



Report of the Head of Sustainable Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 16th March 2009

Subject: EMAS audit of municipal recyclate destinations

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. In order to confirm that recyclable materials placed in 'green bins' across the municipality comply with appropriate environmental waste legislation, an external Eco Management and Audit Scheme (EMAS) audit was conducted in December 2008. The audit focused on a broad range of environmental aspects relating to Leeds City Council operations and services but specific focus on recycled waste was considered appropriate in light of media speculation. The conclusion of the audit was favourable on the control of municipal waste recyclate.

1.0 Purpose Of This Report

- 1.1 To identify specific requirements relating to the recycling of municipal waste, demonstrate how Eco Management and Audit Scheme (EMAS) can help maintain compliance and to inform Scrutiny of recent external audit conclusions.

2.0 Background Information

- 2.1 On the 2nd October 2008 an article was published in the Yorkshire Evening Post (YEP) entitled 'Leeds rubbish illegally dumped in India'.

The article stated that, "a piece of junk mail that Leeds man Paul Sharman last saw when he put it in his green bin" was "uncovered on farmland in the state of Tamil Nadu, in south-east of India".

The article described the environmental damage caused by illegal landfills in India and the negative impact that this type of discovery has on the general public's perception of and participation in household recycling activities.

3.0 Main Issues

A Leeds Strategic Plan (LSP) Improvement priority is to 'increase the amount of waste reused and recycled and reduce the amount of waste going to landfill'. The following targets and milestones are linked to this priority:

Baseline	3 year Target 2010/11	Milestone 2008/09	Milestone 2009/10
27.05% (2007/08)	41.32%	30.26%	33.94%

The recycling target agreed by the Council in September 2007 is:

- To achieve a combined recycling and composting rate of greater than 50% of household waste by 2020.

- 3.1 Environmental Protection (Duty of Care) Regulations (SI 1991/ 2839) impose a legal duty of care on all persons producing and handling waste, from production through to final disposal. The regulations require that:

- Waste movements are documented;
- People transporting and disposing of waste are registered with the Environment Agency;
- Final destination of waste is licensed to accept or treat the relevant waste.

3.2 EMAS

LCC has been certified to Eco Management and Audit Scheme (EMAS) since May 2002. EMAS is an externally accredited environmental management system that requires an organisation to:

- Comply with relevant legislation;
- Prevent pollution;
- Continually review environmental performance.

EMAS uses internal and external (third party) audits to check these requirements are being met. The latest external EMAS audit (appendix 1) focused on a broad range of topics including:

- Corporate risk management – specifically flooding and climate change
- National indicators 185 (CO2 reduction), 189 (school travel plans) & 189 Flood risk management
- LCC fleet (vehicle) improvements
- General operations at Redhall and John Charles Centre
- Air quality and enforcement
- Application of BREEAM (whole life costing) to the Northern Ballet project
- Display Energy Certificates and the Council Business Plan's 'Big Idea'

3.3 It was agreed that the YEP article will have raised concerns from external stakeholders with regard to the robustness of internal systems. The decision was taken to subject the arrangements for processing recyclate collected by the Council via the green bins to a formal EMAS audit. To ensure impartiality and transparency, it was agreed that the external auditors (Bureau Veritas) should conduct this investigation.

The scope of the audit covered:

- Compliance to appropriate waste legislation, specifically Duty of Care documentation;
- Contract information;
- Site licenses;
- Annex VII documents which identify destination of waste;
- Environment Agency communications or reports;
- Target requirements;
- Site visit to contracted Materials Recycling Facility (MRF) to review site operations.

