



MERSEYSIDE WASTE DISPOSAL AUTHORITY

## AGENDA

Date: 10<sup>th</sup> August 2007 Time: 2.00 p.m.

Venue: Herculanium Room, Millenium House, Victoria Street, Liverpool

Membership:-

<p>Sefton Borough Council</p> <p>Knowsley Borough Council</p> <p>Liverpool City Council</p> <p>St. Helens Borough Council</p> <p>Wirral Borough Council</p>	<p>- Councillors: K Cluskey (Chairperson) D Tattersall</p> <p>- Councillor D Lonergan</p> <p>- Councillors: R Quinn B Turner L Baldock</p> <p>- Councillor D Crowther</p> <p>- Councillors: J Salter A Bridson</p>	
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5	<p>Exclusion of the Public</p> <p>Recommendation that the Public be excluded from the meeting during consideration of the following items for the reason stated:-</p> <p>Items: Reason (under Local Government Act 1972)</p> <p style="margin-left: 20px;">6 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 of Schedule 12A)</p>	

	<b>7 The financial or business affairs of a particular company (Para 3 of Schedule 12A)</b>	
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MERSEYSIDE WASTE DISPOSAL AUTHORITY

**At the Meeting of the Authority  
held on Friday 22<sup>nd</sup> June 2007**

Present : Councillor Cluskey  
Councillor Salter  
Councillor Crowther  
Councillor Turner  
Councillor Baldock  
Councillor Bridson  
Councillor Lonergan

1. **Appointment of Chairperson**

It was moved and seconded that Councillor Cluskey be appointed Chairperson.

**Resolved** that Councillor Cluskey be appointed Chairperson for the 2007/08 Municipal Year.

The Chairperson took this opportunity to welcome new Members to the Authority and to pay tribute to the previous Members.

2. **Appointment of Deputy Chairperson**

It was moved and seconded that Councillor Salter be appointed Deputy Chairperson.

**Resolved** that Councillor Salter be appointed Deputy Chairperson for the 2007/08 municipal year.

3. **Apologies for Absence**

An apology for absence was received from Councillor Quinn.

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

There were no declarations of interest.

The following item had not been notified three clear working days in advance of the meeting, however, the Chairman agreed to it being considered as a matter of urgency.

5. **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 meetings of the Authority in accordance with Section 10 of the Authority's Procedural Rules.

The following questions were received but no members of the public attended the meeting to put forward their question:

1. **SUBMITTED BY: Dorothy Tunnah, Johnstown, Wrexham**

**Do MWDA consider swearing at and making two fingered gestures to peaceful gate protesters, some of whom are elderly ladies, is acceptable conduct of MWT drivers / drivers of vehicles operated by other waste management companies that use the Hafod Quarry Landfill and what specific action will be taken against any driver who is proven with photographic evidence and / or corroborated witness statements to have behaved in this way?**

2. **SUBMITTED BY: Pauline Smout, Ruabon, Wrexham**

**If evidence were provided that a member of the Hafod landfill Site Management and / or Strategic Management of MWH had lied to the Regulatory Authorities what action would be taken against them by MWDA?**

3. **SUBMITTED BY: Graham Jones, Johnstown, Wrexham**

**Are the MWDA concerned by the 'carbon footprint' resulting from the transportation of Merseyside waste to Hafod Landfill site and what steps in the short, medium and long term are being taken to reduce this?**

4. **SUBMITTED BY: Howard Jones, Johnstown, Wrexham**

**Indications are that the Modification Order in its current form is very likely to be rejected by the Welsh Assembly Government; if this occurs what plans do have MWH for the Hafod Landfill site and how will their obligations to the MWDA be satisfied?**

5. **SUBMITTED BY: John Stewart, Johnstown, Wrexham**

**Nearly two million extra visitors are expected to attend events associated with Liverpool 08, Capital of Culture. What is going to happen to the extra waste they produce; is this going to end up in Hafod?**

