

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD1569

Title: REMOVAL OF FLY TIPPED MATERIAL FROM GLAP OWNED SITES

Executive Summary:

A number of GLA Land and Property Limited (GLAP) sites are currently being marketed or are shortly to be so and it is therefore now necessary to remove a range of fly tipped material from these sites.

This MD seeks approval for the expenditure currently allocated within GLAP's budget to procure a specialist waste disposal contractor to undertake this work.

Decision:

That the Mayor approves expenditure of up to £834,000 for the procurement and appointment of an external specialist waste disposal company for the removal, reuse, recycling and disposal of the fly tipped material.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

16.12.15

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 A substantial amount of fly tipped material is located on land owned by GLA Land and Property Limited (GLAP). The material has accumulated over a number of years as a result of people including professional fly tippers gaining illegal access onto sites and depositing a variety of material thus avoiding the payment of transport costs to disposal facilities, landfill tax and disposal costs.
- 1.2 The variety of dumped material includes tyres, construction materials and waste, domestic household furniture including white goods, asbestos containing material and processed waste that should have gone to landfill.
- 1.3 Access onto GLAP sites has been gained by various means including removing gates and fence panels, digging through bunds installed to prevent access and removing concrete blocks installed across entrance gates.
- 1.4 The Environment Agency (EA) is currently prosecuting a company that fly-tipped a considerable amount of processed waste (over 100 lorry loads) on a GLAP site in Dagenham. Their investigation has taken over 18 months to gather evidence against the company and to have a strong enough case for a prosecution.
- 1.5 Priority for the removal and disposal of the fly tipped material will be given to sites which are currently being marketed or will be shortly.
- 1.6 GLAP's Estate Management services provider has carried out a pricing exercise using one of their approved waste contractors to value the removal and disposal of the fly tipped material; however the total cost of removal will depend upon the weight and type of material removed.
- 1.7 Physical security measures to prevent illegal access have been increased to reduce such transgressions however those carrying out this illegal activity have become more determined to gain access to GLAP land using lifting and digging equipment. A review of security is currently underway as the problem will only increase as the cost of legally disposing of waste material increases.

2. Objectives and expected outcomes

- 2.1 The GLA has an obligation to remove the fly tipped material in an approved manner.
- 2.2 A number of sites have or will be going to the market to provide much needed homes and ancillary facilities. As a result, the sites will need to be cleared to allow for future development and to achieve an appropriate sale price for the land.
- 2.3 The required output is therefore the removal of fly tipped material from sites, in a cost effective way, meeting the requirements of the London Plan (in relation to waste management) and in a manner acceptable to the EA.
- 2.4 The intention is to minimise the use of landfill by procuring a partner to dispose of the material through recycling and reuse.

3. Equality comments

- 3.1 Advice has been taken and it is not thought that there are any equality issues in this case.

4. Other considerations

- 4.1 There is a risk to the allocated budget as it has been difficult to estimate at each site the volume of material to be disposed of and the type of refuse contained within the piles of fly tipped material. However priority will be given to sites going to the market and further funding will be sought in the event that any fly tipped material remains.
- 4.2 The GLA has sought to minimise the risk of exceeding the approved budget by seeking to estimate the total cost of removal by asking a waste company to assess the material on each site, but this can only produce an indication as there could be significant variation in the actual weight or type of material to be disposed of. As the final cost of removal will be linked to both, any significant upward variation will place pressure on the budget provided.
- 4.3 While the material remains on site, there is a risk of a fire occurring. This risk has been minimised by the introduction of fire breaks to separate the fly tipped material into piles to prevent a fire spreading.

5. Financial comments

- 5.1 GLAP provided £834,000 for the cost of removing the fly tipped material from the GLAP sites in the 2014/15 Financial Accounts.
- 5.2 The exact process for measuring the weight will be determined through contract negotiations but will likely be from waste transfer notes both on leaving the site, potentially evidenced by the existing security team, and arriving at the disposal/recycling facility. Any cost over the budget provided will be subject to further approval and will be contained within the existing Housing and Land budget.
- 5.3 If the material is not removed it will become a developer cost that will have to be paid up front making the land less attractive to a potential developer. Alternatively the cost could be retrieved by the developer from the profits from the development scheme thus reducing GLA's share of the profit. In summary, reduced land value or reduced profit return for the GLA

6. Legal comments

- 6.1 Under section 30 of the Greater London Authority Act 1999 (the 'Act') the Mayor, acting on behalf of the GLA, is entitled to do anything that he considers will further the promotion, within Greater London, of economic development and wealth creation, social development, and improvement of the environment.
- 6.2 In formulating the proposals in respect of which a decision is sought officers have complied with the GLA's related statutory duties to:
- pay due regard to the principle that there should be equality of opportunity for all people;
 - consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - consult with appropriate bodies.
- 6.3 Any procurement required and authorised should be undertaken in accordance with the GLA's Contracts and Funding Code and in consultation with Transport for London Procurement, who will determine the procurement strategy.
- 6.4 Officers must ensure that appropriate contract documentation is put in place and executed by the successful bidder and the GLA before the commencement of the services

7. Investment & Performance Board

7.1 This matter was reported to HIG on 10 November 2015 and the proposals were endorsed.

8. Planned delivery approach and next steps

Activity	Timeline
Procurement of contractor	November 2015
Contract Award	December 2015
Delivery Start Date	January 2016
Continuous review of progress re weight and type of material	Ongoing
Formal review of progress/financial implications	Monthly
Completion of works	April 2016

Appendices and supporting papers: None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES

The publication of Part 1 is to be deferred until after the procurement process and the successful bidder is in contract with the GLA.

Until what date 31 January 2016

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Trevor Massie has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Simon Powell has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

David Lunts has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Richard Blakeway has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Allen

Date

8.12.15

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Edmund H. C.

Date

09.12.2015

