



**Officer Decision Record**

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014.

<b>Decision Maker</b>	Jonathan Lund, Deputy Chief Executive
<b>Signature</b>	<i>Jonathan Lund</i>
<b>Date</b>	23 December 2015
<b>Ward(s) affected</b>	Whitley

**Decision Status (tick as appropriate)**

- Key Decision**
- None key decision discharging (or connected to the discharge of) an Executive Function**
- Specific delegation from Council or Committee**
- Grant of Permission/licence**
- Affecting the rights of an individual**
- Awarding a contract or incurring expenditure which materially affects the financial position of the Council**

**Subject to Call in - yes/no**

**Decision**

In accordance with the delegation to me at paragraph 3.9.4 of Part 3 of the Council's Constitution – Responsibility for Functions, and in the absence of the Chief Executive and after consultation with the Leader of the Council, I have agreed to further expenditure of up to £150,000 as a contribution from Selby District Council towards the cost of delivering the final phase of the agreed Tactical Plan to deal with the fire and waste at the Wagstaff's Waste site at Great Heck, Selby. This work will ensure that the residual waste remaining at the site is stored in a way which complies with fire safety guidance and planning permission. I have taken this decision because, in my opinion, this is an urgency situation which

seriously affects the functions of the Council and/or the well-being of the Council's area

The funds are to come from the Council's contingency reserve.

**Reason for Decision**

An Environment Agency EA regulated waste site at Great Heck in Selby District was subject to enforcement action taken jointly by the EA as the lead regulator and Selby District Council. Before compliance with the enforcement notices, the operating company went into liquidation and responsibility for remedial action fell to the landowner who is unable to fund the costs of the required works. A fire or fires broke out within the waste material and the incident prompted an emergency response through the North Yorkshire Local Resilience Forum.

A tactical plan was agreed to deal with the fire and the waste on site and funding was secured via the Environment Agency as primary regulator. The local community and elected representatives have been kept informed throughout.

Phases 1 and 2 of the plan are now complete and have dealt with the waste material causing the most immediate impact on the local community. This further sum will allow further work to take place to organise the remaining waste on site so that it complies with fire safety guidance and planning permission. The Council will rely upon its well-being powers to undertake this work.

Efforts have been and will continue to be made, where practical and lawful, to recover the costs of dealing with the situation from those with legal responsibility. In addition all reasonable efforts have been made to limit the expenditure to that strictly necessary to properly, effectively and safely address the problem.

The funding commitment from Selby District Council is necessary to enable the tactical plan to be delivered in compliance with the planning conditions associated with the site.

**Alternative Options considered and rejected**

A range of alternative options were considered as part of the NYLRF management of the emergency. These included a do nothing option and alternatives in terms of speed or remediation and alternative enforcement methods however it was agreed that this approach was in the best interests of the residents and the environment and as such should be supported by all parties.

**Background papers**

none

**Contact Details for further information**

**Jonathan Lund, Deputy, Chief Executive – jlund757 2920001**