

Working with third parties

The nature of bring recycling services means that local authorities often work with a range of third parties to deliver these services, including:

- charities who supply and service containers, selling the materials collected as a means of raising funds, or as a fundamental part of their business;
- contractors, who deliver some or all bring services on behalf of the local authority;
- retailers, that allow bring banks to be located on their land – providing sites in areas of high footfall; and
- other private landowners, who may allow bring banks to be sited on their land so that the authority can provide good geographical coverage across the whole area.

Arrangements between local authorities and third parties can vary in relation to bring services and there are a range of issues to be considered to maximise the quality of service to residents and ensure good relations with the third parties.

Retail sites are often viewed as the optimum place for locating bring recycling sites – areas of high footfall, which customers visit on a regular basis



The benefits of working with third parties can include:

- increased coverage of the bring site network on land that is not owned by the local authority;
 - improved service provision, complementing kerbside services or through a local authority's existing bring service provision, such as for the collection of additional materials like waste electrical and electronic equipment (WEEE), textiles, books etc;
- access to areas of high footfall such as supermarket car parks to encourage increased recycling;
 - supporting local community groups and charities by enabling them to earn income from recycling; and
 - raised awareness of recycling initiatives within the community.

Issues to consider

All third parties

General factors to consider when working with third parties include:

- clear definition of responsibilities – it is important to define responsibilities for maintaining, servicing and cleaning the site from the outset, as well as for the removal of fly-tipped material. If a particular container is adversely affecting site performance – for example, because it is not emptied often enough – this may deter other users, or lead to increased contamination;

- contracts – a formal agreement should set out which party is responsible for what and establish effective monitoring. However, some third parties may be reluctant to enter a formal contract, or the procurement process may prevent some organisations from tendering, due to the service requirements or their ability to meet pre-qualification or tender evaluation criteria;
- number of third parties involved – if there are too many organisations operating at one bring site, it can make it difficult to manage the site and can cause tension between different parties;
- communications, both between a third party and the local authority, and between different third parties – a lack of communication can result in poor site management and an inadequate servicing regime; and
- health and safety – all third parties operating sites on behalf of the authority (whether contracted or not) are required to have appropriate risk assessments and health and safety procedures in place.

Key organisations

There are further issues to consider when working with different types of third party organisation.

Charities

Charities involved with bring sites range from national charities through to local charities/community groups. Involving charities can help the performance of bring sites, as residents feel that by using the site, they are helping raise funds for the charity. Particular issues to consider in relation to charities and their involvement with bring recycling include:

Working with charities may mean a greater range of material can be collected for recycling at bring sites



- the opportunity to offer an extended range of materials for re-use/recycling at bring sites. Charities may be interested in collecting items such as WEEE, textiles, CDs and DVDs which a local authority may not collect – whether because it would require the provision of specialist containers or the local authority has not sourced a suitable outlet for the items;
- payment of re-use/recycling credits – these may encourage, and make more viable, the involvement of charities. Any changes to the payment of recycling credits should be clearly communicated with charities a long time in advance, with consideration given to the financial impact on the charity and support/advice provided where appropriate. Changes to recycling credits can also have an impact on the quantity of materials collected at bring sites – if the charity no longer receives credits, they may choose to stop promoting a bring site;
- promotion – promoting a charity's involvement with bring site/s, and by explaining to residents how the materials collected for recycling have helped the charity, local authorities can maintain the support for and performance of bring sites;
- quality – continual problems with the quality of material collected at bring sites may affect the income the charity receives – reducing the viability of providing the service. If this occurs, consider supporting the charity with communication materials and practical advice

on ways to improve the quality of material collected and with any other specific issues being experienced;

- rogue banks. These are banks that are placed on a site without authorisation. They can adversely affect the overall performance of the bring site and the value that authorised charities gain from their involvement with the service. For more details on dealing with rogue banks, see the *Littering and fly-tipping* fact sheet.

Contractors

Contractors can be responsible for a range of different services from the provision and servicing of containers for specific materials through to the complete management and operation of the bring site network. Always seek to appoint contractors via a formal procurement exercise, and consider formalising any existing informal agreements. For more information on procuring a service contract, see the fact sheets *Role of contracts & procurement* and *Procuring new contracts*.

