

EAST LINDSEY DISTRICT COUNCIL

Report of: Councillor Martin Foster
Executive Member for Operational Services

Report to:	Leader of the Council
Date:	2nd April 2020
Subject:	Supplementary Waste Collection Function

Decision Proposal:	Leader non key decision <i>To approve the delegation of the executive function for the provision of a supplementary waste collection in Mablethorpe to Lincolnshire County Council</i>
Relevant Executive Member:	<i>Councillor Foster, Portfolio Holder for Operational Services</i>
Report author:	Victoria Burgess, victoria.burgess@e-lindsey.gov.uk , 01507 613214 Date: 27 January 2020
Reviewed by:	Alison Penn, alison.penn@e-lindsey.gov.uk Date:
Signed off by:	Alison Penn, alison.penn@e-lindsey.gov.uk , Date: 3 March 2020
Approved for publication	Cllr Foster Date: 4 March 2020
Does the report identify information that is exempt from publication	No

SUMMARY

Lincolnshire County Council has requested support from East Lindsey District Council to enable their current provision of a supplementary waste collection in Mablethorpe to continue. To comply with the Environment Agency's Regulatory

Position Statement 223, East Lindsey District Council, as Waste Collection Authority, is required to delegate their waste collection function to the County Council for the provision of this service at this location.

RECOMMENDATION

1. To approve the delegation of the executive function for the provision of a supplementary waste collection in Mablethorpe to Lincolnshire County Council, at the location set out in Appendix A.
2. To delegate the signing of the agreement with Lincolnshire County Council to Assistant Director (place).

REASON: To enable Lincolnshire County Council to continue to provide a supplementary waste collection service in the Mablethorpe area.

1. BACKGROUND TO REPORT

- 1.1 The Environmental Protection Act 1990 set outs the duty of local authorities to arrange for the collection and disposal of household waste. As Waste Collection Authority, East Lindsey District Council is required to arrange the collection of waste and recycling from households. As Waste Disposal Authority, Lincolnshire County Council is required to arrange the disposal of the household waste and recycling collected.
- 1.2 Lincolnshire County Council provides a supplementary household waste collection service to residents living in the Mablethorpe area, in lieu of a Household Waste Recycling Centre. This supplementary service enables residents to dispose of excess household waste and bulky items at the Mablethorpe Industrial Estate on a Saturday.
- 1.3 The provision of the supplementary collection is regulated by the Environment Agency's Regulatory Position Statement (RPS) 223, which sets out the requirements for the provision of temporary community waste collection points.
- 1.4 This RPS 223 allows waste collection authorities to place temporary skips and containers in their communities to collect householders' waste without an environmental permit. The location of the supplementary service provided by LCC is not a permitted piece of land and therefore this RPS applies.
- 1.5 As the RPS only applies to waste collection authorities, or contracted providers working for a waste collection authority, and to enable LCC to continue providing this service in Mablethorpe. East Lindsey District Council as waste collection authority is required to delegate this particular waste collection function to the County Council.
- 1.6 The County Council proposes to continue providing this service at the end of the highway on Mablethorpe Industrial Estate where this service has been

operating for a number of years. Appendix A prescribes the boundary of the area where the collection will take place.

2. OTHER OPTIONS CONSIDERED

- 2.1 Not to delegate the function, although this will result in the County Council being unable to provide this service.

3. RESOURCE IMPLICATIONS

- 3.1 There are no resource implications for East Lindsey District Council.

4. RISK AND MITIGATION

- 4.1 Risk has been considered as part of this report and any specific risks are included in the table below:

Category Risk – State if high medium or low	Action / Controls
High. As the County Council contracts the provision of the supplementary service out to a private contractor, there is a risk the District Council could incur liability for the contractor's actions.	To mitigate this risk Lincolnshire County Council has agreed to tender a contract which will include a clause to indemnify East Lindsey District Council against any liability within the contract documents for their subcontractor.

5. ISSUES AND MATTERS TO TAKE INTO ACCOUNT ARISING FROM KEY CORPORATE CONSIDERATIONS (EQUALITY, SAFEGUARDING, DEPRIVATION, HEALTH & SAFETY etc.)

- 5.1 Health and Safety implications as identified in the risk category above (para 4.1) will need to be mitigated by the County Council, and their Head of Waste has confirmed that they will provide East Lindsey District Council with indemnity against any liability for health and safety risk from contacting out the service provision. The County Council requires health and safety risk to be assessed through their usual contract procurement and contract management arrangements.

6. COUNCILLOR COMMENTS

- 6.1 It is important that we work together with our partners where we can to support the delivery of services to residents. Delegating this function enables

Lincolnshire County Council to continue to provide an important service to the Mablethorpe area.

7. CARBON REDUCTION IMPACT/IMPLICATIONS

- 7.1 Providing a supplementary service in Mablethorpe prevents residents making individual car journeys to Louth or Skegness Household Waste Recycling Centres.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 There are none identified.

9. FINANCIAL CONSIDERATIONS/IMPLICATIONS

- 9.1 There are none identified.

10. LEGAL CONSIDERATIONS/IMPLICATIONS

- 10.1 None – providing the County Council indemnify the district council as set out in 4.1

11. APPENDICES

- 11.1 Appendix A – Boundary of collection area

12. BACKGROUND PAPERS

- 12.1 n/a