

**Minutes  
Environment Scrutiny Panel**

**21<sup>st</sup> March, 2006  
5.30 p.m.  
Town Hall**

**Present:** Councillors Wolstenhome (in the Chair), Carr, Dickie, Graham, Kinghorn, McDonnell, Marsden, Pitts, Simpson, Turnbull and Walton.

**Also in Attendance:** Councillors Cowper, Gibbon and Thomson, Mr F.A. Smith.

Jeff Riddell	–	Head of Environment and Leisure Services, City of Durham
Jim Crammon	–	Joint Fly-tipping Prosecutions Officer, Environment Agency (based at County Hall)
John Wade	–	Waste Business Manager, Durham County Council

**Apologies**

There were no apologies for absence.

**Minutes of the Meeting held on 24 January 2006**

The minutes of the previous meeting were confirmed as a correct record.

**An Overview regarding Fly-Tipping in the City of Durham – Jim Crammon, Fly-Tipping Enforcement Officer**

The Fly-Tipping Enforcement Officer, Jim Crammon works for the Environment Agency and is based at Durham County Hall. The post was initially funded by Durham County Council and five of the seven districts, including the City of Durham. Jim has been in post approximately 18 months. His duties include the investigation of offences, obtaining evidence – photographic, witness statements, interviewing Offenders, presenting cases at court and assisting / educating district Officers, i.e. Neighbourhood Wardens.

Since the post was created there has been a measure of success, and the general public are seemingly more willing to notify the Fly-Tipping Enforcement Officer, or Local Authorities, of incidents that they have witnessed and provide evidence. The six City of Durham Neighbourhood Wardens are now suitable trained as regards collecting evidence in the correct fashion for use by the Fly-Tipping Enforcement Officer.

It is noted that where Travellers are suspected to be involved in cases of fly-tipping, the Fly-Tipping Enforcement Officer is in a difficult position. In these cases the operation should be Police led, to ensure that relevant procedures and policies regarding Travellers are adhered to.

Members were shown various photographs of fly-tipping, of varying degrees and types. One example of large amounts of tyres being dumped at Brandon was noted in particular. Evidence had been collected, presented to Court and the Company (based in Middlesbrough) had declared itself bankrupt and the Judge effectively let the Company off with a “slap on the wrist”. The issue of fine levels could be raised with local Magistrates, with a view to educate and have them increased.

In addition to the incidents of surface fly-tipping, there are also instances where the Companies are operating illegal landfills, often on areas of farmland.

The up-to-date figures for the last 18 months for City of Durham are:-

- 6 cases presented to Court with fines ranging from £100 - £2,500 (costs charged to Offenders in addition).
- 32 warning letters sent out from the Environment Agency.
- 49 no further action – lack of evidence.
- 11 cases are currently ongoing – awaiting replies / interview evidence.

Fly-tipping is considered a serious offence by the law with fine of up to £50,000 or a prison sentence of up to 5 years. Even if an Offender offers to clear a site, or in fact does so, the offence of fly-tipping has still taken place, and therefore their case would be taken to Court regardless, a zero tolerance stance is taken.

Under a Memorandum of Understanding between the Local Government Association and the Environment Agency any incident of fly-tipping below a volume of 30m<sup>3</sup> falls to Local Authorities for action.

Since the joint approach was setup, Sedgfield Borough Council have withdrawn from the scheme (operating their own mobile CCTV evidence collection), though Easington District have expressed an interest in signing on. Mobile CCTV equipment can provide excellent evidence, but is quite expensive and beyond the budget set aside for the Fly-Tipping Enforcement Officer. Perhaps in conjunction with other partner Authorities, this equipment could be purchased, though a system of fair usage would need to be approved in advance.

It is also noted that individuals have a “Duty of Care” when contractors are removing waste from their land or property. The contractor must hold a valid Certificate with the Environment Agency showing that they are authorised to do so, and have the necessary steps in place. Individuals need to be aware of any implications if they hire a contractor who does not hold such a certificate, i.e. being involved in a fly-tipping case.

Members queried whether the requirement of permits at HWRC's had affected an increase in the number of fly-tipping incidents. This did not seem to be the case, with the increase rather being on the City of Durham's bulky collections service (currently free). As regarding businesses, the “factoring in” of waste management costs should be part of any profit margin, and any attempt to circumvent this via fly-tipping would be considered an offence and vigorously investigated. The two major reasons behind fly-tipping are lack of education (general public and businesses) and the allure of increased profit by budgeting or paying for correct, safe and lawful waste disposal.

## **A Brief Overview of Waste Management, Durham County Council – John Wade, Waste Business Manager**

The Waste Business Manager firstly made clear the distinctions between the roles of the district Authorities and the County Council.

<u>County</u>	<u>District</u>
Strategic Sites	Household Waste Collection
Household Waste Disposal	Kerbside Recycling
Recycling Centres	Supermarket Recycling Points
Treatment of waste	

The Waste Business Manager set out the County Council's approach under three headings:-

### 1. Review of Countywide Waste Strategy

The new waste strategy is being developed in conjunction with the District Councils and indeed the City of Durham's Environment Services Manager, Tom Punton is a part of the team.

The existing waste strategy was published in 2002 and was developed in conjunction with the Environment Agency, the District Authorities including Darlington Borough Council. The current strategy is funded by review funds from DEFRA, and is to be completed by the end of March 2006.