3.4 EMAS Audit

The following commentary is taken from the formal Bureau Veritas surveillance audit conducted on 1st December 08:

1.1 Municipal Waste

Documentation was reviewed to identify and track waste streams. The curbside recycling activities were audited. The main contractor is HW Martins Waste Ltd. Due diligence reports dated 17.4.08 & 3.10.08 were reviewed and seen to be complete. A sample of Annex VII documents was available which clearly identified the final destination of the waste for recycling. A target of 30% was established to include household recycling centres. The actual figure recycled is 32%. Evidence was available to demonstrate that output quantities were being recorded. The total number of recycling miles is being monitored as part of the proximity checks. Evidence was tabled to demonstrate that external communication was being actioned and a letter dated 5.11.08 was seen. Experience gained with existing contracts is being used and tender requirements are being amended to ensure greater control by the Authority.

The Authority was able to demonstrate that their waste is being tracked to its final recycling destination. Good controls were evident and staff were aware of the environmental issues related to recycling of waste.

1.2 Materials Recycling Facility

This facility is operated by HW Martins Waste Ltd. A Duty of Care file was available containing Annex VII Waste Carriers Licences and Management Licences. A selection were reviewed and seen to be satisfactory.

Good recycling rates were evident and the housekeeping was good. Recycled materials were segregated and identified. The weighbridge was serviced on 2.11.2008 to replace faulty load cells. Good controls were evident at the facility.

4.0 Implications For Council Policy And Governance

4.1 The current performance relating to the recycling of municipal waste is in line with the LSP improvement targets.

5.0 Legal And Resource Implications

5.1 The recent audit has confirmed that legal compliance to the Environmental Protection (Duty of Care) Regulations (SI 1991/ 2839) can be demonstrated. Therefore, current resources, processes and procedures appear to be appropriate.

6.0 Conclusions

6.1 This report confirms:

- that existing controls regarding the management of municipal recycle are effective
- the value of an externally accredited environmental management system such as EMAS.

6.2 The outcome of this audit demonstrates that the Council is complying in full with all of the relevant environmental waste legislation. Whilst accepting that the controls of waste, and in particular overseas shipments, can in some instances be limited because of the remoteness of the final destination, the Transfrontier Shipment rules are being adhered to and a full audit trail is available to give confidence in the way our own recyclates are being sold on for processing. The Council and its contractor have been found to have robust systems in place to ensure the effective and responsible management of municipal recyclates, and this should provide confidence that recent adverse media coverage does not in any way represent an accurate reflection of the adequacy of these systems.

7.0 Recommendations

7.1 Scrutiny Board are requested to:

- a) Note the findings of the EMAS audit;
- b) Recommend the wider use of the EMAS audit process to:
 - demonstrate the effectiveness of current processes;
 - identify gaps in existing processes and recommend improvement.



24/02/09

BAR1 - Audit Report

Company Name/Code	LEEDS CITY COUNCIL	Z031459
Job Description/Code:	Certification	158239

Certification Audit		Re-certification Audit		Surveillance	5
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Standard audit conducted against:	Other documents:
ISO 14001:2004	EMAS

Audit Date	01/12/2008	02/12/2008
Audit Date (Main: EMS or OHSAS)		

Team Leader:	Team Member(s):
Michael Hiles	Jonathan Wallace

Scope of Audit (local language):	THE PROVISION OF SERVICES TO THE COMMUNITY AS A WHOLE
Scope of Audit (in English):	THE PROVISION OF SERVICES TO THE COMMUNITY AS A WHOLE
Has the certificate details changed from the current certificate ?	Yes
Date of next visit	

Audit Report Distribution :
LEEDS CITY COUNCIL BVQI UNITED KINGDOM

CERTIFICATE DETAILS :

Site(s) Address(es) :

Accreditation(s)	Language
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TEAM LEADER RECOMMENDATION :			
All NCR's now cleared :	Yes	Continue Certification	Yes
Approved By :	M L Hiles <i>M.L. Hiles</i>	Date :	02/12/2008



24/02/09

BAR2 - Audit Summary

Company Name/Code :	LEEDS CITY COUNCIL	Z031459
Job Description/Code:	Certification	158239

