

Binn Farm Newsletter - Complaint to Ombudsman re contracts with smelly operators - 10 March 2010

Dear Binn Farm Campaigner,

The Council has refused to even consider my complaint against the recent award of contracts to TEG and SITA, both of which have shown themselves to be incompetent by emitting stinking air across Abernethy.

I haven't got my hopes up. The SPSO only upholds 0.6% of complaints against local authorities (they bend over backwards to defend local authorities from criticism).

Here, below, is the complaint.

Regards,

Michael

(start)

Dear SPSO

On 5 March 2010, I submitted a complaint (Item 1, below) to Perth & Kinross Council regarding their decision to sign a contract with TEG last year to compost mixed household food and garden waste collected via kerbside waste collection. The reason for my complaint was that the TEG composting operation at Binn Farm has been known for some considerable time to be one of the main causes of the bad smell that sweeps through Abernethy on a regular basis. This, in my view, would seem to indicate that TEG is not a competent company.

On the following day I sent an addendum to this complaint (Item 2, below), regarding the decision by Perth and Kinross Council to sign a contract with SITA to deal with Dry Mixed Recyclate (DMR). The basis of this complaint was that the landfill site at Binn Farm has also been known for years to be contributing to odour issues in Abernethy. Therefore SITA has also shown itself to be incompetent, and therefore not the sort of company that the Council should be contracting with.

However I have now received an email from Bruce Reekie, Waste Services Manager, stating: "It was determined not to deal with your enquiry as a corporate complaint as it related to commercial and contractual matters which are exceptions under the complaints procedure." (see Mr Reekie's email in full below at Item 3).

I do not accept that my complaint is a "contractual matter". I have no interest in the details of the new contracts with TEG and SITA. My complaint is simply that TEG and SITA have both proved to be incompetent by releasing bad smells over neighbouring properties, especially in Abernethy – just ask any of the locals. The Council should not be forming contracts with contractors that are known to be incompetent.

In his email of 10 March 2010 (Item 3), Mr Reekie has suggested that I have made a mistake with regard to the date of the contract with SITA, and that in

fact the contract was signed in 1994. However I think Mr Reekie has misunderstood which contract I was referring to. I am not referring to the contract to deal with residual waste and compost, which I accept was signed in 1994. Rather, I am referring to the contract for SITA to deal with Dry Mixed Recyclate (DMR), which I understand is fairly recent.

To sum up, I wish to complain against the Council's decision to sign contracts with TEG to compost mixed food and garden waste, and with SITA to deal with Dry Mixed Recyclate, because both companies are known to cause a bad smell in Abernethy and have therefore shown themselves to be incompetent.

Of course I realise that you won't uphold this complaint – you only uphold 0.6% of complaints against local authorities. In fact your whole approach is to look for ways to defend local authorities against criticism. Therefore I hope that you will be as conscientious in seeking the views of the people of Abernethy with regard to the smells from the composting and landfill operations at Binn Farm as you will no doubt be in seeking the views of the Council. I also hope you will be circumspect in accepting any evidence from SEPA, which goes out of its way to defend polluting industries from criticism (SEPA will always defend polluting industries, because agreeing with complaints would be an admission that they are incapable of adequately regulating those industries).

Lastly, please see the Council's advertisements for the two recent contracts that are the subject of this complaint, at Item 4 and Item 5.

Yours faithfully,

Michael Gallagher
33 Precinct Street
Coupar Angus
Perthshire
PH13 9DG
Tel/fax 01828 627124

ITEM 1

From: Michael Gallagher
To: Bernadette Malone
Sent: Friday, March 05, 2010 11:52 PM
Subject: Complaint re contract with TEG

Bernadette Malone, Chief Executive, Perth and Kinross Council

Dear Ms Malone,

I wish to make a formal complaint (invoking the Council's formal complaints procedure) regarding the Council's recent award of a new contract with TEG to compost waste at Binn Farm. The Council must surely be aware that TEG has a poor track record regarding odour, causing problems for the nearby

community of Abernethy. Last April I visited the TEG composters as a guest of Binn Skips. Within 15 seconds of stepping out of the car the fumes were causing my lungs to ache. It is really no surprise that the people of Abernethy are regularly submitted to waves of nauseating stench sweeping through their community.

