.

The following response was provided by the Chairman of the Authority:

Mersey Waste Holdings Ltd would not wish to divulge this information to the public as this is clearly commercially sensitive. Mersey Waste Holdings Ltd does not levy a separate transport cost to MWDA but the composite cost of disposal for a Merseyside wide contract.

The Chairman then asked Mr Price if he had a supplementary question and Mr Price asked the following question:

How much would it cost to dispose of Liverpool's waste locally compared to delivering it to Hafod?

The Chairman stated that a written response to the question will be supplied to Mr Price.

2. **Submitted by: Dorothy Tunnah, Johnstown, Wrexham**

Do you own the wooded area running alongside Bangor Road (B5426) to the adjacent to the landfill? If you do would you please tell me what plans you have for making this safe, as every time we have strong winds (which is very regular as you will know by the times you have had to close the site) branches are falling down onto the road. In fact earlier this year a whole tree fell onto a car causing the road to be closed for several hours. Luckily that time the person was not hurt, just his car badly damaged, but perhaps this will not be the case next time it happens, as it surely will.

The following response was provided by the Chairman of the Authority:

The land is in the ownership of MWH Associates Ltd.

This is to the respondent's knowledge the first time this issue has been raised and was not aware of a problem.

MWH Associates Ltd will in response to the observation employ the services of a professionally qualified firm to inspect and advise on the wooded area.

Any recommended works will be undertaken giving due regard to the environment and any legal obligations. These inspections will be factored in as regular maintenance for the future

The Chairman then asked Ms Tunnah if she had a supplementary question and Ms Tunnah asked the following question:

How soon will the intended work be undertaken?

The Chairman stated that a written response to the question will be supplied to Ms Tunnah.

3. **Submitted by: Pauline Smout, Ruabon, Wrexham**

Do you think working on Easter Sunday is neighbourly as most people are relaxing at home and do not want to hear the noise from vehicles. The smell coming from them was particularly bad as they had obviously been loaded either Thursday or Friday (Would you please confirm this)

The following response was provided by the Chairman of the Authority:

The PPC does not allow landfilling operations on a Sunday and the site was not operating. The questioner is unfortunately mistaken no waste was transported or received on site on the day in question - Easter Sunday.

For the avoidance of doubt the site was operational between the hours of 7.00 am and 1.00 pm on the Saturday, but closed on Good Friday and Easter Monday.

The Chairman then asked Ms Smout if she had a supplementary question and Ms Smout asked the following question:

Question to be repeated but in regard to opening on the Saturday of the Easter period.

The Chairman stated that a written response to the question will be supplied to Ms Smout.

Councillor Turner requested that a report be circulated to Members regarding the steps taken to reduce smells, noise and infestation problems at the site.

4. **Submitted by: Graham Jones, Johnstown, Wrexham**

The Joint Municipal Waste Management Strategy for Merseyside (Version 2 /June 2005) set percentage targets of all municipal waste produced going to landfill at 77.93% for 2005/06 and 76.08% in 2006/07. Was the target for 2005/06 met, is this years target on track to be met and what proportion of this years target will be sent to Hafod Quarry?

The following response was provided by the Chairman of the Authority:

For 2005/2006:

- 82.89% of Municipal Waste was landfilled (target in JMWMS was 77.93% so target was missed by 4.96%)

For 2006/2007:

- 75.49% of Municipal Waste was landfilled (target in JMWMS was 76.08% so target was exceeded by 0.59%)

Hafod Quarry landfill site has been operational to accept waste from September 2006. For the period 2006/2007, 75,130 tonnes of waste have been sent to Hafod.

The Chairman then asked Mr Jones if he had a supplementary question and Mr Jones asked the following question:

Request that the response for tonnages to Hafod be presented in terms of percentages.

The Chairman stated that a written response to the question will be supplied to Mr Jones.

5. **Submitted by: Howard Jones, Johnstown, Wrexham**

The Board will be aware that MWH recently moved rock salt from the public highway, firstly not replacing it at all and then when challenged not in accordance with the Winter Maintenance Policy or Wrexham County Borough Council. The potential consequences of these actions are obvious. Do

the Board believed that prejudicing the safety of local residents traveling along the already dangerous B5426 is acceptable and what action will the Board take to ensure this is never repeated?

