

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: BARROWELL GREEN REUSE AND RECYCLING CENTRE

REPORT OF: HEAD OF STRATEGY AND SERVICES

FOR SUBMISSION TO: AUTHORITY MEETING

DATE 8 FEBRUARY 2023


SUMMARY OF REPORT:

This report contains an update on a potential change in management of the Barrowell Green Reuse and Recycling Centre.

RECOMMENDATIONS:

The Authority is recommended to:

- A. Agree to the transfer of management of the Barrowell Green Reuse and Recycling Centre (RRC) from London Borough (LB) of Enfield to NLWA subject to Enfield completing any necessary democratic decision-making process and making a formal request of the Authority.
- B. Delegate authority to the Managing Director to arrange the transfer by:
 - i. Varying the existing waste management contract with LondonEnergy Ltd (LEL) to include the requirement to manage the Barrowell Green RRC.
 - ii. Entering into a lease with LB Enfield for the Barrowell Green RRC site and subsequent underlease to LEL.
 - iii. Arranging the transfer of the environmental permit for the site to LEL.
 - iv. Entering into a bilateral agreement between the Authority and LB Enfield for funding the new arrangement during 24/25. This would be supplementary to the current levy costs proposed in the following agenda item.

Signed:  Head of Strategy and Services

Date: 29 January 2024

1. BARROWELL GREEN REUSE AND RECYCLING CENTRE (RRC)

- 1.1. Barrowell Green RRC is located in the Highfield ward of the London Borough (LB) of Enfield, approximately half a mile north of the A406 North Circular Road and three miles west of the Edmonton EcoPark. The site is owned by LB Enfield, who have been contracting with SUEZ Recycling and Recovery UK Ltd (Suez) for the operational management of the facility. The site has approximately 220,000 visitors per year and receives 11,300 tonnes of material. It is the second most used RRC in north London, after Summers Lane. The contract between LB Enfield and Suez is due to expire in 2024 and LB Enfield have been considering how to achieve best value for money in the management of the site in future.
- 1.2. Authority officers have been contacted by colleagues from LB Enfield with a request to support an options appraisal for the ongoing management of the Barrowell Green site. Authority officers and colleagues from LondonEnergy Ltd (LEL) provided detailed information concerning the potential adoption of the facility by the Authority.
- 1.3. Officers at the LB Enfield have completed the options evaluation and have compiled a report for the appropriate LB Enfield Cabinet Member which based on financial and environmental considerations is likely to recommend a formal request is made to the Authority to manage the site from the 15th of April 2024. This paper will be considered by in mid-February 2024 with notification to the Authority to follow.
- 1.4. This paper recommends that the Authority agree to the transfer of the Barrowell Green RRC to Authority management and to delegate authority to the Managing Director to:
 - 1.4.1. Vary the existing waste management contract with LondonEnergy Ltd (LEL) to include the requirement to manage the Barrowell Green RRC.
 - 1.4.2. Enter into a lease with LB Enfield for the Barrowell Green RRC site and subsequent underlease to LEL.
 - 1.4.3. Arrange the transfer of the environmental permit for the site to LEL.
 - 1.4.4. Enter into a bilateral agreement between the Authority and LB Enfield for funding the new arrangement during 24/25.
- 1.5. The Authority has a Statutory duty set out at Section 51 of the Environmental Protection Act 1990.

Functions of waste disposal authorities.

(1) It shall be the duty of each waste disposal authority to arrange—

- (a) *for the disposal of the controlled waste collected in its area by the waste collection authorities; and*
 - (b) *for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited;*
- (2) *The arrangements made by a waste disposal authority under subsection (1)(b) above shall be such as to secure that—*
- (a) *each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;*
 - (b) *each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);*
 - (c) *each place is available for the deposit of waste free of charge by persons resident in the area;*

1.6. The Authority provides seven RRC facilities across its administrative area. In addition, a new facility will open shortly at the Edmonton EcoPark, which officers are satisfied comprehensively discharges the Authority's statutory obligation.

1.7. However, the Authority would, if it chose to do so, be acting within its statutory powers to accept responsibility for Barrowell Green RRC. Should it do so:

1.7.1. The existing waste contract with LEL would need to be amended by deed of variation to incorporate the additional facility. The Public Contract Regulations 2015 and the existing contract with LEL contain adequate provisions to support this variation.

1.7.2. LEL have given assurances that staff currently employed by Suez to work at the Barrowell Green facility will be protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006, commonly referred to as TUPE. The TUPE process is designed to ensure existing staff are properly protected and are not disadvantaged by the transfer to LEL employment.

1.7.3. Costs associated with the management of Barrowell Green will, if the transfer is agreed, be managed in the first year (2024/2025) by a bilateral agreement between the Authority and LB Enfield.

