



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

**Inquiry into Used Tyre Disposal: Belfast
City Council**

13 October 2011

NORTHERN IRELAND ASSEMBLY

**COMMITTEE FOR THE
ENVIRONMENT**

Inquiry into Used Tyre Disposal: Belfast City Council

13 October 2011

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Simon Hamilton (Deputy Chairperson)
Ms Paula Bradley
Mr Willie Clarke
Mr John Dallat
Mr Danny Kinahan
Mr Francie Molloy
Lord Morrow
Mr Peter Weir

Witnesses:

Ms Vivienne Donnelly)
Mr Jim Hanna) Belfast City Council
Mr Stephen Leonard)

The Chairperson:

You are all very welcome: Stephen Leonard, environmental protection manager; Vivienne Donnelly, enforcement manager in cleansing services; and Jim Hanna, principal environmental health officer. You are very welcome. I invite you to give us a 10- or 15-minute presentation, after which members can ask you questions.

Mr Stephen Leonard (Belfast City Council):

We thank the Committee for the opportunity to attend the meeting and welcome its inquiry into used tyre disposal. We at the council recognise that it is a significant environmental and health issue, and we hope that our submission will help to inform your work and any recommendations that come from it. I should state that our submission is based on our opinions as officers; it is not an official council position. It has not gone through the full council, so there is no official council position on it. The submission is based on our experience as enforcement officers. We have been asked to come here to represent our director, Suzanne Wylie.

I work in the council's environmental health department, and my principal role is to deal with air quality and contaminated land issues associated with this type of activity. Environmental health also covers community safety. We do a lot of work with our good relations unit on bonfire management throughout the summer, and there are some good examples of work that we have done. I can answer questions about that as well.

The issues for us are the use of bonfires at particular times of year, the illegal dumping of tyres throughout the year and the impact that has on health and the environment. We also feel that the lack of a co-ordinated enforcement approach creates problems, and we would like to talk through some issues around that as well.

There are about 73 bonfire sites in Belfast throughout the July and August period. Forty-one of those participate in our bonfire management programme. Tyres were burned at only one of those sites this year. However, there are still 32 unauthorised sites. We are not quite sure of the number of tyres, but tyres are burned there. We know of one particularly big site where officers estimated that around 1,000 tyres may have been burned, so it has quite a big impact.

The situation has improved through the management programme that has been in place over the past five years. We started off working with eight sites, and there are now up to 41. Many of those sites are now mostly self-managed through a small amount of financial support from the council. We have also taken proactive action. We have written to tyre retailers this year to inform them of their responsibilities in the lead-up to the summer. We have also written to the

Northern Ireland Environment Agency (NIEA) requesting more targeted enforcement. We will probably cover some of that later. Copies of that correspondence have already been sent to the Committee along with a covering letter from our director, Suzanne Wylie. I believe that that was sent in August.

The health and environmental impacts involved are well documented, which is why the legislation is in place. I have some background information for the Committee if members would like it. Various reports have been carried out. Again, we are happy to take questions, and hopefully we can inform you on issues. Vivienne will give an overview of the extent of the problem in Belfast, and we will then outline some issues or ideas that we feel would lead to better enforcement when dealing with the problem.

Ms Vivienne Donnelly (Belfast City Council):

The Environment and Heritage Service carried out a survey in 2000. It showed that we do not know where approximately 30% of used tyres go. We submitted figures to the Committee indicating that, last year, we collected around 1,400 tyres that had been illegally disposed of around the streets and land in the Belfast City Council area. However, I have dug up more facts and figures for you.

Since 2008, Belfast City Council has disposed of almost 20,000 tyres. Over 8,000 of those were illegally dumped, and over 11,000 tyres were left at our council recycling centres by people who had opted not to pay the £2, or whatever the charge is, that retailers now charge for removing tyres. That is compounded by the fact that tyres are available around the bonfire season, but we do not have figures to show exactly how many tyres end up on bonfires. However, as we said, in the run-up to the season, the council wrote to the 49 tyre retailers that it is aware of to ask them to take account of their duty of care and responsibilities.

However, we know that more retailers than those deal with tyres. We estimate that over 140 businesses throughout Belfast have some dealings with tyres, but we do not have the powers to tackle the owners of those premises proactively by inspecting their premises in the same way as we would if we were inspecting premises for compliance with food hygiene or health and safety requirements. That said, we do not believe that the inspection of transfer notes under the duty of

care legislation, for example, will, in the absence of other measures, adequately address the problems of tyre management.

