

Notice of a Meeting

Growth & Infrastructure Scrutiny Committee Wednesday, 17 February 2010 at 10.00 am County Hall

Membership

Chairman - Councillor Patrick Greene
Deputy Chairman - Councillor David Nimmo-Smith

Councillors:

Lorraine Lindsay-Gale	Anne Purse	David Turner
Michael Gibbard	Keith Strangwood	Nicholas P. Turner
Charles Mathew	John Tanner	

Notes:

Date of next meeting: 10 March 2010

What does this Committee review or scrutinise?

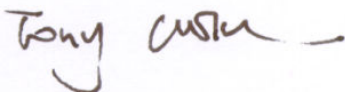
- Transport; highways; traffic and parking; road safety (those areas not covered by the Safer & Stronger Communities Scrutiny Committee); public passenger transport
- Regional planning and local development framework; economic development; waste management; environmental management; archaeology; access to the countryside; tourism
- The planning, highways, rights of way and commons/village greens functions of the Planning & Regulation Committee

How can I have my say?

We welcome the views of the community on any issues in relation to the responsibilities of this Committee. Members of the public may ask to speak on any item on the agenda or may suggest matters which they would like the Committee to look at. **Requests to speak must be submitted to the Committee Officer below no later than 9 am on the working day before the date of the meeting.**

For more information about this Committee please contact:

Chairman	-	Councillor Patrick Greene E.Mail: patrick.greene@oxfordshire.gov.uk
Committee Officer	-	Geoff Malcolm, Tel: (01865) 815904 geoff.malcolm@oxfordshire.gov.uk



Tony Cloke
Assistant Head of Legal & Democratic Services

February 2010

About the County Council

The Oxfordshire County Council is made up of 74 councillors who are democratically elected every four years. The Council provides a range of services to Oxfordshire's 630,000 residents. These include:

schools	social & health care	libraries and museums
the fire service	roads	trading standards
land use	transport planning	waste management

Each year the Council manages £0.9 billion of public money in providing these services. Most decisions are taken by a Cabinet of 9 Councillors, which makes decisions about service priorities and spending. Some decisions will now be delegated to individual members of the Cabinet.

About Scrutiny

Scrutiny is about:

- Providing a challenge to the Cabinet
- Examining how well the Cabinet and the Authority are performing
- Influencing the Cabinet on decisions that affect local people
- Helping the Cabinet to develop Council policies
- Representing the community in Council decision making
- Promoting joined up working across the authority's work and with partners

Scrutiny is NOT about:

- Making day to day service decisions
- Investigating individual complaints.

What does this Committee do?

The Committee meets up to 6 times a year or more. It develops a work programme, which lists the issues it plans to investigate. These investigations can include whole committee investigations undertaken during the meeting, or reviews by a panel of members doing research and talking to lots of people outside of the meeting. Once an investigation is completed the Committee provides its advice to the Cabinet, the full Council or other scrutiny committees. Meetings are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session

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, giving as much notice as possible before the meeting

A hearing loop is available at County Hall.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note on the back page**
3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 9 December 2009 (**GI3**) and to note for information any matters arising on them.

4. **Speaking to or petitioning the Committee**

SCRUTINY MATTERS

To consider matters where the Committee can provide a challenge to the work of the Authority

5. **Capital Programme - 2009/10: Position Update - Period 3** (Pages 7 - 10)

10:10 am

Report by Director for Environment & Economy (**GI5**).

Contact Officer: Arzu Ulusoy-Shipstone, Capital Programme Manager, Tel: (01865) 323108

The report informs the Scrutiny Committee of the progress made in delivering the capital programmes that have been approved by the Council. It also informs the Committee of the current position of capital expenditure and the current position of available resources.

The Committee is invited to receive the second of the quarterly update reports.

REVIEW WORK

To take evidence, receive progress updates and consider tracking reports.

6. **Flooding Review - Progress Update** (Pages 11 - 14)

10:40 am

Report by Head of Transport (**GI6**).