The following response was provided by the Chairman of the Authority:

Neither, Merseyside Waste Disposal Authority or Mersey Waste Holdings Ltd believes prejudicing the safety of local residents is acceptable.

The incident arose out of a requirement under the PPC to ensure the highway is swept and clear of any material emanating from the site. This potential for conflict in "winter" conditions has been discussed with Wrexham BC Highways Division and a protocol agreed between the parties to ensure that future sweeping does not prejudice the safety of any road users.

The Chairman then asked Mr Jones if he had a supplementary question and Mr Jones asked the following question:

Does the MWDA have faith in the ability of the board of MWH Associates Limited to manage Hafod Quarry?

The Chairman stated that a written response to the question will be supplied to Mr Jones.

6. **Submitted by: John Stewart, Johnstown, Wrexham, and asked by his nominee: Gill Cartwright, Johnstown, Wrexham**

At the recent Hafod Quarry liaison meeting Rob Allan and Mark Griffiths explained the rational for erecting barb wire fences at points on New Hall Road was to prevent vandalism of the MWH perimeter fence. These barb wire fences have been strategically placed where members of the public could previously view land filling operations: there are many other areas around the perimeter site where barb wire fences have not been erected but these did not afford a view. What has MWH got to hide in respect of their land filling operations at Hafod?

The following response was provided by the Chairman of the Authority:

Barbed wire fencing has been erected at points where the integrity of the site has been breached on previous occasions for reasons of security and health and safety.

There is a public footpath running along the outside of the site perimeter and the site can be viewed from several points along this pathway. It is understood that questioner has previously visited the site and is welcome to do so again on application to the Site Manager.

The Chairman then asked Mr Stewart if he had a supplementary question and Mr Stewart asked the following question:

Would like to know MWDA's view of the reasoning for erecting a barbed wire to obstruct a view into the site, given that anyone intending on vandalising the perimeter fence could also cut the barbed wire fence.

The Chairman stated that a written response to the question will be supplied to Mr Stewart.

Cllr Turner requested a detailed report on site security.

7. Submitted by: Rees Davies, Johnstown, Wrexham

The ownership of the physical site is legally very important in terms of regulation, post land filling etc. Will the Board confirm who owns the freehold for Hafod Landfill site, when this was purchased and if publicly owned, what funds were used for the purchase.

The following response was provided by the Chairman of the Authority:

As had been explained to the Hafod Liaison Group and the Hafod Action Group verbally and in writing on earlier occasions, the landfill site is owned by Hafod Quarries Ltd.

The Company Hafod Quarries Ltd is a wholly owned subsidiary of MWH Associates Ltd which is an associate company of Mersey Waste Holdings Ltd. Mersey Waste Holdings Ltd is wholly owned by Merseyside Waste Disposal Authority.

The share capital of Hafod Quarries Limited (MWH Associates bought the company not just the site) was acquired in February 2005.

The shares cost £6.6M and this was funded by a Term Loan from RBS of £4M and loans from Mersey Waste Holdings Ltd.

The Chairman then asked Mr Davies if he had a supplementary question and Mr Davies asked the following question:

Who pays the interest on the Term Loan, is it tax payers money?

The Chairman stated that a written response to the question will be supplied to Mr Davies.

8. **Submitted by: Gwyneth Jones, Johnstown, Wrexham, and asked by her nominee, Ann Griffiths, Johnstown, Wrexham**

MWH have a pending prosecution under the Environmental Protection Act systematically leave the site unsecured outside of operating hours (which is a real Health and Safety concern given the plant and deep lagoons on site, allow litter to escape over the perimeter fence and fail to cover the site in accordance with the PPC. How long can the Board continue to support such poor practice at the Hafod Landfill Quarry and will this be taken into consideration when the next MWDA Contract is awarded we believe in 2008?

