



***Delegated Decisions by Deputy Leader of the Council
with Responsibility for Climate Change, Environment &
Future Generations***

***Thursday, 18 July 2024 at 2.30 pm
County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 26 July 2024 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public

A handwritten signature in blue ink that reads "Reeves".

Martin Reeves
Chief Executive

July 2024

Committee Officer: **Committee Services**
email: committeesdemocraticservices@oxfordshire.gov.uk

Note: *Date of next meeting:* 5 September 2024

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection. To facilitate 'hybrid' meetings we are asking that requests to speak are submitted by no later than 9.00 a.m. four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that, if the technology fails, your views can still be taken into account. A written copy of your statement can be provided no later than 9.00 a.m. two working days before the meeting. Written submissions should be no longer than one A4 sheet.

4. OxLAEP: Local Area Energy Plan and Function Oxfordshire

(Pages 1 - 4)

Cabinet Member: Deputy Leader with Responsibility for Climate Change, Environment and Future Generations

Forward Plan Ref: 2024/207

Contact: Sarah Hassenpflug, Energy Systems Lead
(Sarah.Hassenpflug@oxfordshire.gov.uk)

Report by Chief Executive (CMDDLC5).

The Cabinet Member is RECOMMENDED to

- a) **Approve delegated authority to the Director of Economy and Place to award a contract for Local Area Energy Planning, pending the decision by the Future Oxfordshire Partnership (FOP) on the 30th July to allocate budget from the Housing and Growth Deal Fund, and a subsequent procurement exercise.**

In the event the Economy and Place position is vacant at the award date, agreement is requested for the delegation to move to the Chief Executive.

EXEMPT ITEM

In the event that any Member or Officer wishes to discuss the information set out in the **annex** to Agenda Item **5**, the Committee will be invited to resolve to exclude the public for the consideration of the **annex** by passing a resolution in relation in the following terms:

"that the public be excluded during the consideration of the **annex** since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report does not contain exempt information and is available to the public

THE **ANNEX** TO THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

5. Report on Urgent Decision by Chief Executive on Recycling and Waste Services (Pages 5 - 12)

Cabinet Member: Deputy Leader with responsibility for Climate Change, Environment and Future Generations

Forward Plan Ref: 2024/242

Contact: Paul Grant, Head of Legal
(Paul.Grant@oxfordshire.gov.uk)

Report by Chief Executive (**CMDDL5**)

The Cabinet Member is RECOMMENDED to note the report.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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DELEGATED DECISIONS BY DEPUTY LEADER OF THE COUNCIL, WITH RESPONSIBILITY FOR CLIMATE CHANGE, ENVIRONMENT AND FUTURE GENERATIONS

18 JULY 2024

Delegated Authority to Approve Local Area Energy Planning Contract

Report by Chief Executive

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to

- a) **Approve delegated authority to the Director of Economy and Place to award a contract for Local Area Energy Planning, pending the decision by the Future Oxfordshire Partnership (FOP) on the 30th July to allocate budget from the Housing and Growth Deal Fund, and a subsequent procurement exercise.**

In the event the Economy and Place position is vacant at the award date, agreement is requested for the delegation to move to the Chief Executive.

Executive Summary

1. As part of Oxfordshire's work to meet our 2050 net zero target for the wider county and to support addressing grid constraints, Oxfordshire County Council (the Council) is working on a programme with Oxfordshire District Councils to develop Local Area Energy Plans (LAEPs).
2. The work is taking place under the FOP. The FOP will meet at the end of July 2024 to consider a report on this programme and allocation of funding from the Housing and Growth Deal.
3. The Council will then follow a process to lead on the procurement of the LAEPs in line with our procurement and contract management processes. The procurement process will comply with the Public Contract Regulations 2015. Following the outcomes of this exercise, officers are seeking delegated authority to award the contract in line with the Council's Scheme of Delegation.

Procurement of Local Area Energy Plans for Oxfordshire

4. The Council is convening all Oxfordshire District Councils in the development of the LAEPs. This project falls under FOP governance and Housing and Growth Deal funds (held by the Council on behalf of FOP) will be used to fund the work. A consultancy contract will be tendered to create district level LAEPs. The Council will be the lead and contracting organisation.
5. An Outline Business Case for the LAEP programme has already been endorsed by the FOP LAEP Executive Steering Board, FOP Executive Officer Group, Chief Executives Group and the FOP Infrastructure Advisory Group. A decision by FOP to allocate the funds will be made on 30th July, after which the open procurement will commence.
6. Delegated Authority is sought for the Director of Economy and Place (currently vacant) to award the contract. In the event the Director of Economy and Place post is vacant at the award date, the delegation is requested to be transferred to the Chief Executive.
7. The delegation is being sought at this stage owing to no meetings scheduled in August. This will allow Officers to start work on procurement in a timely manner pending any agreement by FOP on 30th July. Should agreement to the budget not take place, officers will re-review options to take this work forward. Following a full tender we anticipate contract award in November 2024.