6. **SUBMITTED BY: Barbara Davies, Johnstown, Wrexham**

**If it so decided could the MWDA encourage or force MWH not to tip waste at Hafod Landfill Site and would any financial penalty result?**

7. **SUBMITTED BY: Gillian Davies, Wrexham**

**Hafod Landfill is a No Smoking Site; notices to this effect are clearly visible on the entrance to the site and inside. Why therefore do MWH staff and contractors systematically drive into the site (passed Site Managers) smoking, and assuming they do not forgo cigarettes all day and given they are never seen outside the premises as is common outside other work places, where do these employees smoke during the day?**

**Resolved** that answers to the above questions be forwarded to the members of the public identified above and circulated to Members.

6. **Minutes of the Meeting held on 20<sup>th</sup> April 2007**

**Resolved** that the minutes of the meeting held on 20<sup>th</sup> March 2007 be approved and signed as a correct record.

7. **Scheme of Delegation and Procedural Rules 2007/08**  
**WDA/18/07**

The Authority considered a report recommending proposed amendments to the Authority's Procedural Rules and a new set of rules in relation to Access to Information.

**Resolved** that:

1. the revised Procedural Rules attached to the report be approved; and
2. the current Scheme of Delegations be adopted for the 2007/08 Municipal Year.

8. **Questions on the Discharge of Functions**  
**WDA/17/07**

The Authority considered a report seeking nominations as to which Members should be responsible for answering questions on behalf of the Authority at their respective constituent Council proceedings.

**Resolved** that the under mentioned Councillors be nominated to answer questions at their Council proceedings on the discharge of functions of this Authority, in accordance with Section 41 of the Local Government Act 1985.

Knowsley MBC	Councillor Lonergan
Liverpool CC	No determination made at the meeting
St Helens MBC	Councillor Crowther
Sefton MBC	Councillor Cluskey
Wirral MBC	Councillor Salter

9. **Grievance Procedure**  
**WDA/26/07**

The Authority considered a report seeking approval to a revised Grievance Procedure which aimed to ensure that grievances are dealt with quickly.

**Resolved** that:

1. the Grievance Procedure attached at Appendix 2 to the report be approved subject to staff consultation; and
2. delegated powers be granted to the Director to agree minor amendments to the Grievance Procedure which do not fundamentally alter the procedure.

10. **Appointments and Representations**  
**WDA/19/07**

A report was submitted outlining the roles and responsibilities of Members and the terms of reference and powers of the Authority to be delegated to the Appeals Committee and the Governance and Audit Committee. Members considered the membership of these Committees and representation on other bodies.

**Resolved** that:

1. the roles and responsibilities are agreed as follows:

- a. Councillor Cluskey (Strategy and Forward Planning, Finance, Performance Management, Best Value, Procurement, Sustainability)
  - b. Councillor Salter (Risk Management and Audit portfolio and supporting Councillor Cluskey in Procurement)
  - c. Councillor Baldock (Communications and PR)
  - d. All Members (Scrutiny, Public Consultation)
2. the terms of reference and the delegation of powers of the Authority to the Appeals Committee and the Governance and Audit Committee be approved as presented at the meeting;
3. Membership of the Authority's Committees be as follows:
- a. Appeals Committee  
Councillors Salter, Lonergan, Tattersall and Crowther.
  - b. Governance and Audit Committee  
Councillors Turner, Lonergan, Baldock and Tattersall
4. representations on other bodies for the 2007/08 Municipal Year be as follows:-
- a. The Board of Mersey Waste Holdings Limited  
Councillor Cluskey
  - b. The Board of Bidston Methane  
Councillors Crowther, Turner and Salter
  - c. North Western Local Authorities' Employers' Organisation  
Councillor Turner

11. **Matter referred for Scrutiny:**  
**HWRC's Commercial Vehicle Permit Scheme**  
**WDA/22/07**

A proposal had been made under the Executive Decision process and in line with the Authority's Scheme of Delegation, the matter was called in for

scrutiny by two Members. The proposal related to the introduction of a Commercial Vehicle Permit Scheme at Household Waste Recycling Centres.