The following response was provided by the Chairman of the Authority:

The MWH Associates Ltd will be defending charges involving the escape from site of surface water contaminated with clay solids during the development phase, prior to acceptance of any wastes on site. Run off of this nature has been a feature for many years prior to the completion of the development works and continues to occur from adjoining land not in the ownership of the Company.

MWH Associates Ltd does not support poor practice and has not to its knowledge breached any consents of the nature raised by the questioner. MWH Associates Ltd is certainly not aware of any pending prosecutions for such allegations.

MWDA has conducted an open and competitive procurement for future landfill capacity post 2008. The outcome of this will be reported in late May.

The Chairman then asked Ms Griffiths if she had a supplementary question and Ms Griffiths asked the following question:

Where can information be found on what prosecutions are still pending in relation to the Hafod operators?

The Chairman stated that a written response to the question will be supplied to Ms Griffiths.

9. **Submitted by: Gillian Davies, Johnstown, Wrexham**

The Order to Modify the Planning Permissions has not at the time of writing been published by Wrexham County Borough Council and we are asked to believe by their Planning Department that MWH have had no input into writing this and therefore have no indication of what it might contain. Are the Board concerned at the amount of engineering work taking place at the site at the moment (and for the past three weeks) and who is going to be responsible for the significant cost of this if MWH have 'guessed wrong' about what the Modification order will allow?

The following response was provided by the Chairman of the Authority:

MWH Associates Ltd have not had direct input into the modification order but are aware of the areas of the site which will be impacted by the order.

The engineering work being undertaken is all within areas which will not be affected by the order and the ongoing works are the responsibility of MWH Associates.

The Chairman then asked Ms Davies if she had a supplementary question and Ms Davies asked the following question:

The planning permission is to move the slag heap but is there approval to carry out works underneath?

The Chairman stated that a written response to the question will be supplied to Ms Davies.

10. **Submitted by: Barbara Davies, Johnstown, Wrexham**

Have all the drivers of MWH vehicles agreed in writing to work longer than the 48-hour limit laid down by the European Working Directive? Was any pressure applied to them to agree this and what would the operational implications be if one or more drivers decided they did not wish to work in excess of 48 hours per week

The following response was provided by the Chairman of the Authority:

The requirement is for drivers not to exceed an average of a 48 hour working week in a reference period of seventeen weeks.

MWHL is not in breach of the regulations of the directive and abides by this requirement.

The agreement with the drivers of MWHL was negotiated between management, employees, representatives and full time officials of the TGWU.

As stated this was a joint negotiation and no 'pressure' was exerted in the exercise.

MWHL is an employer accredited to Investors in People, recognising that they are its most important asset. The Group have recently been reassessed and commended for its progress in maintaining good working relations with all employee groups.

The Chairman then asked Ms Davies if she had a supplementary question and Ms Davies responded that she did not.

61. **Minutes of the Meeting held on 16th March 2007**

Resolved that the minutes of the meeting held on 16th March 2007 be approved and signed as a correct record.

62. **Corporate Plan 2007 to 2010**
WDA/10/07

The Authority considered a report seeking Members' views on the proposed Corporate Plan for 2007 to 2010 which outlined a proposed Corporate Vision, Aims and Objectives.

Resolved that the Corporate Plan for 2007 to 2010 be approved.

63. **Communications Strategy**
WDA/12/07

A report was submitted which outlined a Corporate Communications Strategy which had been identified to implement the Communications Policy which had previously been approved.

Resolved that the Authority adopts the Communications Strategy attached at Appendix 1 to the report.

64. **Best Value Review of Sustainability incorporating Corporate Social Responsibility**
WDA/13/07

The Authority considered a report seeking Members approval to proposed policies for sustainability, identified as a result of the recent Best Value Review of Sustainability and sought Members' consideration of a 'Scope for Change' report.

Resolved that:

1. the findings of the Best Value Review of Sustainability incorporating Corporate Social Responsibility be noted;
2. the Sustainability Policy and supporting Sustainable Procurement and Environmental Policies be approved; and
3. approval be given to the development of a Sustainability Strategy based on Option 2 within the 'Scope for Change' report.

