

**Report to:** Lead Member for Transport and Environment

**Date of meeting:** 23 July 2019

**By:** Director of Communities, Economy and Transport

**Title:** Tipping Away Payments (Waste)

**Purpose:** To seek permission to enter into financial agreements with District and Borough Councils for the tipping of waste outside of their local authority areas.

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**RECOMMENDATIONS:** The Lead Member is recommended to:

- (1) Approve the County Council entering into arrangements with Eastbourne Borough Council relating to the tipping of waste outside of the borough, as detailed in this report; and**
  - (2) Delegate authority to the Director of Communities, Economy and Transport (CET) to agree the terms of the proposed tipping away agreement with Eastbourne Borough Council as well as any other District and Borough Council within East Sussex where there is a statutory basis for doing so, and to take all other actions necessary in relation to such agreements and arrangements including variations or termination thereof.**
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## **1 Background Information**

1.1 Tipping away payments apply when the County Council, acting as the Waste Disposal Authority (WDA) is unable to provide the District and Borough Councils (Waste Collection Authorities, or WCAs) with a suitable location to tip waste within a reasonable distance of the boundary of their area, widely accepted to be within five miles. In accordance with s52(10) of the Environmental Protection Act 1990, the WDA is expected to make a financial contribution to the WCA to assist with the additional haulage costs.

1.2 Eastbourne Borough Council is currently the only WCA eligible for tipping away payments in East Sussex. Eastbourne Waste Transfer Station cannot accept domestic refuse due to the close proximity to housing and the need to protect the amenity of local residents. Domestic refuse is instead tipped outside the borough at Newhaven Energy Recovery Facility (ERF).

1.3 Whilst tipping away payments are not new, the level of payment has been renegotiated in recent years and it is the intention of officers to formalise this through a binding agreement. Lead Member approval is sought in order to enter into a new agreement with Eastbourne Borough Council as well as delegated authority for the Director of Communities, Economy and Transport to approve any other similar arrangements that may arise in the future.

## **2 Supporting Information**

2.1 The County Council has made tipping away payments since at least the 1990s to WCAs to assist with haulage costs to waste disposal facilities such as landfill sites and composting facilities. Over the years, tipping away payments have fallen away as PFI contract facilities became available. However, Eastbourne Borough Council is the exception due to the difficulty of providing a modern transfer station within or close to Eastbourne. It was highlighted to Cabinet in the PFI contract award report dated 12 March 2003 that it was always anticipated that tipping away payments to Eastbourne Borough Council would continue for the lifetime of the PFI contract.

2.2 The level of tipping away payment is not enshrined in legislation or national guidance. Instead, it is negotiated based on local circumstances such as distance to the tipping facility, frequency of tipping and operational costs. It is necessary from time to time to review payments to ensure that they remain up to date.

2.3 The payment to Eastbourne Borough Council was last reviewed in 2016 when it was agreed that County Council would contribute £55,000 (indexed) per annum starting from 2014/15 towards the additional haulage costs incurred by Eastbourne Borough Council. This figure is based on an independent review by consultants WYG with input from Kier, who provided their fuel consumption figures. The tipping away payment rate currently stands at £61,206.23 for 2019/20 and is currently budgeted for in the waste disposal budget.

2.4 Tipping away payments have historically been agreed directly between officers at the respective local authorities via an exchange of letters. Whilst this approach has worked well in the past, it is considered best practice to use formal agreements so that there is a robust contractual framework underpinning these payments. Due to the long history of these payments, it has not been possible to identify the original policy decision behind these arrangements.

2.5 A formal agreement for tipping away payments with Eastbourne Borough Council has been drafted.

### **3 Conclusion and Reasons for Recommendations**

3.1 The Lead Member is recommended to approve the County Council entering into a tipping away agreement with Eastbourne Borough Council, and to grant delegated authority to the Director of Communities, Economy and Transport to negotiate and enter into tipping away agreements with District and Borough Councils as required in the future. This will ensure that the County Council continues to fulfil its statutory obligations under s52(10) of the Environmental Protection Act 1990.

3.2 Whilst it is not envisaged that the County Council will enter into other tipping away agreements in the near future, it is recommended that the delegated authority covers agreements with all WCAs in East Sussex, including any revised terms or the termination of such agreements. This will ensure that that tipping away payments can be revised to cover future eventualities, such as unavailability of facilities or changes to collection services and contractors.

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#### LOCAL MEMBERS

None

#### BACKGROUND DOCUMENTS

None