Contact officer: Chris Brown. Oxfordshire Long Term Flooding Issues Group Coordinator, Tel: 07775 025 240

The report presents the second update following the Flooding Review.

In June the Committee noted progress and asked the Head of Transport to continue to seek a response in respect of river dredging.

Mr. Barry Flood, Flood Risk Manager, Environment Agency will attend to update the Committee on their activity in respect of flooding.

The Committee is invited to note the contents of the report and provide its views to the Cabinet Member for Growth & Infrastructure.

BUSINESS PLANNING

To consider future work items for the Committee

7. Work Programme (Pages 15 - 28)

11:40 am

Two suggestions have been received from members of the public. These suggestions have been considered by the Corporate Policy and Review Manager and in accordance with the Constitution **are now placed before the Committee to determine whether they should be taken forward as part of its Work Programme** . Attached are two proposal forms (**GI7 (documents (A) & (B))**). Mr Day and Mr Draper have both indicated that they will attend to speak to their suggestions.

The Head of Transport has requested Scrutiny involvement in the evaluation of the County Council's arrangements for winter maintenance of roads and footways. The proposal form is attached (**GI7 document C**).

8. Forward Plan

12:10 pm

The Committee is asked to suggest items from the current Forward Plan on which it may wish to have an opportunity to offer advice to the Cabinet before any decision is taken, together with details of what it thinks could be achieved by looking at any items.

INFORMATION SHARE

Listed below are reports for information and links to background information that may be of interest to Members for noting only.

Subject Matter	Document
Local Transport Plan 3	Update from Councillor David Nimmo-Smith
Finmere Quarry	Update from Councillor Michael Gibbard

9. Close of Meeting

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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Agenda Item 3

GROWTH & INFRASTRUCTURE SCRUTINY COMMITTEE

MINUTES of the meeting held on Wednesday, 9 December 2009 commencing at 10.00 am and finishing at 2.40 pm.

Present:

Voting Members: Councillor Patrick Greene – in the Chair

Councillor David Nimmo-Smith
Councillor Lorraine Lindsay-Gale
Councillor Charles Mathew
Councillor Anne Purse
Councillor Keith Strangwood
Councillor John Tanner
Councillor David Turner
Councillor Nicholas P. Turner
Councillor Stewart Lilly

Other Members in Attendance: Councillor Ian Hudspeth (for Agenda Items 5 & 6)
Councillor Rodney Rose (for Items 5 & 6)

By Invitation:

Officers:

Whole of meeting Corporate Performance & Review Manager, S. Whitehead (Corporate Core), C. Brodie-Levinsohn (Corporate Core)

Part of meeting

Agenda Item Officer Attending

5. Director for Environment & Economy, L. Baxter (Financial Planning), Head of Transport, S. Kent (Environment & Economy), T. Paul (Finance Business Partner), D. Waller (Planning), Head of Property
6. Head of Transport

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

24/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

Apology from	Temporary Appointment
Councillor Michael Gibbard	Councillor Stewart Lilley

25/09 MINUTES

(Agenda No. 3)

Councillor David Turner expressed disappointment that the discussion on the Park & Ride did not include comments from him in relation to the lack of bus shelters on the High Street and the resulting additional car journeys from people not prepared to wait at a bus stop with no shelter from the weather.

RESOLVED: to approve and sign the minutes of the meeting held on 28 October 2009 subject to the inclusion of the above comments under Minute No. 17/09.

26/09 SPEAKING TO OR PETITIONING THE COMMITTEE

(Agenda No. 4)

The Chairman has agreed the following request to address the meeting:-

Item	Speaker
5. Service & Resource Planning 2010/11 – 2014/15	Mr A. Day, member of the public

27/09 SERVICE & RESOURCE PLANNING

(Agenda No. 5)

Mr Day highlighted reference in the report to cost savings from waste management and referred to a scheme he had that looked at the same problem from the point of view of energy savings. He outlined what he saw as the advantages of his proposal which included profitability and financial advantage and asked that officers be authorised to discuss the matter with him.