Retailers

Supermarket or retail park car parks are good locations for bring banks because they usually generate high footfall. When working with retailers, issues to consider include:

- servicing – residents often associate problems with bring sites located at supermarkets with the specific supermarket. Poorly managed sites, with overflowing containers and littering, can affect the image of the supermarket, so recurring problems may result in requests from the supermarket to remove containers or the whole site. Therefore, it is important to ensure that the servicing regime and container capacity are sufficient for the needs of these sites. For further information, see the fact sheets on *Servicing regime* and *Site design*;
- promoting recycling – consider whether there is an opportunity to benefit from any in-store recycling initiatives at the supermarket for materials that may be collected front-of-store, such as plastic bags, light bulbs, small WEEE. Promotion of in-store initiatives may also help increase the use of bring sites in the car park; and
- operations – Some retailers are now choosing to streamline the provision of recycling facilities across their stores. This includes standardising on the range of materials collected, adopting the same style of containers at all sites and common signage and branding. In some cases local authorities may continue to service the facilities on behalf of the retailer, in others they may be serviced by a contractor appointed by the retailer. In the latter situation, there will be no contract between the local authority and the service provider.
- data reporting – under the Waste and Emissions Trading Act 2003 (which was amended in 2011) the waste reported into WasteDataFlow (WDF) includes municipal waste – which is waste from households and similar waste – which is collected under arrangements made by a local authority. This is termed Local Authority Collected Municipal Waste (previously referred to, in the context of the landfill allowances trading scheme, as 'municipal waste'). Local Authority Collected Municipal Waste is waste that is:
 - collected by or on behalf of the WCA or WDA – 'collected' includes activities such as transporting, sorting at the kerbside, providing skips, providing paper banks, accepting waste for recovery or disposal.

If the local authority is not undertaking the collection themselves, 'on behalf' of may include:

- formal and non-formal contracts, agreements or arrangements, and may involve private, public, community and voluntary sectors and may or may not involve money or payment.

For this reason, it is suggested that you review with your legal team whether you require some form of agreement with the retailer's contractor in order to receive tonnage data and be eligible to claim this as recycled tonnage in WDF.

Private landowners, Parish Councils etc

Legally, the responsibility for bring sites on private land is with private landowners. The local authority can support the private landowner by servicing the site and and/or dealing with issues that arise as a result of the service.

fly-tip If issues such as overflowing containers, littering and fly-tipping occur at sites and are not resolved, the private landowner may request the site be removed. This may have a wider impact on the area, in terms of reducing recycling facilities and fly-tipping of both recyclables and other materials. If a bring site is to be removed, a local authority may need to agree with the landowner to continue to visit the site on a regular basis to clear it of any litter.

Frequently asked questions

Who is responsible for clearing fly-tipping on a bring site operated by a third party?

This depends on the agreed arrangement between the local authority and third parties. A contract or formal agreement should determine responsibility for clearing fly-tipping and general site maintenance. In the absence of any such arrangement, the party that **operates** the site is responsible for clearing fly-tipping incidents and the landowner is not responsible.

If a retailer takes on the operation of a bring site, can a local authority report the recycling tonnage?

The local authority does not need to have physical control of operations at a bring site to include tonnages collected at a site when reporting overall recycling performance. However, it would need to have an agreement in place with the retailer regarding access to data and reporting. The retailer would have title to and receive the Packaging Recovery Notes (PRNs).

Check list

- Identify if there are any third parties in the local authority area who are willing to have a bring site on their land. Larger organisations, particularly retailers, may be willing to host or operate a bring site.
- Consider existing relationships with third parties – are there any conflicts of interest? For example, a number of textile recyclers or charities may be providing containers at the same bring site.
- Ensure that all third parties understand their responsibilities if operating a bring site or allowing the local authority to have a site on their land.
- Consider whether a contract/ or formal agreement is appropriate between your local authority and a third party, to ensure that a reliable standard of service can be provided.
- Consider the health and safety implications of including third party containers on a bring site – and ensure containers are suitable and safe to use and service. See the fact sheet *Health and safety* for more information.
- To encourage third party involvement in the bring service, consider payment of re-use and/or recycling credits to organisations that meet your criteria.