Corporate Policies and Priorities

8. The Oxfordshire LAEP programme directly supports the Council's vision to be a Place Shaper and Partner of Choice. It also supports the following Corporate priorities:
 - Put action to address the climate emergency at the heart of our work.
 - Tackle inequalities in Oxfordshire.
 - Prioritise the health and wellbeing of residents.
 - Invest in an inclusive, integrated and sustainable transport network.
 - Work with local businesses and partners for environmental, economic and social benefit.

Financial Implications

9. As long as there is no decision to commit the Council to contract prior to the formal approval of the additional funding by FOP due on the 30th July, there are no financial implications associated with the report recommendation. The funds related the delegated authority to award the Oxfordshire LAEP contract are FOP Housing and Growth Deal Funds held by the Council on behalf of FOP. If no additional funding is approved, the contract will not be awarded. The Council already has the staff resources in the Climate Action Team to manage the procurement and ongoing contract management.

Comments checked by:

Rob Finlayson, Strategic Finance Business Partner,
rob.finlayson@oxfordshire.gov.uk (Finance)

Legal Implications

10. The Council will be procuring consultancy services for the Oxfordshire LAEP programme on behalf of FOP and in collaboration with all the Oxfordshire District Councils. Memorandum of Understanding will be signed by the Council and the Districts stipulating areas of joint and separate responsibility. The contract will be a light touch regime tender compliant with the Public Contracts Regulations 2015.

Marina Lancashire, Lawyer – Contracts,
Marina.Lancashire@Oxfordshire.gov.uk (Legal)

Staff Implications

11. The recommendations have no staffing implications. The granting of delegated powers to the Director of Economy and Place will enable a timely decision on the contract award. The Climate Action Team currently has sufficient resource to client and project manage the proposed contract.

Equality & Inclusion Implications

12. A summary Equality Impact Assessment was carried out as part of the Outline Business Case. A more detailed Equalities Impact Assessment will be produced as part of the Full Business Case.

Sustainability Implications

13. Indirectly the recommendation in this paper will result significant positive implications, enabling the Council to have clarity on the path to net zero by 2050 and the, the projected cost of the associated projects and how best they can be delivered. A Climate Impact Assessment will be produced as part of the Full Business Case.

Risk Management

14. FOP have established a specific officer working group and senior officer steering board for the LAEP programme. This governance is responsible for

identifying and managing all risks associated with the development and delivery of the programme.

Consultations

15. Consultation on the Oxfordshire LAEP programme has been with the key stakeholders Oxfordshire District Councils, all 3 Distribution System Operators (Scottish and Southern Electricity Networks, UK Power Networks, National Grid Electricity Distribution), Oxfordshire Local Economic Partnership, Low Carbon Hub and the Greater South East Net Zero Hub). Wider consultation will take place as part of the LAEP development.

Martin Reeves Chief Executive

Annex: Nil

Background papers: Nil

Contact Officer: Mark Saunders, Energy Systems and Investment Manager, Mark.Saunders@oxfordshire.gov.uk

July 2024

Divisions Affected – N/A

DELEGATED DECISIONS BY DEPUTY LEADER with RESPONSIBILITY FOR CLIMATE CHANGE, ENVIRONMENT & FUTURE GENERATIONS

18 JULY 2024

**Delegated decision by Chief Executive to approve consent to sub-
contract and variations to a contract with Severn Trent Green
Power**

Report by Director of Environment and Highways

RECOMMENDATION

The Cabinet Member is RECOMMENDED to note the report.

Executive Summary

1. An urgent decision has been taken to consent to the change of arrangements relating to the provision of recycling and waste services at the Ardley In-Vessel Composting site by the Council's contractor, Severn Trent Green Power. The Ardley In-Vessel Composting site has been sold to Biffa who now operate the site. There are no service reductions to the Council, and the Council's contractor remains Severn Trent Green Power. This decision was taken urgently because to delay would have been detrimental to the Council's commercial and financial interests. This contractual change met the key decision threshold, but the details remain exempt under Paragraph 3, Schedule 12A Local Government Act 1972.

Exempt Information

2. The report contains information in Annex 1 that is exempt and confidential as it includes matters related to the sale of a waste facility by OCC's contractor to another company. This is commercially sensitive and OCC signed a non-disclosure agreement with the contractor to enable negotiations on the contract implications to take place. This agreement remains in place.
3. The public should therefore be excluded during consideration of Annex 1 because its discussion in public would be likely to lead to the disclosure to members of the public present of information in the following category

prescribed by Part I of Schedule 12A to the Local Government Act 1972 (as amended): 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).]; and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would prejudice the commercial position of the parties involved and would prejudice the position of the authority to the detriment of the Council's ability to discharge its fiduciary and other duties as a public authority.