The Chairman stated that Mr Day had made a proposal for a review that would come to the February meeting. The Director for Economy & Environment made it clear that there could be no negotiation around the procurement process with any individuals.

Mr Day responded to a question from Councillor Mathew and outlined his background as a physicist and his experience over 35 years as an architect involved in planning issues. He had no financial, business or commercial interest with anyone in connection with the scheme.

The Committee received a presentation on the papers before them and following a lengthy discussion the following points were made:

- There was some support for the re-introduction of weekend and evening charges 'on street';
- There was some support for the re-introduction of weekend and evening charges 'on street';
- To look to find new areas of 'on road' charging in areas such as Summertown.
- To ask Cabinet to increase residents parking charges
- To ask Cabinet to ensure consistency of on road/off street charges,
- There was some support for the policy of not charging for 'Park and Ride' parking to be revisited in line with the recent question and answer session on 'Park & Ride'.
- To ask Cabinet to ensure congestion charging is looked at as part of LTP3.
- EE1 – There was a need to ensure staff reductions do not affect service delivery
- EE14 – It was suggested that the targets for light switching off be increased
- EE2 & 14 – Look to increase car allowance savings over the period of the plan and encourage the adoption of this approach across the Council
- EE24 - Increase the target of trade waste saving if economically viable.

It was suggested that the savings be used for:

- the building maintenance programme and further that consideration be given to recharging that programme across all directorates. EE40 was seen as unsatisfactory.
- Tourism –additional resources should be prioritised to the Olympics and there was some discussion as to whether it should be used in the build up to or after the Olympics to take advantage of the general boost expected at that time.

Other points:

- Councillor Mathew strongly endorsed the OCC Highways Drainage and other Pitt Review Flooding recommendations

Councillor Mathew asked that he be recorded as being against the re-introduction of weekend and evening charges and the consideration of congestion charging. Councillor David Nimmo-Smith expressed strong opposition to the introduction of any charges at park and ride sites.

Where a view was expressed members felt that they would wish to see the Council tax rise limited to below 3%, although accepting that it would need to be over 2%.

RESOLVED: to agree to advise Cabinet via the Strategy & Partnership Committee of the views expressed above.

(Councillors Purse and David Turner abstained from the voting)

28/09 RE-TENDERING OF THE HIGHWAYS CONTRACT
(Agenda No. 6)

The Committee received an update on the re-tendering of the highways contract. The intention was to take a report to the March Cabinet meeting with the contract start date on 1 July 2010.

The Cabinet Member for Growth & Infrastructure thanked officers and in particular the Head of Transport for their efforts to ensure a contract would be in place. Councillor Anne Purse added her thanks to Peter Mann for all his work.

Responding to a question from Councillor David Nimmo-Smith, Steve Howell, Head of Transport indicated that from 7 bidders who had put in a quality submission 3 had got through to the latest stage which was about cost and how the contract would be delivered.

29/09 FORWARD PLAN
(Agenda No. 7)

No items were identified for the next meeting.

30/09 INFORMATION SHARE
(Agenda No. 8)

Members noted the following information and updates. .

Subject Matter	Document
the Association of Local Government Archaeological Officers (ALGAO) has released its response to the consultation on draft PPS15. the County Archaeology Officer will produce a note on ALGAO's response including a copy of ALGAO's response and a copy of the draft PPS in case members have not already seen it and this will be circulated to all members of the Committee.	None
LTP 3 Working Group Update	Noted an update from Councillor David Nimmo-Smith
Scrutiny of Flooding Learning Network – 24 November 2009	Noted a Briefing note. Agreed that an item on flooding be included on the next agenda if possible.

..... in the Chair
Date of signing 2010
.....

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Division(s): N/A

GROWTH & INFRASTRUCTURE SCRUTINY COMMITTEE 17 FEBRUARY 2010

CAPITAL PROGRAMME- 2009/10: POSITION UPDATE- PERIOD 3

Report by the Director for Environment and Economy

Purpose

1. This report informs the Growth & Infrastructure Scrutiny Committee (G&ISC) of the progress made in delivering the capital programmes that have been approved by the Council. It also informs the G&ISC of the current position of capital expenditure and the current position of available resources.