### 2. Procurement of new Contract for Waste Management

The current contract with Premier Waste is for the period up to 2008, when this would need to be re-tendered.

### 3. Waste Minimisation

There are 4 options as regards measures for waste minimisation, following what is known as the "waste hierarchy".

- To minimise waste at the point of production – though this more for central government to shape on a whole. Waste minimisation at source can be achieved through home composting (with some districts offering free or reduced price equipment), through reduction of unwanted junk mail via Royal Mail preference and other means. Waste minimisation at the output is measured by Performance Indicator BV84 which is the mass of waste produced per head per year for the County, has been reduced as follows:
  - 03/04 – 560 kg (per head, per year)
  - 04/05 – 575 kg (php, pa)
  - 05/06 – targeted at 560 kg with initial figures being approximately 545 kg (php, pa)

The HWRCs have had a role to play in this matter, as has the new permit system that is in place.

- Recycling / Composting – City of Durham trialled what eventually became the “Kerb-It” roadside recycling scheme which is a major point of recycling with the public. The target is 2 materials to be recycled at roadside (currently met) though the choice of materials may vary in the future depending upon targets and emerging technologies. Also the HWRCs provide facilities for recycling as does the Landfill Site at Coxhoe, and also there is the Aerobic Digester at Thornley Crossings Industrial Estate, near Shotton Colliery, that processes waste to sift out useful metals and plastics and digest the remaining waste. To cope with municipal waste, a treatment plant with approximately ten times the capacity of the Thornley Crossings facility would be required. It therefore maybe more sensible to have many smaller scale plants in local communities which also cuts down on transport costs. When the contract for Waste Management is met, it should be possible to help small traders by perhaps giving incentives to recycle rather than landfill, i.e. a fee of £1-2 for taking waste from small companies to be recycled, rather than £30 for taking waste to landfill. The worry with this though would be that waste from outside of the district may come into the area if such a clear saving can be made.
- Treatment of residual waste – via various methods including mechanical biological treatment such as Anaerobic Digestion which produces waste gas that can be used to fuel the treatment process. Also thermal treatment (modern terminology for incineration) where waste energy can be collected and utilised / recovered. These options have to be assessed using various criteria including:
  - Air Quality
  - Water Quality
  - Landscaping
  - Land and Soil Quality
  - Biodiversity
  - Public Health
  - Material Assets

To this end, DEFRA awarded £15,000 towards carrying out a Health Impact Review. Technologies that may be utilised in the future include aerobic and anaerobic digestion, thermal treatment, autoclaving (to reclaim useful material), gasification and pyrolysis. The latter option however, is not yet shown to be effective for treating municipal waste. Incineration is a very good approach that unfortunately has low public opinion based on old technological models. Unfortunately, any proposed incinerator could potentially take between 8-10 years to come on-line, and the nearest (at Billingham) is already operating a waiting list as they are at capacity already.

- Landfill – This is considered the last option within the waste hierarchy and is undertaken if other options are not feasible. Currently within the County, there are only 2 landfill sites, one at Todhills, Bishop Auckland in Wear Valley District and the other at the Coxhoe Joint Stocks site in City of Durham. Both are scheduled to come to the end of the current operational permits in March 2007, with Todhills will be complete. The Coxhoe site however, still has large capacity and a planning permission until 2040, though a new permit from the Environment Agency would need to be granted. This is currently in the balance, as the Coxhoe site may require a large investment to line the site to prevent groundwater from potentially becoming contaminated.

This could lead to a situation whereby the County would have no landfill sites of its own, and therefore would have to rely on Contractors providing sites, possibly outside of the County, leading to increased costs associated with transportation. If such a permit for operation at Coxhoe is granted, the requisite liner would too increase costs in this regard. Combined with an increase in Landfill Tax, the cost of landfill could potentially jump from £35 per ton to £75-100 per ton. As Premier Waste have a landfill site at Blaydon, and are contracted until 2008, they could be take waste to landfill at this site however, this could only be a temporary solution.

### **Comments from the Head of Environment and Leisure Services**

The Head of Environment and Leisure Services commented that the Fly-Tipping Enforcement Officer post provided by the Environment Agency had proved an excellent resource in combating the problem of securing fly-tipping prosecution and deterring would be offenders. Out of the there topics of Fly-tipping, Recycling and Litter Picking, it appears if the fly-tipping is the more difficult problem to tackle, and that this would require the greater focus.

The Head of Environment and Leisure Services also noted that in the near future it will be possible to extract useful energy from waste and that therefore waste should be looked at as a resource and not a by-product. There are examples in Sweden that have shown that communities can provide much of the material and energy they require by reuse, recycling and through energy production from waste.

**Note:** *Councillors McDonnell and Cowper left the meeting at 6.37 p.m.*

**Note:** *Councillor Pitts left the meeting at 6.40 p.m.*

As the County Council's new Waste Management Strategy is finalised, the City of Durham would need to see what new infrastructure was in place at a County level and therefore plan accordingly at a District level. The knock-on effects on collection types and frequency are readily apparent and would take effect in the next 2-3 years with collections strategy being dictated to by disposal strategy. Also changes may be required to ensure that new targets for recovery, diversion and recycling at District and County levels are met if not surpassed.

### **Actions for the next meeting:-**

- Consideration of information collected so far on the topics of Fly-tipping, Recycling and Litter Picking.
- To invite staff from furniture re-use Companies / Charities to speak regarding developing links.

The Meeting terminated at 6.45 p.m.