Our submission, as Stephen has indicated, is intended to highlight the fact that the issue is a Province-wide one and transcends council boundaries. For example, a business in Belfast is likely to take tyres outside Belfast and dump them in a field. We believe that an enforcement strategy should be developed that enables officers to critically examine the audit trail of tyres from distribution through to disposal. In our view, that requires a team of people who have the expertise to examine the turnover of a tyre retailer or a haulier and reconcile that with the quantities of new tyres that come into the business alongside those that end up being removed from that business for disposal.

We believe that the NIEA is best placed to deal with this matter as the lead regional agency, as it has the expertise when it comes to dealing with organised crime and can tap into other ex parte resources that may be required to carry out satisfactory investigations. That can be linked to the work that it does through its other functions, which involve the licensing of waste carriers and waste disposal facilities, where some tyres can end up.

Notwithstanding that, the council believes that it is a good source of local knowledge and intelligence. Although we cannot speak for all the other councils, we can say that Belfast City Council would be happy to support any enforcement initiatives and work in partnership with NIEA to deal with the issue of tyre disposal. That approach works well in other legislative disciplines. For example, there is a protocol in place between councils and the Food Standards Agency (FSA) to deal with illegal meat trade investigations, whereby the FSA may take the lead in an investigation but would enlist the help of the council as part of that investigation.

The enforcement element of tyre disposal is but one aspect of it. We believe that, as part of any tyre management programme, that needs to be looked at in a wider context and, perhaps, underpinned by exploring issues such as traceability and the “producer pays” principle. In our opinion, the voluntary arrangements in place whereby the retailer charges a £2 fee for the disposal of tyres should be reviewed as part of this process, perhaps with a view to imposing a mandatory tax that the retailer must charge for the proper disposal of tyres.

Thank you for taking the time to listen to our views. We will endeavour to answer any questions that you may have.

The Chairperson:

Jim, do you wish to make a presentation?

Mr Jim Hanna (Belfast City Council):

No.

The Chairperson:

OK. Thank you very much. There are lots of ideas there. Partnership working is a good way to go about things. You mentioned that you collected 20,000 illegally dumped tyres. What do you do with them?

Ms Donnelly:

Over 11,000 of those were collected from our recycling depots, where people just left them instead of leaving them with retailers. The council pays for those to be taken to a company in Craigavon, where they are recycled. The same goes for tyres that are illegally dumped; they all go to be recycled.

The Chairperson:

Why go to Craigavon? Why not use a firm in Belfast?

Ms Donnelly:

They are recycled in Craigavon. I do not know the ins and outs of it. It is a firm that specialises in recycling.

Mr W Clarke:

Thank you for your presentation. That course of action costs the council a considerable amount and is not the best use of ratepayers' money. How many prosecutions have there been in your council area for burning tyres and dumping tyres?

Mr Leonard:

I am not aware that there have been any prosecutions for burning or dumping tyres.

Mr W Clarke:

I am not trying to put you on the spot; I am just trying to tease out the fact that, from my point of view, enforcement does not exist. No effort is being made to trace where those tyres are coming from. I am not making a political point. The same happens at Halloween and during other celebrations. I just do not think that there is a willingness on the part of the Environment Agency to deal with the issue, and I believe that other statutory bodies do not feel equipped to deal with it. I think part of the reason that the inquiry came about was clear frustration that the lead organisation is not dealing with it in a sincere and robust manner. I do not want to put you on the spot again, but how effective do you think the Environment Agency's enforcement is? It is an inquiry, so I have to ask.

Mr Leonard:

We have written to the agency and highlighted the issue. We got the reply that it had other priorities regarding enforcement and what it does. We recognise that there may be resource issues at NIEA as well, so we do not really want to be too hard on it in relation to that, but we feel that a lot of the problems in Belfast arise because there is not enough enforcement higher up the chain to stop the supply of tyres.

Mr W Clarke:

Obviously, there is a European directive that deals with the moving, disposal and burning of waste. There are huge issues around European directives. I do not think that the issue is being dealt with in a satisfactory manner, and, from what I hear in your response, you agree with that. How many complaints do council staff in the environmental health department get about the burning of tyres, particularly from people with health problems, such as asthma?

Mr Hanna:

I do not have precise numbers, but we get a relatively small number of complaints about the burning of tyres. We get some complaints about the dumping of tyres leading up to the burning

of them. Vivienne may be able to give you figures on that.

