



HARTLEPOOL BOROUGH COUNCIL

OFFICER DECISION RECORD

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| Department: | Regeneration and Neighbourhoods |
| Division: | Environment and Neighbourhood Services |
| Date of Decision / Issue of Licence: | 03/04/2019 |
| Officer Making Decision: | Director of Regeneration and Neighbourhoods |
| Subject / Description & Reason for Decision: | <p>The optional charge of £2.50 for the removal of excess from the market traders (statutory Thursday market)</p> <p>At present the Council Waste Services removes waste from the Thursday market free of charge, i.e. the waste service incurs the costs of removal and disposal. This operational decision has been in place for a significant period of time and has transferred with the service to the Heritage and Countryside section.</p> <p>It is overseen each week by the Projects Officer (Market Superintendent) who operationally manages the activities of the Thursday Market. There are currently four large Council trade waste bins in use at the market. One 1300 litre and three 660 litre bins.</p> <p>During busy market days the market (stalls) create a significant amount of waste, which can easily amount to all the above bins being filled/over filled, with a further accumulation of side waste. Currently a very small number of the overall traders deposit much larger amounts of waste in the bins (usually to capacity) which accounts for overfill waste and side waste accumulation.</p> <p>The Council waste service has highlighted that during these busy market days the traders can accumulate around 1.5 tons of waste which puts an extra budget pressure on that service.</p> <p>Further to this, the removal of the waste is done so without the use of waste transfer (duty of care) notes which are a statutory requirement of The Waste (England & Wales) Regulations 2011 (as amended) in accordance with section 34 of the Environmental Protection Act 1990.</p> |

This legislation is regulated and enforced by the Environment Agency. It requires all waste to be tracked from source to disposal and has been put in place to ensure that it is handled legally and responsibly and cannot escape and create environmental harm.

At present there is no such formal agreement in place with regards to the commercial waste collected from traders at the market. To ensure that both the stall holders (as waste producers) and ourselves (as waste carriers) meet the statutory requirements of this legislation, there is a need to set up individual trade waste agreements with each of the market traders who use the service.

It is proposed that each trader that requires use of the waste service collection is given two (free) identifiable bags to place their waste in after completing the statutory compliant waste transfer/duty of care paperwork. If the trader wishes to have more waste removed by the service, they can purchase extra bags (at a charge of **£2.50 per bag**) from the Market Superintendent by contractual agreement with the Council Waste Service. This proposal has been consulted with and has the approval of the Chair of Neighbourhood Services Committee.


The service will continue to remove market traders waste free of charge, however doing so in the above proposed manner makes the service legally compliant and consistent with all traders. The removal of reduced amounts of waste has a positive reduction on the costs associated with its removal and disposal. Further, the proposal will allow the Council to better control the occasional escape of waste and improve the amenity of the area and requirement for additional cleansing services.

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| Type of Decision: | Non Key |
| Nature of Delegation Being Exercised: | To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990. Setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply. |
| Alternative Options Considered & Rejected: | Not to implement the (optional) additional charge and continue to remove the waste contrary to statutory legislation and budget pressures. |
| Any Declared Register of Interest | No |

OFFICER WITH THE DELEGATION

NAME: Denise McGuckin

POSITION: Director of Regeneration and Neighbourhood Services

SIGNATURE: 

In consultation with *[specify]*:

NAME: Cllr Stephen Akers-Belcher

POSITION: Chair of Neighbourhood Services Committee

SIGNATURE: 