Date(s) :	01/12/2008 & 02/12/2008		Department(s) / Process(es)
Contact(s) :		1	John Charles Sports Centre
Matt Lister	Dave Cherry	2	NI185
Stuart Chadwick	Chris Clarke	3	Fleet Improvements
Mark Sugden	Sue Walker	4	Highways Procurement
Manjit McKenzie	Ray Hill	5	School Travel Plans NI198
Fiona MacInespie		6	

		Ma nRe v	1	2	3	4	5	6						
Team Leader :	Michael Hiles		X											
Team member(s) :	Jonathan Wallace			X	X	X	X							

Site(s) :														
LEEDS	X	X	X	X	X									

	ISO 14001:2004 - Clauses :													
4.1	General requirements													
4.2	Environmental policy		X		X									
4.3.1	Environmental aspects													
4.3.2	Legal and other requirements		X											
4.3.3	Objectives, targets and programme(s)													
4.4.1	Resources, roles, responsibility and authority		X	X	X	X	X							
4.4.2	Competence, training and awareness													
4.4.3	Communication		X	X	X	X	X							
4.4.4	Documentation													
4.4.5	Control of documents		X	X	X									
4.4.6	Operational control		X	X	X	X	X							
4.4.7	Emergency preparedness and response		X											
4.5.1	Monitoring and measurement		X	X			X							
4.5.2	Evaluation of compliance		X											
4.5.3	Nonconformity, corrective action and preventive action		X											
4.5.4	Control of records		X	X	X	X	X							
4.5.5	Internal audit		X											
4.6	Management review													
BVC 1	Use of Logo													



BAR3 - Audit Findings

Company Name/Code :	LEEDS CITY COUNCIL	Z031459
Job Description/Code:	Certification	158239
Product Name :	ISO 14001:2004	

Audit Summary :
<p>Leeds CC continues to implement activities to improve its impact on the environment, evidence was tabled to demonstrate that improvements are being achieved. All staff seen demonstrated a strong commitment to EMAS. The EMAS Section and Energy Guardians are ensuring that the environmental message is being communicated with positive results for Leeds CC.</p> <p>Continued registration to ISO14001: 2004 is recommended.</p>

Auditor Notes
<p>Environmental Administration: Legal compliance & Internal Audit were reviewed and accepted. The observations from the previous visit had been addressed.</p> <p>Municipal Waste Documentation was reviewed to identify and track waste streams. The curbside recycling activities were audited. The main contractor is HW Martins Waste Ltd. Due diligence reports dated 17.4.08 & 3.10.08 were reviewed and seen to be complete. A sample of Annex VII documents was available which clearly identified the final destination of the waste for recycling. A target of 30% was established to include household recycling centres. The actual figure recycled is 32%. Evidence was available to demonstrate that out put quantities were being recorded. The total number of recycling miles is being monitored as part of the proximity checks. Evidence was tabled to demonstrate that external communication was being actioned and a letter dated 5.11.08 was seen. Experience gained with existing contracts is being used and tender requirements are being amended to ensure greater control by the Authority. The Authority was able to demonstrate that their waste is being tracking to its final recycling destination. Good controls were evident and staff were aware of the environmental issues related to recycling of waste.</p> <p>Materials Recycling Facility This facility is operated by HW Martins Waste Ltd. A Duty of Care file was available containing Annex VII Waste Carriers Licences and Management Licences. A selection were reviewed and seen to be satisfactory. Good recycling rates were evident and the housekeeping was good. Recycled materials were segregated and identified. The weighbridge was serviced on 2.11.2008 to replace faulty load cells. Good controls were evident at the facility.</p> <p>Air Quality The activities related to sites with permits were audited. Compliance visits are carried out on a risk bases, which was examined. A programme of visits is prepared and monitored to ensure it is adhered to. New permits have been issued to the crematoriums related to the mercury abatement regulations, which come into force 2012. The annual air emissions results were seen for Lawnswood. The monthly figures were also available. The Compliance Monitoring Inspection Sheets were also reviewed and seen to be completed. A sample of permits were identified and the Compliance Monitoring Inspection Sheets were seen. Evidence was tabled to demonstrate that where issues are identified the risk assessment is reviewed and additional visits were carried out. A good awareness of the environmental issues was demonstrated and good controls were in place.</p> <p>Corporate Risk Register Approx 30 major risks have been identified that potentially could threaten the ability of the council to deliver its services. Wide range of issues considered (e.g. industrial action, IT failure, etc) including 'environmental' issues</p>