Yours sincerely,
Michael Gallagher

ITEM 2

From: Michael Gallagher
To: Bernadette Malone
Sent: Saturday, March 06, 2010 2:53 PM
Subject: Fw: Complaint re contract with TEG

Dear Ms Malone,
Further to my earlier complaint ('Complaint re contract with TEG' - below), I would also like to complain about the contract with SITA, signed around the same time. The landfill site run by SITA at Binn Farm has also been the cause of many complaints from residents of Abernethy with regard to smell. This would seem to indicate that SITA is not a competent company, and that the Council should seek waste management services elsewhere.
Please add this to my earlier complaint regarding TEG.
Yours sincerely,
Michael Gallagher.

ITEM 3

From: Bruce Reekie
To: Michael Gallagher
Cc: Keith McNamara ; Pamela Dickson ; Trisha Lyle
Sent: Wednesday, March 10, 2010 9:22 AM
Subject: Councils Contracts with TEG and SITA

Dear Michael

I refer to your e-mails of 5 & 6 March to the Council's Chief Executive regarding the Councils contracts with TEG and SITA.

It was determined not to deal with your enquiry as a corporate complaint as it related to commercial and contractual matters which are exceptions under the complaints procedure.

With regard to your enquiry relating to TEG I would advise you as follows:

At the time that tenders for the Processing of Mixed Food and Garden Waste from Perth & Kinross Council were evaluated, TEG Environmental Limited were able to provide all the required regulatory permissions as well as quality and environmental certifications. As part of the contract terms and conditions the Company has to comply with all statutory requirements including Environmental permits relevant to the Service provided to the Council.

Any further information required on environmental regulation should be addressed to the Scottish Environmental Protection Agency (SEPA).

With regard to your enquiry relating to SITA I would advise you as follows:

The contract with SITA was not signed around the same time as the TEG contract. The Councils Waste Disposal Contract was signed in 1994 with an organisation that was subsequently acquired by SITA. As part of the contract the Contractor shall at all times during the Contract comply with all the relevant Acts of the Parliament, Statutory Regulations, Codes of Practice and all legislation connected therewith or made there under or any statutory notification or re-enactment thereof.

Any further information required on environmental regulation should be addressed to the Scottish Environmental Protection Agency (SEPA).

Regards

Bruce Reekie
Waste Services Manager

ITEM 4

Perth and Kinross Council, The Environment Service

Processing of Mixed Food and Garden Waste from Perth and Kinross Council for the period 2009/10 to 2012/13, in facilities compliant with the Animal By Product Regulations 2003

Perth and Kinross Council is seeking to identify a number of suitably experienced and qualified contractors who will be invited to tender to process mixed food and garden waste arising from householders in Perth and Kinross.

The first stage is to complete a Pre Qualification Questionnaire (PQQ) by 12 noon on Friday 7 August 2009.

To obtain the PQQ and further information please contact:
Fiona Scott, Waste Procurement Assistant
E-mail: fascott@pkc.gov.uk Tel: 01738 476459

ITEM 5

Perth and Kinross Council, The Environment Service

The Processing of Dry Mixed Recyclates from Perth and Kinross Council for the period 2009/10 to 2014/15

Perth and Kinross Council is seeking to identify a number of suitably experienced and qualified contractors who will be invited to tender to process dry mixed recyclates arising from householders in Perth and Kinross.

The first stage is to complete a Pre Qualification Questionnaire (PQQ) by 16.00 hours on Friday 24 April 2009.

To obtain the PQQ and further information please contact:

Fiona Scott, Waste Procurement Assistant - E-mail: fascott@pkc.gov.uk

Tel: 01738 476459