Background

4. Severn Trent Green Power is contracted by OCC to provide composting and treatment of household garden and food waste. They have several sites in the county that are used for OCC's waste, including Ardley in-vessel composting facility which takes green waste collected by Cherwell District Council and from Alkerton and Ardley Household Waste Recycling Centres.
5. Severn Trent Green Power advised OCC that they wished to sell Ardley IVC to Biffa, a national waste management company. The service to OCC for garden waste treatment at the Ardley in-vessel composting facility would continue with no service reductions. This required OCC's consent under the contract with Severn Trent Green Power, and approval was given in an urgent key decision by the Chief Executive on 23 May 2024.
6. Severn Trent Green Power completed the sale of the Ardley in-vessel composting facility on 12 June 2024, and Biffa took responsibility for the site and its operation on 13 June 2024.
7. EXEMPT Annex 1 contains more information about the commercial, legal and financial aspects of the sale for OCC.

Corporate Policies and Priorities

8. Food and garden waste composting contributes towards corporate priority 9, work with local businesses and partners for environmental, economic and social benefit. Composting reduces carbon emissions and produces fertiliser and soil conditioner that is used on farmland across Oxfordshire.

Reasons for Special Urgency

9. The Constitution specifies procedures and timescales that have to be followed where a local authority executive, committee or individual is taking a Key Decision. A Key Decision is defined in the Council's Constitution (Part 1.3, Section 3 (b)) "as being 25% of the annual revenue budget for the relevant service block (i.e. that part of the Council's total revenue budget allocated to the Cabinet Member for the service area concerned) or £500,000, whichever is the

lower figure, and £1m in the case of capital expenditure; or 25% of the people living or working in the area affected; or 25% of the capacity, frequency or hours of operation of a service or facility.”

10. Local Authorities are legally required to publicise Key Decisions in their forward plans a minimum of 28 clear days prior to the decision being taken.
11. As is common practice, the Constitution makes provision for decisions to be taken, as a matter of urgency, where it is impracticable to give the requisite notice. The general exception rule allows Key Decisions to be taken within the 28 day period, provided that the Chair of the relevant Scrutiny Committee has been informed by notice of the decision to be taken, the Council has made publicly available a copy of that notice and five clear days have elapsed since the publication of that notice.
12. In exceptional cases where a Key Decision is required to be taken even sooner and it is impracticable to wait for the five clear days required under general exception provisions, then the special urgency rules can be applied. In such instances, the decision may only be made if the decision-maker has obtained the agreement of the Chair of the relevant Scrutiny Committee, that the decision is urgent and cannot be reasonably deferred. If there is no Chair of the Scrutiny Committee, or if the Chair is unable to act, then the agreement of the Chair of the Council, or in her/his absence the Vice-Chair will suffice.
13. Furthermore, the Constitution states (Part 6.2, Section 20) that the provision for Call-In “shall not apply where the decision being taken by the Cabinet, Officer or other decision maker is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call in. The Chair of the Council must agree that in all the circumstances the decision should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair’s agreement shall be required. In the absence of both, the Proper Officer’s agreement shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.”
14. In relation to the Key Decision by the Chief Executive on 23 May 2024, the Constitution states that the use of the special urgency provision requires the agreement of the Chair of the relevant Overview and Scrutiny Committee. In this case that would be the Place Overview & Scrutiny Committee. However, there was no Chair in place as this issue arose after the Annual Council meeting and before the committee met again to elect a Chair. Therefore, the agreement of the Chair of the Council was sought and given (see paragraph 13).
15. Part 8.1 Section 17.3 of the Constitution requires that “the Leader of the Council will submit quarterly reports to the Council on any executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary

of the matters in respect of which those decisions were taken". This urgent decision was reported to Council at its meeting on 9 July 2024.

16. Furthermore, Part 7.1, para 2(c) says (emphasis added):

"(c) Urgency. The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence, and it is impracticable to secure authority to act where such authority would otherwise be required. The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting **and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.** Key decision procedures and call-in procedures (Parts 8.1 and 6.2 of the Constitution) will apply to any key decisions taken under this authorisation."

17. A Delegated Decision meeting of the Deputy Leader with responsibility for Climate Change, Environment & Future Generations is the 'body' that would have been required to give the authority to act if the matter had not been urgent. This report is to fulfil this Constitutional requirement to report to the Deputy Leader.

Financial Implications

18. There are no direct financial implications relating to the novation of this contract.

Comments checked by:

Rob Finlayson, Strategic Finance Business Partner (Environment & Highways; Economy & Place), rob.finlayson@oxfordshire.gov.uk

Legal Implications

19. Legal, procurement and governance advice was sought and actioned throughout the process to protect OCC's interests through the contract variation and sub-contract of the service and ensure compliance with all governance requirements. Further legal comments and implications are set out in detail within the body of this report.

Comments checked by:

Paul Grant, Head of Legal and Deputy Monitoring Officer
paul.grant@oxfordshire.gov.uk (Legal)

Risk Management

20. Continued service for Cherwell District Council and Alkerton and Ardley Household Waste Recycling Centres at a convenient location has been secured for the remainder of the five year contract term. Any risks to the service will be managed by Severn Trent Green Power as OCC's contractor.

Paul Fermer
Director for Environment and Highways

Annex: Annex 1 (EXEMPT)

Background papers: Nil

Contact Officer: Frankie Upton, Technical Lead – Waste Contracts,
07776997358, Frankie.upton@oxfordshire.gov.uk

July 2024

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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