– ‘risk that council does not prepare sufficiently for climate change’, ‘risk that council does not implement an effective waste strategy’ ‘risk that council’s approach to management of major sources of flood risk is inadequately developed and resourced’.

Each risk is subject to a detailed risk assessment by appropriate in-house experts and assigned a rating between very high and low. This rating takes account of the effectiveness of existing controls, which are themselves, rated between ‘excellent’ and ‘poor’. A series of actions to lower the risk rating are proposed. Documented guidance has been produced for how risk assessment should be conducted.

These risk assessments and the status of the proposed actions are then subject to quarterly reporting to the Corporate Risk Management Group. Evidence of this seen for Waste Management strategy and flood response risks but readiness for climate change risk assessment was only completed in Q3 of 2008 and the first quarterly report has not yet been carried out. Progress on the actions proposed in this RA shall be reviewed in future surveillance visits.

Flood Risk Management

Reviewed Action Plan of Water Asset Management Group. Wide range of actions planned and implemented covering policy and oversight, information and data gathering, through to practical on the ground actions to reduce and manage flood risks. Examples of latter include identification of drainage ‘hotspots’ prone to flooding, and improved schedules of clearing drains and removal of fly-tipped waste from culverts and streams to reduce flood risk. Strengths of the programme are both the broad range of actions included and the cross departmental involvement of Council staff in the development and implementation of the plan.

Redhall (Parks and Countryside Nursery and depot).

Site tour. Noted good standard of housekeeping around the site. Recycling of plastic seedling trays was noted as an example of good practice particularly given the efforts taken to ensure that these are stacked as efficiently as possible to avoid unnecessary transportation of air when they are collected from the site.

Monitoring: Waste records (fleet – garage) inspected – satisfactory.

Monitoring of fuel use for P & C fleet is robust, using Meridale fuel management system that allows fuel use by individual vehicles to be tracked. Energy use in nursery is also closely monitored and data communicated to Energy Management Unit.

Whole Life Costing

The Northern Ballet Building was audited. The contract contained strong BREEAM requirements and is subject to a post contract review. A BREEAM assessment has been completed at the pre contract stage. The building construction is linked to the Nottingham Declaration to which Leeds CC is a signatory. Evidence was tabled to demonstrate that bore holes had been drilled which identified the site as low risk. The site is centrally located with good public transport access. Good controls were evident and the building was considered to be a good example of sustainable development.

Display Energy Certificates

A register of buildings affected by DEC’s was available and certificates have been prepared and issued. Changes are being made to the energy monitoring software to ensure better accuracy. This will enable a “league table” of buildings to be displayed to identify the poorly performing buildings. There is also a project to increase the percentage of automatic meter readings. All new refurbishments are to look at BREEAM excellent as a criteria. A draft asset management plan is being established which will incorporate sustainability in all refurbishment decisions. Very good efforts are being made to improve the sustainability of Leeds CC buildings to meet the established carbon reduction targets.

John Charles Leisure Facility

The skips were clearly identified as to the waste type and brown water is being used in the new pool facility. A wind turbine is available on site, which still needs to be connected, although the NICEIC certificate was available. The emergency plan was reviewed. The legionella risk assessment and logbook was available and reviewed. Evidence of boiler maintenance was tabled. The chemicals for the pool were stored in bunds to avoid contact and COSHH sheets were available. A survey condition of the facility has been carried out and an

asbestos register was available. Energy use is being monitored and information passed to the Energy Management Unit.