Ms Donnelly:

Up until a few years ago, around 75 to 80 people a year would complain about the dumping of tyres, but the number of complaints has gone down in the last three years. This year, I think that we had 25 complaints about the wider issues around bonfires and material appearing in odd places, such as streets and entries.

I would like to answer a question that you asked earlier. We have taken action against people for fly-tipping at sites. We were successful in imposing a fine of £750 on someone who illegally dumped material, although that was ordinary garden waste, not tyres. We have also fined a builder who dumped material. We found evidence and took him through the courts. We are limited in what we can do because we do not have article 4 powers at the moment, so we have to take our cases under the Litter (Northern Ireland) Order 1994. The fines are smaller because of that, but, with the review of the fly-tipping protocol, we will hopefully get the powers to deal with those individuals through the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011, under which the fines are bigger.

Mr Leonard:

There has been a decrease in the number of complaints, but the bonfire management programme has probably had an effect on that. The groups involved are grant-aided, and we find that the people who run the bonfires now manage any waste that has been deposited at their sites. The council supports them in that, and, as a result, we find that there are fewer problems associated with bonfire sites.

Mr W Clarke:

What is your relationship with statutory agencies such as the Housing Executive and housing associations? When waste is dumped on their land, there is obviously an onus on them to remove it. In my opinion, that does not happen; a blind eye is turned to that as well.

Ms Donnelly:

We have good working relationships with all those agencies. At that time of year, in the run-up

to the bonfire season, we ask them to remove the materials. Roads Service is very proactive in removing materials, but it sometimes depends on the nature of the area; Roads Service cannot always respond positively and go in to remove materials.

Mr W Clarke:

Would you call the PSNI to help to remove the materials?

Ms Donnelly:

I do not know about those agencies. I know that, in the past, the council has removed materials from its own land, and there have been consequences in that the health and safety of council staff has been compromised. It has created difficulties from that point of view.

Mr W Clarke:

I understand that there are health and safety issues. Obviously, people could be threatened. The point that I am trying to make is that the Housing Executive is a statutory body, and, at times, it allows waste to be dumped and burned on its land, which is a clear breach of European directives. Maybe that is not a question for you to answer; it may be one for the Department. Perhaps you do not want to comment.

Ms Donnelly:

It is difficult. It is true to say that, because of the bonfire management scheme that operates in Belfast, in theory, every bonfire is illegal and contributes to the pollutants in the atmosphere. However, we have tried to embrace the issue in a positive manner to try to get people to reduce the amount of hazardous materials that are being burned, and that is why membership of the bonfire scheme in Belfast has increased over the years. More communities have come on board and fewer materials that used to be dumped, such as fridges, appear at those sites. However, a number of bonfire groups and communities have not come on board, and they are the ones that are still burning tyres and such like.

Mr W Clarke:

I do not want to come across as being totally negative. I appreciate the efforts that councils are making, and it can be a difficult situation at times. A number of issues, such as beacons, have

been introduced. I think that putting inert material, such as clean wood, on a bonfire is acceptable to the public. The point that I am trying to make is that the dumping of waste is unacceptable.

Ms Donnelly:

There is an inter-agency meeting in the run-up to the bonfire season. Agencies meet around the table and, as far as I know, contribute positively. However, there is a wider issue that all the agencies need to be involved in, and it concerns not just bonfires but fly-tipping in general, where it occurs on their properties. Hopefully, that will be addressed through the fly-tipping protocol. More of those agencies need to be brought on board and included. Enforcement is not just a matter for councils and the NIEA; it is a collective thing that all the agencies need to be involved in.

Mr W Clarke:

I am conscious that, under the Litter Order protocols, there will be a greater onus on councils to deal with the fly-tipping of small amounts of waste. So, again, there will be a financial burden on ratepayers.

The Chairperson:

You mentioned Belfast City Council's bonfire management scheme. It has worked very well, but you said that there are still a large number of illegal bonfire sites. What measures have you taken to try to encourage the groups involved to come into the scheme?

Mr Hanna:

We have a good relations officer who goes around and speaks to people at the various sites, and that has proved very positive with the sites that have come on board so far. However, you can lead a horse to water but you cannot make it drink, and some sites are not interested.

The Chairperson:

Are there no sticks or carrots?

Mr Hanna:

There is a financial inducement, but it is not a significant amount of money.