**Resolved** that:

1. the recommendations to the report not be approved; and
2. the Director prepare a further Executive Decision to consider the options for a trialled or phased introduction of the scheme.

12. **HWRC's Review of Capacity - Wirral**  
**WDA/24/07**

Members were presented with a petition that had been received from Councillor Alan Jennings (Clatterbridge Ward, Wirral MBC) requesting an additional 'Bring Site' in the South Wirral. Members were asked to consider a proposed response to the petition.

**Resolved** that:

1. the petition received from Councillor Alan Jennings regarding the Clatterbridge Household Waste Recycling Centre attached at Appendix 1 be noted;
2. Members note the existing commitment of the Authority in procuring new Household Waste Recycling Centres across Merseyside and in particular within Wirral, as part of the implementation of the Joint Municipal Waste Management Strategy for Merseyside (JMWMS); and
3. the draft letter from the Chairperson of the Authority (attached at Appendix 2) be approved which highlighted progress in the review of HWRC coverage on Wirral and commitment to an additional facility, subject to successful site identification, acquisition and planning outcomes.

13. **Audit Plan 2007/08**  
**WDA/20/07**

A report was submitted which sought the Authority's approval to the content of the Audit Plan to be undertaken by the Audit Commission in 2007/08.

**Resolved** that the Audit Plan for 2007/08 be approved.



14. **Outturn Report 2006/07**  
**WDA/21/07**

A report was submitted requesting that Members note the final outturn position with regard to the Authority's Capital and Revenue Expenditure in 2006/07.

**Resolved** that:

1. Members note the final outturn position with regard to the Authority's Capital and Revenue Expenditure for 2006/07; and
2. Members note the final outturn with regard to the Authority's Prudential Indicators as included in Appendix 3.

15. **Statement of Accounts 2006/07**  
**WDA/23/07**

A report was submitted presenting Members with the Authority's Statement of Accounts for 2006/07. Members were informed the Accounts and Audit Regulations 2003 (as amended 2006) places a duty on the Authority to prepare and publish its Statement of Accounts by 30<sup>th</sup> June 2007.

**Resolved** that:

1. the Authority's Statement of Accounts for 2006/07 be approved;
2. delegated powers of the Authority be granted to the Treasurer in consultation with the Chairperson to make minor amendments to the Statement Accounts; and
3. the Chairperson of the Authority sign and date the Statement of Accounts as required.

16. **Exclusion of the Public**

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

<b><u>Minute</u></b>	<b><u>Reason (under the Local Government Act 1972)</u></b>
17	Exempt information concerning the financial or business affairs of a particular company (Paragraph 3 of Schedule 12A)

17. **Capital Programme 2007/08**  
**WDA/25/07**

A report was submitted seeking approval to set the overall Capital Programme for 2007/08 which reflects the Authority's current circumstances and needs.

**Resolved** that:

1. the Authority approve a programme of capital expenditure in the sum of £24,018K for 2007/08; and
2. the Authority approve the revision to its Prudential Indicators attached at Appendix 3 to the report.

**Waste Electrical and Electronic Equipment (WEEE)**  
**WDA/25/07**

**Recommendations**

That:

- i. Members approve the strategy recommended in response to the requirements of the EU Directive on Waste Electrical and Electronic Equipment (WEEE);
- ii. Members note the actions taken by the Director to register Merseyside Household Waste Recycling Centres as Designated Collection Facilities for the purpose of the Directive; and
- iii. Members note the financial implications regarding the implementation of the strategy.

**Waste Electrical and Electronic Equipment (WEEE)**  
**WDA/25/07**

**Report of the Director**

**1. Purpose of the Report**

- 1.1. To seek Members' approval of a proposed strategy to respond to the implications of the EU Directive on Waste Electrical and Electronic Equipment (WEEE) and to inform Members of the actions taken by the Director to register Merseyside Household Waste Recycling Centres as Designated Collection Facilities for the purpose of the Directive.
- 1.2. To inform Members of the financial implications regarding the implementation of the proposed strategy.