1.7.4. From financial year 2025/2026 funding will be managed in accordance with the Inter Authority Agreement and recharged using menu pricing,

with costs distributed amongst boroughs in accordance with the latest user survey. This was shared with Members at the October 2023 Authority meeting (see Table 1 below). The survey confirms that 99.1% of Barrowell Green site users either live in LB Enfield or outside the Authority area, and costs will be allocated accordingly. This will lead to an increase in LB Enfield's levy payments to the Authority, however these additional levy costs will be managed within Enfield who will no longer be required to pay Suez for operation of the site.

Table 1: Output of the most recent user survey

	Summers Lane			Regis Road			Western Road			Hornsey Street		
	2018	2022	Diff	2018	2022	Diff	2018	2022	Diff	2018	2022	Diff
Barnet	94.6%	88.2%	-6.4%	0.9%	0.5%	-0.3%	0.5%	0.3%	-0.2%	0.4%	0.6%	0.2%
Camden	0.4%	0.7%	0.3%	93.5%	92.5%	-0.9%	0.0%	0.0%	0.0%	3.0%	1.8%	-1.2%
Enfield	1.4%	3.4%	2.0%	0.2%	0.2%	0.0%	1.6%	0.3%	-1.3%	0.0%	0.0%	0.0%
Hackney	0.0%	0.0%	0.0%	0.1%	0.9%	0.8%	1.0%	0.0%	-1.0%	13.7%	16.9%	3.1%
Haringey	3.5%	6.8%	3.3%	1.5%	1.6%	0.2%	96.0%	99.2%	3.1%	4.2%	4.9%	0.7%
Islington	0.1%	0.2%	0.1%	3.9%	3.5%	-0.4%	0.4%	0.0%	-0.4%	78.5%	74.5%	-4.0%
Waltham Forest	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	-0.4%	0.0%	0.0%	0.0%
Other	0.0%	0.7%	0.7%	0.0%	0.7%	0.7%	0.0%	0.2%	0.2%	0.0%	1.0%	1.0%
	South Access			Gateway Road			Kings Road			Barrowell Green		
	2018	2022	Diff	2018	2022	Diff	2018	2022	Diff	2018	2022	Diff
Barnet	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.1%	N/A	0.5%	N/A
Camden	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	-0.1%	N/A	0.0%	N/A
Enfield	0.4%	0.3%	-0.1%	0.0%	0.0%	0.0%	0.9%	0.8%	0.0%	N/A	98.9%	N/A
Hackney	3.1%	10.1%	7.0%	24.2%	17.2%	-7.0%	0.0%	0.2%	0.2%	N/A	0.1%	N/A
Haringey	1.1%	0.4%	-0.7%	0.0%	0.0%	0.0%	0.2%	0.0%	-0.2%	N/A	0.2%	N/A
Islington	0.0%	0.0%	0.0%	0.3%	0.6%	0.3%	0.2%	0.0%	-0.2%	N/A	0.0%	N/A
Waltham Forest	95.1%	85.3%	-9.9%	75.2%	74.1%	-1.0%	98.6%	89.5%	-9.1%	N/A	0.0%	N/A
Other	0.0%	4.0%	4.0%	0.0%	8.1%	8.1%	0.0%	9.3%	9.3%	N/A	0.2%	N/A

- 1.8. Incorporating Barrowell Green into the NLWA/LEL operation introduces a variety of benefits, including:
 - 1.8.1. Greater operational resilience and efficiencies – with opportunity to use and share trained staff, yellow plant, containers and consumables as well as increased supervision and oversight.
 - 1.8.2. Improved environmental outcomes – including the Barrowell Green site in the Authority's arrangements for specialist recycling contracts including for hard plastics, expanded polystyrene, mattresses, etc.
 - 1.8.3. Improved resident experience – consistency in the application of changing legislation and local policies.
- 1.9. The formal request from LB Enfield is expected to include a request for the site transfer to take place on or around the 15th of April. NLWA officers have confirmed with LEL that they could mobilise to meet this request, and that it is highly likely that transfer between the incumbent and LEL could be managed with the site closing for as little three midweek days.

- 1.10. Officers recommend that Members should agree to the transfer of management of the Barrowell Green RRC to the Authority - and delegate authority to the Managing Director to respond positively - should LB Enfield make a formal request to transfer management of Barrowell Green to NLWA. This would involve:
 - 1.10.1. making the required changes to the existing contract with LEL to manage the site.
 - 1.10.2. Entering into a lease with LB Enfield for the site, with an underlease between the Authority and LEL on identical terms.
 - 1.10.3. Entering into a one-year bilateral agreement for the management of funds required to operate the site.
 - 1.10.4. transferring the Environmental Permit for the site to LEL.

2. EQUALITIES IMPLICATIONS

- 2.1. There are no equalities implications associated with this report.

3. COMMENTS OF THE LEGAL ADVISER

- 3.1. The Legal Adviser has been consulted in the preparation of this report and his comments are included at section 1.5 and throughout the report.

4. COMMENTS OF THE FINANCIAL ADVISER

- 4.1. The Financial Adviser has been consulted in the preparation of this report and his comments are included at section 1.7.2, 1.7.3, 1.7.4 and throughout the report.

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