

7.0 Contracts and partnership agreements



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Audience: The key audiences that will find this section of the guidance useful are local authorities and their waste management contractors, producer compliance schemes and organisations involved in the collection and handling of WEEE.

Benefits: The benefit of this guidance is to ensure that the contracts or partnership arrangements in place are acceptable to all parties.

Summary: There are a number of key issues to consider within the contracts or partnership agreements to ensure that WEEE reuse and recycling is maximised through approved routes. Issues that may arise can be addressed from the outset in either the contract between the local authority and their waste management contractor or the third sector organisation, alternatively in the partnership agreement between the PCS and the local authority.

7.1 Local authorities and Producer Compliance Schemes

There are no contractual requirements under the WEEE Regulations for local authorities to provide WEEE collections, or for them to contract financially or otherwise with a Producer Compliance Scheme (PCS).

The Code of Practice states that local authorities and PCSs cannot make a charge to the other for WEEE. Also a local authority should check that the PCS has an approved and viable operating plan to collect material in line with the obligations of their members.

If a local authority has nominated their sites as designated collection facilities (DCF), then they need to abide by the Code of Practice and enter into a partnership agreement with a Producer Compliance Scheme. Some key matters that require attention from the start include:

- use of incumbent reuse organisations and haulage contractors. Whilst a PCS may have preferred contractors they may be amenable to using incumbent organisations. The chosen reuse organisation should be approved by the PCS and they will need to demonstrate they meet all relevant compliance requirements. Existing arrangements may be maintained although all parties involved will need to demonstrate they are managing WEEE in accordance with the WEEE Regulations. In the case of reuse organisations, data will need to be reported to the PCS and all parties will need to be confident that the reusable WEEE is treated through legitimate and approved routes;

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- it is also good practice for the agreement with the PCS to be flexible to future changes. For example, if a reuse organisation presents a plan for reuse and effective monitoring/reporting of data once the contract is in place, and it can be managed alongside recycling, then both parties should support this;
- evidence notes should be raised for all WEEE onsite, including reuse;
- all WEEE should be transferred to the PCS and DCF operators should take all reasonable measures to ensure that this occurs (taking account of existing contractual arrangements with waste management contractors or other contractors);
- all DCFs (including WCA depots and HWRCs) should make WEEE available in all five WEEE groups (or the number stated at the time of registration). This may mean changing the systems that are in place, e.g. including LDA which may previously have been managed as scrap metal; and
- communication is important to raise awareness (see Raising public awareness of recycling and reuse?) and PCSs may offer different support of communication options.

Local authorities, PCSs and site operators may agree that KPIs are needed to identify how effective site operational changes and communication activity is. Stakeholders may wish to include formal or informal targets for the tonnage of different WEEE categories, against which performance can be monitored.

EXAMPLE:

At HWRCs in West Sussex, the site operator Viridor has developed the following KPIs that if achieved, reaches the national target of 10kg per head of population by the end of 2010.

WEEE Group	Kg per head
Large Domestic Appliances	2.8
Small Domestic Appliances	3.4
Cooling Equipment	1.7
Display Screen Equipment	2.6
Lighting	0.01
Total	10.51

EXAMPLE:

Charnwood Borough Council recently let a contract for the whole waste management and street scene services portfolio. Financial penalties and bonuses attached to performance indicators within the contract (including NI192) means that the Council is assured that the contractor will take all reasonable steps to achieve high recycling and reuse rates (this will include WEEE).

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In some cases there are a number of contractual arrangements in place between the local authority and their waste management contractor which can influence the contractor's ability to segregate WEEE. It may be necessary to review these historical arrangements and where necessary update them to reflect the requirements of the Code of Practice.

It is considered good practice for contracts between local authorities and waste management companies to include key performance indicators. This could take the form of financial penalties and rewards associated with those KPIs. One option for the KPIs is to use National Indicators (NI) - for example NI192 refers to the percentage of household waste sent for reuse, recycling and composting. The benefit of using KPIs is that there is a clear incentive for the contractor to achieve the targets.

Additional guidance on improved contractual arrangement will be available shortly from WRAP.

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