**2. Background**

- 2.1. A statutory producer responsibility scheme for Waste Electronic and Electrical Equipment (WEEE) was introduced in the UK from 1 July in order to comply with the EU Directive on Waste Electrical and Electronic Equipment (The Directive).
- 2.2. The aim of the Directive is to minimise the negative environmental and health impacts of WEEE, and contribute positively to sustainable development by maximising the separate collection of WEEE from other forms of waste. The separate collection is the precursor to the appropriate treatment of WEEE and subsequent re-use recycling and recovery of WEEE and the environmentally sound disposal of any residual WEEE.
- 2.3. The Directive requires that Member States:
  - 2.3.1. Maximise the separate collection of household WEEE from other forms of household waste;
  - 2.3.2. Ensure WEEE is treated appropriately to protect the environment;
  - 2.3.3. Re-use, recycle and recover WEEE to target levels, and beyond the metallic content, for environmental protection and to contribute to sustainable development;

2.3.4. Dispose of any residual WEEE in an environmentally sound manner.

2.4. The Directive is transposed to UK law by Regulations that came into force on 2<sup>nd</sup> January 2007. The Regulations introduce a new system for the management of WEEE. This system places a responsibility on the producers and distributors of electrical and electronic equipment

### **3. Producer Responsibility**

3.1. The Regulations introduce Extended Producer Responsibility (EPR) for WEEE from private households separately collected at specific locations. The Directive refers to these as Designated Collection Facilities (DCFs).

3.2. In addition to this the UK Regulations introduce EPR for separately collected WEEE that is returned (under s32) to the supplier or is separately collected by under a system established by a producer i.e. take back collection schemes.

3.3. EPR in terms of financing of the collection, treatment and recovery of WEEE to target levels will apply to WEEE recovered through a DCF, returned under section 32 or collected via an approved producer collection service. No other collection arrangement will qualify for financing under the requirements of EPR.

3.4. Local authorities, including MWDA have two options:

3.4.1. Apply for their Household Waste Recycling Centres (HWRCs) and transfer stations to be registered as DCFs. This will mean that producers will pick up the costs associated with the collection of WEEE from DCFs and its treatment and recovery. All WEEE dealt with in this manner will count towards recycling targets.

3.4.2. Stay outside the Producer Responsibility WEEE system and fund the treatment and recovery of separately collected WEEE at their sites.

### **4. Designated Collection Facilities**

4.1. Each site that becomes a DCF is expected to actively separate WEEE into five categories:

4.1.1. Large household appliances other than cooling appliances (stream A);

4.1.2. Cooling appliances containing refrigerants (stream B);

- 4.1.3. Display equipment containing Cathode Ray Tubes (CRTs) (stream C);
  - 4.1.4. Gas Discharge Lamps (fluorescent tubes and bulbs) (stream D);
  - 4.1.5. All other WEEE (stream E).
- 4.2. Although it is expected that all five categories of WEEE are collected at a DCF, where this is not possible due to size, policy restraints, layout or accessibility, either fewer categories can be collected or certain categories can be mixed.
- 4.3. DCFs are expected to comply with a code of practice issued by the DTI (Code of Practice for collection of WEEE from Designated Collection Facilities) which deals with the relationship between DCFs and producers arranging collection of WEEE.
- 4.4. Merseyside local authorities are currently involved with household WEEE in two main ways. Firstly, via the collection of household WEEE at Household Waste Recycling Centres when local residents deposit it. Secondly by bulky waste collections of WEEE from the homes of local residents. This is delivered to either Waste Transfer Stations operated by Mersey Waste Holdings Ltd, or directly to reuse or processing organisations.
- 4.5. Paragraph 3.4 above outlines the options available to the Authority in responding to the statutory producer responsibility scheme for WEEE. The Director recommends that the Authority participates in the scheme by registering the appropriate sites as DCFs and engaging with a Producer Responsibility Scheme who will deal with the WEEE delivered to the DCFs.