Mr Leonard:

In the five years since the introduction of the scheme, the number of sites has increased from 8 to 41. Therefore, there has been an improvement each year, and the scheme is having some impact. However, it is a voluntary scheme, and it is based on grant-aiding bonfire committees, which will become self-managing and self-empowered. It has worked; it has had success in that there are materials that no longer appear at authorised sites.

Mr Molloy:

First of all, I expected Belfast City Council to be here as elected members. I see the city council as a body of elected members, and I am disappointed that none of them is here. Maybe you will bring that issue back to the council.

Mr Hamilton:

They are all very busy.

Mr Molloy:

I know that they are very busy, but elected members should be recognised as the voice of the council. You made the point that the council would give its support, but I do not know how you can say that without the council having met to decide that it will. We need to move away from the idea of council officers making decisions and instead have elected members of the council making decisions. That is maybe a side issue, but it is important.

Does the council have an environment committee?

Mr Leonard:

Yes, that is correct.

Mr Molloy:

Is there a chair of that committee?

Mr Leonard:

Yes.

Mr Molloy:

Why are members of that committee not coming forward here? They are the ones who make the policy.

Mr Leonard:

I am not sure. An original letter came in from the inquiry that went to our director Suzanne Wylie, who replied to it. In that letter, there was a request for someone to attend, and we were asked by our director to do that. There probably was not time to put the issue through the committee process and get a council position, but we thought that we would still come along and try to help to facilitate.

If the Committee want the council to come before it, we will take that information back to the council. The council will form a position on it. In the summer, we received an initial letter requesting information. We replied to that letter in August, and we have been asked to come to the Committee today. We have been asked by our director to be here, but I imagine that the problem is time and getting it through the council committee process.

Mr Molloy:

Legislation on dogs was put through the councils, yet we found that there was no consultation by the Department of Agriculture and Rural Development on that legislation, despite local government being expected to pick up the bill afterwards.

In relation to the power to follow up the £2 charge that retailers add, would you welcome local government having the power to be able to follow things up and have traceability for tyres?

Ms Donnelly:

We would welcome traceability being introduced into the situation. Councils on their own could not tackle the issue effectively because it transcends council boundaries. Councils will be in a position to help out at a local level and to go into those retailers and check their paperwork, but a

more strategic approach on a regional level is required to deal with the problem.

Mr Molloy:

What effect would the collection of tyres have on your NILAS targets or your European waste collection targets?

Ms Donnelly:

I cannot answer that. We will have to come back to the Committee on that.

Mr Molloy:

Twenty thousand tyres is a large number to collect. The problem I see is related to tyres that do not come from within your own council area and, therefore, skew your targets. The cost of collecting and disposing of 20,000 tyres comes back to the councils. Do you have any idea of the cost of that?

Ms Donnelly:

Each tyre costs at least £1 to dispose of. If a tyre is attached to a rim, it costs the council between £1.50 and £2 to dispose of.

Mr Molloy:

If the council takes the tyre off the rim, it will get money for scrap metal.

A colleague mentioned a European directive a number of times, and Belfast City Council has a European department. Has there been any consultation on the European directive and on how to enforce it within the council?

Ms Donnelly:

I would have to check that with the waste management section, which has oversight of that function, and report back to you.

The Chairperson:

Francie mentioned policy. We are looking for the experiences of the council through facts and

figures. We want to know how many tyres you collect and how many you know have been illegally dumped, and how many you do not know about. That is what we are looking for rather than the council's policy.

Mr Molloy:

I object to that completely. If the Committee writes to a council asking for evidence, the chair of that council's environment committee or someone from the relevant part of the council should appear before the Committee. The primacy of elected members needs to be recognised in this situation.

Mr Leonard:

In normal circumstances, it would be representatives from council committees who would attend the Committee. It would usually be whoever is mandated by the committees to speak on behalf of the council. This is one instance in which that has not happened, and I do not know why. Normally, most of our responses will go through our committees and our full council where they are discussed. Apologies for that, and I will take that back.

The Chairperson:

You have submitted your written report on the inquiry to us anyway.

Mr Dallat:

I do not want to take issue with Francie, but I am glad that the city fathers were not here, because that was one of the best presentations that we have had. It was clear; it was succinct; you identified the problems; and you also suggested solutions. At the end of the day, we want a report that we can make available to other people. Do not feel one bit bad about that.

Mr Molloy:

If we devalue ourselves, we can only expect others to devalue us more.