Background

2. On 10 February 2009, the Council approved a capital programme of **£538.5m** for 2009/10 to 2013/14. This capital programme included an estimated spending profile of **£102.1m** for 2009/10. The cumulative position across the 5-year capital programme was reported as **£0.855m** surplus.
3. On 15 September 2009, the Cabinet considered the Capital Programme Update 1 (attached to the Monthly Financial Monitoring Report) and approved an amended capital programme with estimated outturn of **£110.7m** for 2009/10. At this point, the cumulative position across the 5-year capital programme was reported as **£6.1m** shortfall.
4. On 20 October 2009, the Cabinet considered the Capital Programme Update 2 (attached to the Monthly Financial Monitoring Report) and approved an amended capital programme with estimated outturn of **£104.2m** for 2009/10. At this point, the cumulative position across the 5-year capital programme was reported as **£5.3m** shortfall.
5. This report is the second Capital Programme Report to the G&ISC during the 2009/10 financial year. It covers the results of the November 2009 capital monitoring, including revised projections and changes in the expected level of funding.

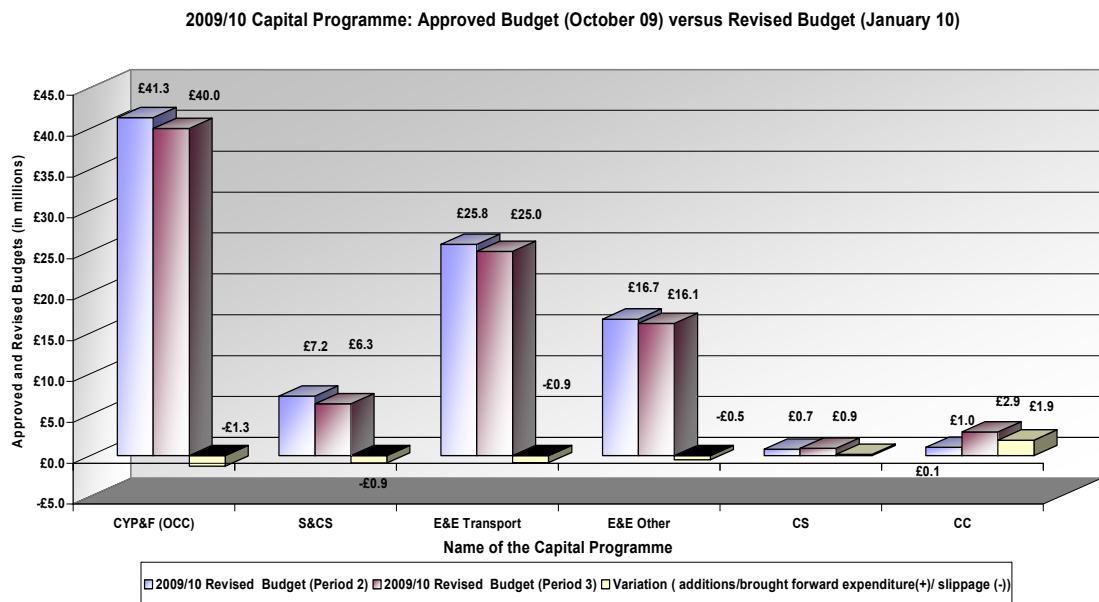
Programme Progress

6. Overall, the programme progressed as planned between 31 August 2009 and 31 November 2009. Forecasted capital expenditure for 2009/10 has increased by **£1.1m** to **£105.3m**. The updated capital programme shows a reduced cumulative deficit of **-£4.5m** compared to a cumulative deficit of **-£5.3m** in the programme agreed by Cabinet in October 2009. This is an improvement of **£0.866m** and primarily due to transport identifying additional resources to

reduce the deficit on their programme. The overall cash-flow position has also improved significantly.