Staff seen displayed a good understanding of the environmental issues and were committed to improving the environmental impact of the facility.

NI185

The baseline year for this indicator is 2008-09 and it has been recognised that there were areas of uncertainty with regards to monitoring carbon emissions from different areas of activity. Performance management group has undertaken a process mapping exercise to identify activities, determine data gathering methods and identify gaps and limitations in the data collection processes. Excellent work that should enhance the level of confidence in the data being fed into the Defra spreadsheet and output performance data (this will also be beneficial for the EMAS statement).

Fleet Improvements

HGVs (i.e. refuse collection vehicles) identified as the major source of carbon emissions from fleet (29% of total) and so projects have targeted this group of vehicles. Various projects have been set up in partnership with CENEX (Centre of excellence for low carbon and fuel cell technologies – set up by BERR). These include trial of 2 refuse vehicles to be run on bio-methane and a low carbon vehicle procurement project that will involve trialling up to 50 new low carbon vehicles. In both cases LCC has the option to buy the vehicles at the end of the trial if they prove satisfactory.

Other initiatives aimed at reducing carbon emissions from fleet include SAFED training for drivers and a green fleet review by the Energy Savings Trust (which identified refuse collection vehicles as the potential ‘quick win’ for low carbon vehicles). Funding for SAFED training restricted to 50 drivers so the aim is to cascade the skills taught internally so all fleet drivers eventually benefit.

Highways Procurement

Highways maintenance work carried out by combination of in-house staff and contractors (either work that involves specialist skills that LCC does not have in-house or when work volume exceeds in-house capacity).

They have not yet used the Sustainable procurement toolkit but have recently received it and will be having a briefing from Corporate Procurement team on how to use it. Contracts typically let on a quality-price split but have found that this can lead to situations where contractors promise more than is actually delivered. Consequently are tending to lean back towards putting greater emphasis on price and then monitoring quality throughout implementation of the contract. Purchase of materials e.g. blacktop, is generally on price as everyone is basically offering the same product.

LCC has a recycling agreement with Tarmac and all arisings from road maintenance (black top, bricks, concrete etc) are processed into secondary aggregate and recycled back into road maintenance. LCC has not purchased any primary aggregate since the 1990s.

LCC has also been implementing a road maintenance policy called Retread on low traffic roads in estates. This process involves in situ shallow depth recycling, i.e. road surface is broken up into aggregate and then sprayed with bitumen to rebind the material before being compacted and rolled back into shape. This allows road surface to be restore with minimal consumption of raw materials.

School Travel Plans NI198

Very good progress in developing school travel plans during past year with 35 new schools recruited this year and 70% of schools in Leeds now having one. Developing travel plans is voluntary from the schools point of view (except where it is a condition of a planning consent when schools are rebuilt or extended) so remaining few may be the most difficult to persuade to adopt one.

Monitoring the success of travel plans in reducing numbers of students travelling to school by car is not straightforward, as the plans are ‘owned’ by the schools not LCC. However, there is now an annual survey of all school children/parents – the Pupil Level Annual School Census (PLASC) that includes a question on how they intend to travel to school over the forthcoming school year. Although data from this survey is sparse (and only available for the past two years) it may provide a tool to track school travel data in future.

Details of Findings :

OBSERVATION

OBSERVATION (MHI/19):

Air Quality

Consideration could be given to identifying a methodology for signing off the training of staff. There was no evidence of lack of training and all staff seen displayed a good understanding of the process and the reports seen were accurate and factual. However should a company dispute the reports there would be a clear indication of training.

OBSERVATION (MHI/20):

John Charles Sports Facility

There is a need to determine if the site produces sufficient hazardous waste to need to be registered.

The waste cooking oil containers need to be clearly identified.

It is recommended that the drains plan is reviewed to ensure it is up to date.

Are any discharge consents in place.

A further internal audit of the facility is recommended to up date the previous identified actions.