## **5. Proposed Strategy for MWDA**

- 5.1. Mersey Waste Holdings Ltd (MWHL) has been consulted in the preparation of the strategy, and has provided their assessment of the impacts of the Authority participating in the WEEE scheme. MWHL have assessed that they would not recommend providing facilities at all HWRCs for all WEEE streams, due to space constraints. The company have also raised concerns about collecting Stream "A" (Large household appliances other than cooling appliances), due to space constraints on sites and also because of the potential additional cost to the Authority due to loss of revenue by MWHL from sales of scrap metal. MWHL did not recommend registering the waste transfer stations.
- 5.2. Whilst discussions are ongoing with MWHL regarding their assessment, it was considered prudent to register the Authority's facilities to transfer the cost burden of managing WEEE from the

Council Tax payer to the producer. This cannot be done unless MWDA's facilities handling WEEE are registered as DCFs.

5.3. Valpak, who operate the DCF registration scheme on behalf of the DTI have verbally confirmed that it is acceptable register a DCF with a limited range of WEEE streams and later extend the range. However, DTI may wish to enquire as to the reason this approach was taken. To register the full range of WEEE streams and later to restrict the range may not be acceptable.

5.4. In view of the forgoing, the Director recommends that a three stage strategy is adopted.

5.5. Stage 1:

5.5.1. Register HWRCs [*and Transfer stations*] as DCFs, as detailed in **Table 1** below.

5.5.2. Continue dialogue with MWHL in order to establish whether the range of WEEE streams collected can be extended whilst maintaining value for money.

5.5.3. Following that dialogue, review the registration of the Authority's facilities as DCFs.

5.6. Stage 2:

5.6.1. Develop a non financial selection criteria for the appointment of a Producer Compliance Scheme (PCS);

5.6.2. Invite Producer Compliance Schemes to submit proposals;

5.6.3. Appoint a PCS based on the proposal; submitted judged against the non-financial selection criteria.

5.6.4. It is envisaged that the agreement with the PCS will be for the period up to the commencement of the Waste Management and Recycling Contract (October 2008)

5.7. Stage 3:

5.7.1. Develop the long term strategy as part of the Competitive Dialogue with Participants for the Waste Management and Recycling Contract.

**Table 1: Proposed DCFs**

WEEE stream	Proposed DCF	Notes
Stream A: Large household appliances other than cooling appliances	None	Collected in the scrap metal stream. See paragraph 5.1 above
Stream B: Cooling appliances	Southport, South Sefton, Sefton Meadows, Ravenhead, Huyton, Bidston and Otterspool HWRCs	As existing service provision. Appliances are recovered for reuse and recycling
Stream C: Display equipment containing Cathode Ray tubes	All HWRCs	As existing service provision. Equipment recovered for reuse or treatment
Stream D: Gas discharge lamps	Sefton Meadows, Ravenhead, Huyton, Bidston and Otterspool HWRCs	As existing service provision. Lamps recovered for reuse or treatment
Stream E: All other WEEE	All HWRCs	New service provision. Material will be recovered for recycling and treatment

## 6. Financial Implications

6.1. Currently the Authority incurs the cost of dealing with WEEE as part of the existing service provision through its contracts with MWHL. For example, the costs of collecting and treating fridges / freezers and televisions. As part of the interim arrangements put in place by the Government, the Authority has received a grant of £0.7M to defray those costs up to July 2007. From that date no further grants are available.

6.2. Because the PCS will meet the cost of collecting and treating WEEE deposited at the DCFs, it is envisaged that savings will be made, for example in the costs of dealing with fridges / freezers and televisions, however it is not possible to establish the quantum of the savings at this time.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.