Capital Expenditure to Date & Revised Projections for 2009/10

7. Capital Expenditure to 31 November 2009 totalled **£46.5m**. The majority of this expenditure is related to projects at the physical construction phase or implementation stage. This represents 44% of the total planned expenditure of **£105.3m**. This is in-line with the spend for the same period last year. Total SAP commitments (purchase orders raised) were a further **£25.1m**, therefore total committed expenditure was 68% of total planned expenditure.
8. The approved budget versus revised projections (based on Annex 1) are presented in the graph below:



Capital Budget Setting Process Update

9. The Capital Investment Board (CIB) reviewed the existing capital programme and considered a number of new capital bids for inclusion in the capital programme in consultation with the Cabinet (15 December 2009) and the Strategy and Partnership Scrutiny Committee (17 December 2009)¹. The proposed capital programme was agreed by the Cabinet on 19 January 2010.
10. The proposed capital programme is a 5-year programme and totals £574.6m² capital investment across the county and covers a wide range of projects. It represents approximately £346.7m³ capital investment in CYP&F (inclusive of

¹ All Chairmen of the Scrutiny Committees were invited to this meeting.

² The capital programme report timeframe is to be extended to 7 years (current year + 5 years + provisional year) as part of the February 2010 Update to the Council.

³ This figure includes £64.1m capital resources devolved to schools and other partners for them to manage directly. Projects solely funded and delivered by Schools & Partners are to be represented and reported under the Schools Capital Table in the Capital Programme separately in order to ensure that the performance of the OCC funded & delivered portfolio is monitored more effectively.

the forward plan), £129.3m capital investment in Transport, £47.7m capital investment in S&CS, £32.2m capital investment in Council's Properties (including Waste Recycling Centres), £3.8m capital investment in Community Safety and £5.9m capital investment in Corporate Core.

11. Overall, the proposed programme represents a substantial new investment in waste and carbon management through re-allocations of corporate resources. It also represents significant additional investment in the extra care housing and the homes for older people programmes through use of prudential funding. The programme also succeeds in maintaining the planned level of investment in smaller schemes through use of revenue contributions.
12. A map of planned capital expenditure across 2009/10 to 2014/15 is presented in Annex 1. Spending plans may change depending on the outcome of the Government's next Comprehensive Spending Review.

HUW JONES
Director for Environment & Economy

Background Papers: Nil

Contact Officers: Arzu Ulusoy-Shipstone, Capital Programme Manager,
Finance & Procurement Tel: 07824 416661

February 2010

Capital Investment in Oxfordshire 2009/10 to 2014/15 (subject to allocation in next Comprehensive Spending Review)



Division(s): All

GROWTH & INFRASTRUCTURE SCRUTINY COMMITTEE 17 FEBRUARY 2010

FLOODING REVIEW – PROGRESS UPDATE

Report by Head of Transport

Summary

1. Since the flooding that took place in July 2007 there have been a number of government reviews, initiatives and legislation that have been produced which have or will give additional responsibilities to Local Authorities. These include:
 - The Pitt Review
 - The draft Flood and Water Management Bill
 - The Water Framework Directive
 - Local Government Performance Framework - NI 189
2. In the Pitt Review there were a number of recommendations for local authorities and the progress against these are being updated on a regular basis by means of reports which are submitted to both Defra and the Home Office but also to the Growth & Infrastructure Scrutiny Committee. All of the recommendations in the Pitt Review have been included in the Flood and Water Management Bill which is currently progressing through Parliament.
3. The attached report outlines the progress made, the current position and the details of the work still to be undertaken in Oxfordshire in the area of Flood Risk Management as a result of recent and anticipated legislation. This is intended to provide this committee with an up to date position.