OBSERVATION (JW/21):

Redhall (Parks and Countryside Nursery and depot).

Confirmed that plant waste composting activity on 5 acre is registered with EA as an Environmental Permitting Regulations exempt activity. The practice of storing surplus spoil from graves dug in Council cemeteries on site may also require registration of an exemption and this should be investigated.

There is a possibility that plant waste brought to the 5 Acre composting site could include Japanese Knotweed which if mixed into the compost could potentially cause the further spread of this invasive weed (an offence under the Wildlife and Countryside Act). The risk of this is limited by the fact that only plant matter arising from LCC activities is admitted to the site and Parks and Countryside staff have been informed about JKW and other invasive weeds. However, the guidance documentation on this topic is aimed primarily at P&C staff who may encounter these plants at sites around the City and advises on what to do/not do when it is encountered. It is not clear that the staff at the composting facility have also been briefed on the subject and consideration should be given to doing so as a final line of defence in case any JKW is brought into the site in spite of precautions given.

Several containers of a liquid that was confirmed to be water were observed standing on the ground outside the building used by the children's play equipment team. These were, however, labelled as containing a chemical used in the installation of rubberised play surfaces (diphenyl methyl di-isocyanate). If containers are to be re-used to contain water (or any other material it is poor practice to leave the original labels on the containers.

OBSERVATION (JW/22):

NI185

An example of the Defra spreadsheet was shown for Q1 and Q2 of 2008 for stationery emission sources. The spreadsheet includes two input values for each emission source – kWh consumed in the period and degree-days. The latter is then used to calculate a weather corrected CO₂ emission value. It should be noted however, that the spreadsheet formula for this correction is based on an annual degree days total and is therefore only appropriate for calculating a corrected emission value for the whole year. Corrected values for quarterly results should be disregarded. (It was also noticed that the weather correction factor given in the Defra spreadsheet (emissions * 2462/actual degree days) appears to be rather high – corresponding to a 'typical' year in Scotland say – and is of debatable applicability to most English regions. In nearly all years it is likely to result in emissions being 'corrected' upwards. Although of course, LCC has to use the spreadsheet provided by Defra, including all of the conversion factors and formulae contained therein, it may be worth raising this point with Defra).

OBSERVATION (JW/23):

NI198 School Travel Plans

The travel question in the PLASC survey should be asked annually with respect to each child (i.e. not just on enrolment) but there is anecdotal evidence that this may not be the case (two parents of children at Leeds schools



who stated they have not been asked the question annually) and this should be investigated.

OBSERVATION (JW/24):
 Civic Centre
 It was noted that in the Civic Centre a bank of floodlights was on during the daytime. These floodlights were illuminating a wall in the central well of the building (i.e. not visible to the public from the exterior) and it was not clear what their purpose is or why they were on.

MAJOR

MINOR
 Minor NCR (MHI/18):
 John Charles Leisure Facility
 The waste contractor AWM consignment notes for waste and the consignment notes for the waste oil were not available at the time of the audit.

Number of Non Conformities Raised :	Major	0	Minor	1
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Audit Conclusion :			
<p>The visit report forms part of BV Certification UK Limited partnership approach in the audit Management System.</p> <p>The activities audited in Depth are listed in the 'Audit Summary' attached.</p> <p>Any nonconformities identified will require corrective and preventive action, firstly to correct the identified nonconformance and secondly to examine the underlying cause and implement the changes necessary to prevent recurrence. The audit was based on Random samples and therefore nonconformities may exist which have not been identified.</p> <p>If you wish to distribute copies of this report external to the organisation, then all pages must be included.</p>			
Team Leader	Michael Hiles	Company management representative :	Susan Williams
Client's Acknowledgement	Have all non-conformities been acknowledged by the management representative ?		N/A
Is a Follow-up visit required :	No	Date(s) of Follow-up visit :	
Follow-up visit remarks :			

Persons interviewed :			
Name	Department	Auditor	Date