Mr Dallat:

I wanted to pick up on a couple of issues, one of which is traceability. A previous witness suggested that it just does not work. Is it possible, by microchipping, watermarking or by another

means, to have a system whereby you could identify the hire depot that collects the money, pockets it and makes tyres available to people to take away and burn? Do you feel that that is possible?

Ms Donnelly:

Yes. It is possible that a council or any enforcement body could go along and ask to be shown transfer notes for the past six months, and those notes could be produced. The difficulty is that there might be a little side store in which a certain number of tyres are stored. We do not know that. Unless you have access to books and do a full audit to find out what is coming into the business and what is going out, and do a tally to reconcile those figures, you really have no way of knowing for sure about the effectiveness of the disposal process. I feel that we would be at a loss if we did have the power to go in and do that. Somebody such as an accountant needs to be able to go in and ask to be shown dockets on what has come into the business and what has been disposed of.

Mr Dallat:

Stephen, I picked up on your point about environmental health. I want to ask about that because that issue comes up in Coleraine time and time again, particularly with older people and the fallout from burning tyres whereby residue collects on roofs, spoutings, and so on, for weeks, even months, after they have been burned. Do you deal with that issue?

Mr Leonard:

There is no research on that. All our knowledge has been gathered by our own air quality monitoring stations in Belfast, which have shown rises, particularly during the July period, when there is a large peak in particulate matter. Normally, the annual mean level is around 50 micrograms per cubic metre. We have shown that, around 11 July, that rises to around 320 micrograms per cubic metre. That is an initial hit, which disappears by the morning. Within that time, obviously, the risk is that any toxins that are in the fire, combined with poor combustion, will entrain into the small particles, and people will breathe them in. Nobody has ever quantified whether there is a long-term risk or what the short-term risk is for people who stand around a fire and are exposed to that. We simply know that a lot of nasty chemicals will be produced as a result of poor combustion in the fire. Those chemicals will be carried off in the smoke, and

particulate matter will come from it.

Mr Hanna:

I want to point out that we monitor air quality throughout the year. During the winter, especially at times of anticyclones, there could be levels that would significantly higher than they would be on 11 July, 12 July or 8 August.

Mr Dallat:

Chairperson, we need to address that issue.

Finally, I was intrigued by the number of tyres that turn up at your recycling depots. Can the public take tyres there and dispose of them for free?

Ms Donnelly:

Yes. Strictly speaking —

Mr Dallat:

Therefore, the obvious thing to do is not to pay the tyre depot £2 per tyre.

Ms Donnelly:

Strictly speaking, people are not supposed to come into council depots. However, I think that the decision has been taken that, rather than finding tyres dumped in an entry, depots may as well accept them.

The Chairperson:

Do you mean that the council accepts tyres or that they are just dumped there?

Ms Donnelly:

No. Tyres are brought to depots, and I do not think that they are turned away.

Mr Dallat:

Chairperson, I am interested in that because I live in Kilrea. If you go half a mile in one

direction, you are in Ballymoney Borough Council's area. If you go half a mile in the other direction, you are in Magherafelt District Council's area. I can imagine that there are some serious tyre imports.

Mr Weir:

Which has the best service?

Mr Dallat:

Unfortunately, Coleraine Borough Council provides the best service, so it gets the most refuse. Thank you very much.

Mr Kinahan:

Thank you very much for your presentation. In Antrim Borough Council, we had a problem with identifying certain areas when we did not know who owned the land. If it was private land, we could not go onto it to remove tyres, nor could we do so if we did not know of any owner. How often is that a problem in Belfast?

Ms Donnelly:

At present, it is a problem because there is quite a lot of vacant land. The issue in Belfast is usually that property was bought by developers who have now disappeared off the scene and have gone into receivership. We are left with that land. We do not know whether the bank owns it or against whom to try to direct any enforcement activity. Therefore, we also have those problems in Belfast.

Mr Kinahan:

You cannot get onto land if it is privately owned.

Ms Donnelly:

No. We would have to try to find out the ownership or to work through the bank or liquidator to try to get action. Perhaps you have something to say about that, Stephen?

Mr Leonard:

We had a separate environmental issue on a site that had gone into receivership. Certain materials had been dumped on it. We had to take action to serve notice and to default on work to remove those materials from the land. That has been protracted because we have had to work through the banks, the National Asset Management Agency (NAMA), and so on, to try to find out who is responsible and to determine the recovery of our costs. It is a complicated issue for us at present.

The Chairperson:

Thank you very much indeed for your presentation.