The Report

4. Following the 2007 floods Oxfordshire County Council formed the Oxfordshire Longer Term Flood Issues Group (OLTFIG). This was essentially a group comprising senior officers from the County, Districts, Environment Agency and Thames Water. The purpose of the group was to review the flooding that had taken place and strategically plan responses in preparation for any such future events.
5. The group quickly became focussed on the draft Flood and Water Management Bill consultation and served to collate Oxfordshire's response to it. The group has also made joint responses in relation to progress concerning the Pitt Review recommendations all of which have been included in the new bill.
6. The focus of the county wide group has recently been strengthened by the appointment of a Flood Group Coordinator. This has enabled the group to

develop Terms of Reference and also to consider the strategy and longer term action planning for the coordination of Flood Management activities. Also, as a result of new and imminent legislation in the area of flooding the group has re evaluated itself and has now transformed into the Oxfordshire Strategic Flooding Group (OSFG) in order to prepare strategically for the changes that will soon occur when delivering land drainage and flood risk reduction services.

7. This is seen as the appropriate forum at which strategic partnership working should be discussed at officer level. The Environment Agency has endorsed this approach as best practice and are hoping this model can be replicated elsewhere in the country. The county council has recently taken over the chairmanship of this group which is in line with its role under the forthcoming legislation. In addition there is also a member group which brings together portfolio holders from each of the authorities and this is chaired by Cllr Ian Hudspeth. This group aims to meet at least annually to discuss progress of the officer group.
8. Flooding groups have also been established in each district area and are working to manage flood risks with relevant partners at an operational level. The countywide group provides the strategic overview of activities.
9. In anticipation of the Flood and Water Management Bill being enacted work has already commenced in the following areas:
 - Assessing resources
 - Information sharing across partner organisations
 - Compilation and coordination of drainage information
 - Identifying timelines for when activities need to be completed
 - Determining the cross cutting elements of these activities across the county council
 - Identifying best practice with partners and other local authorities both within the county and beyond in order to make use of resources
10. Part of the bill includes the creation of a Lead Local Flooding Authority. This puts the future responsibility for delivering land drainage and flood risk reduction throughout Oxfordshire on the County Council, and sets out a time table for some strategic actions that will be required of it. An immediate issue for the County Council to be determined is where its function as LLFA should sit and how it should be internally resourced. Again work in this area is being addressed by way of working with partners at the countywide strategic meeting to identify the impacts of the future changes and also to consider the additional resources required within the county council to undertake these additional responsibilities.
11. It cannot be underestimated that these changes are significant for the County Council and its partners and this is why planning has already started and will need to be increased in the coming months. With a great emphasis being placed by government on flood and water management activities there is a growing requirement for additional County Council resources to be made

available to cope with the measures and activities that need to be addressed both at an operational level and that required for partnership working as a result of the legislative responsibilities for lead authorities. This has already been acknowledged by a recent Transport Strategy meeting (a meeting of the two cabinet members for transport and senior officers) endorsing the recruitment of additional engineers to fulfil the expanded remit of the County Drainage Team. There will be real pressure on the County Council meet these new duties and responsibilities in a situation where the Government states that there is no new funding requirement arising from the proposals.

12. Additional funding has been put forward in the Cabinet's budget as seen by this committee when considering the budget proposals. As well as providing more staff resource this will enable more work to be done on Surface Water Management Plans and to carry out additional work on the ground.
13. **The Committee is invited to note the contents of this report and provide its views to the Cabinet Member for Growth & Infrastructure.**

STEVE HOWELL
Head of Transport
Environment & Economy

Background Papers: Nil

Contact Officer: Chris Brown Flood Group Coordinator

January 2010

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Scrutiny proposal form

Section 1 – To be completed by member/officer proposing review

Subject area of proposed review

Planning, waste management, sustainable development and energy policies.