65. **Code of Corporate Governance and Statement of Internal Control**
WDA/11/07

A report was submitted informing Members of the findings of the annual assessment of the Authority's Corporate Governance, undertaken by the Primary Assurance Group.

Resolved that:

1. the revised Code of Corporate Governance be approved;
2. the Statement of Internal Control be signed by the Authority's representatives; and

3. the Statement of Internal Control be approved for inclusion in the Statement of Accounts 2006/07.

66. **Exclusion of the Public**

Resolved that the public be excluded from the meeting during consideration of the following item for the reason stated.

<u>Minute</u>	<u>Reason (under the Local Government Act 1972)</u>
67, 68, 69 & 70	Exempt information concerning the financial or business affairs of a particular company (Paragraph 3 of Schedule 12A)

67. **Red Quarry Lease Agreement between the Authority and the Forestry Commission**
WDA/09/07

A report was submitted informing Members of the progress of the development of the Community Woodland at Red Quarry and seeking Members' approval to enter into a 99 year lease with the Forestry Commission to enable them to manage the site as community woodland.

Resolved that:

1. the progress to date in establishing the community woodland at Red Quarry be noted;
2. the Authority enter into a 99 year lease with the Forestry Commission for the long-term management of the Community Woodland';
3. the Director instruct St Helens legal department to negotiate and finalise the lease as appropriate; and
4. Members approve the opening of the Community Woodland to the public during 2007.

68. **Waste Management Contracts Procurement Project**
Interim Contracts
WDA/14/07

A report was submitted requesting that Members consider the options for ensuring compliance with LATS obligations in the period 2008 to 2014.

Resolved that:

1. Members note the revised forecasts of compliance with LATS obligations for the period 2008 to 2013 and the anticipated non-compliances in that period;
2. Members note the response from the market in respect of providing Interim Treatment Capacity for biodegradable waste diversion from landfill and approve the publication of a tendering request for the provision of such capacity;
3. Members note the potential availability of LATS allowances to be traded from waste disposal authorities and grant delegated powers to the Director, in consultation with the Treasurer and the Clerk to the Authority, to enter into trades for 2009/10 up to the predicted shortfall for that year; and
4. a further report be presented to the Authority at which the availability and cost of any Interim Treatment Capacity Contracts can be compared with the cost and availability of LATS allowances.

69. **Waste Management Contracts Procurement Project Progress Report**
WDA/16/07

The Authority considered a report which informed Members of the progress to date on the implementation of the Waste Management Procurement Project and sought approval to the next stages of the Waste Management and Recycling Contract. Members were asked to note that the Core Criteria for Sustainability scoring should read 10% and not 15% as printed in paragraph 5.1 of the report. Members were also reminded that the documentation referred to in the report for inclusion in the Competitive Dialogue process remains confidential.

Resolved that:

1. the commencement of the Competitive Dialogue process for the procurement of the Waste Management and Recycling Contract be approved;
2. the documentation included at Appendix A to the report be approved as the basis for the Competitive Dialogue process with Bidders for the Waste Management and Recycling Contract;

3. the Output Specification, Bid Submission Requirements and Tender Evaluation Approach be approved as setting out the Authority's requirements to Bidders for the Invitation to Submit Outline Solutions stage of the Competitive Dialogue for the Waste Management and Recycling Contract; and
4. the inclusion of Core Criteria for Sustainability in the Authority's, Tender Evaluation Approach be noted and approved.

70. **Merseyside Joint Municipal Waste Management Strategy**
Waste Management Contracts Procurement Project
Landfill Tenders
WDA/15/07

A report was submitted informing Members of the evaluation of Best and Final Offer tenders for the provision of landfill services and seeking approval to accept the recommended tenders. The Procurement Director highlighted the need for the contents of the report to remain confidential.

Resolved that:

1. Members approve the recommendation of the Procurement Director in relation to tenders received for the provision of landfill services as detailed in the attached report;
2. delegated powers of authority be granted to the Director, in consultation with the Chairman and the Treasurer to the Authority to determine the final distribution of tonnages awarded to the appropriate tenderers; and
3. Members note the financial implications regarding the acceptance of the above tenders.