1. Who raised this issue?

Mr A.R. Day

2. Aims of the review

To scrutinise OCC's planning, waste management, sustainable development and energy policies, by

- scrutinising the following decisions, as requested in Mr Day's hand-delivered request of 4 December:
 1. OCC Cabinet 02.11.04 – decision to progress procurement of residual waste volume reduction facilities
 2. OCC Cabinet 19.09.[2]006 – decision to progress procurement of residual waste volume reduction facilities
 3. OCC Planning Committee [21].07.2008 – application reference 616/59-CM
- scrutinising the following further decisions, as stated in Mr Day's email of 6 December 2009:
 1. OCC Cabinet decision 3.11.2009
 2. OCC Cabinet decision 19.09.2009
- considering Mr Day's proposal for a 750,000 tonne pa multi-fuel biomass, waste and coal powered Energy from Waste facility (Dated 4th December 2009)
- considering Mr Day's further proposal for a 1.2m tonne pa Energy from Waste facility (dated 4th January 2010)

N.B. Background documents – A copy of the papers from Mr Day referred to above have been placed in the Members Resource Room, County Hall.

Section 2 : To be completed by the scrutiny team

CONTEXT

3. (a) Are there any legislative/policy changes in the pipeline which may affect this issues?

No.

3 (b) How might these policy/legislative changes affect the review?

N/A

4. Which of our partners/stakeholders does this issue effect?

Oxfordshire Waste Partnership

5. Who has been consulted about the upstream importance of this review?

Constitutional advice:

A.R. Cloke (Assistant Head of Legal & Democratic Services)

On the issue of procurement:

Stephen McHale (County Procurement Manager)

On issues relating directly to an Energy from Waste plant:

Chris Cousins (Head of Sustainable Development)

Andrew Pau (Head of Waste Management)

Peter Day (Minerals and Waste Policy Team Leader)

For details of their responses please see the attached note.

CORPORATE PRIORITIES

6. Which corporate objective would this review address?

Environment and climate change; better public services.

7. Which Sustainable Community Strategy Priority would this review address?

A successful residual waste treatment facility will positively address the Environment and climate change priority. However, as outlined above, this review would not be directly relevant to addressing this priority.

8. (a) Which Local Area Agreement 1 (LAA1) / LAA 2 target would this review address and how are we currently performing against this LAA1 target (if applicable)

None.

9. How was this issue viewed by the Comprehensive Area Assessment (CAA)?

It was noted that although lots of waste is put in landfill, work is ongoing to reduce this.

Concurrent Work

10. Is this issue identified in the relevant directorate's business plan?

Yes

11. What work is concurrently being undertaken to address this issue?

As outlined above.

12. What value would the review add to this work?

None.

Resources

13. Which scrutiny committees does this issue relate to?

Growth and Infrastructure Scrutiny Committee.

Recommendations

Members are advised not to take any further action on this proposal for the reasons outlined in the attached note.

Decision of relevant Scrutiny Committee

Note 1

Following Mr Day's request, the following advice has been received:

On the issue of **scrutinising Council Decisions**, Part 2, Article 7 of the Constitution allows that Scrutiny Committees may

a) review and scrutinise the decisions made by and performance of the Cabinet, ordinary Committees and council officers both in relation to individual decisions and over time.

The procedure for the review and scrutiny of individual decisions is set out in the Overview and Scrutiny Procedure Rules (Paragraph 17 of Part 6.2). There are strict deadlines for the scrutiny of individual decisions: 5 working days from the publication of such decisions. The decisions listed by Mr Day therefore lie outside the time limit for the call in of decisions and cannot be considered by the Scrutiny Committee under this process.

It should be noted that the decision of the Planning and Regulation Committee is not in any case open to call-in scrutiny in this way. A separate appeal process outside the Council exists for planning decisions.

On the issue of **procurement**, Stephen McHale, County Procurement Manager was consulted. He advised that OCC is obliged to issue formal public procurement procedures for any requirements we have for supply by third parties of solutions relating to the treatment of residual waste arising in Oxfordshire. At this moment in time we do not have any such requirements, other than those which are already the subject of a procurement process.

If a proposal for an Energy from Waste facility is presented to Councillors at this stage, then failed bidders that participated in the procurement process in 2007 could feel that the speaker has been given an unfair advantage, as there is no procurement process for a waste plant currently accepting applications.

On issues relating directly to an **Energy from Waste plant**, Chris Cousins (Head of Sustainable Development), Andrew Pau (Head of Waste Management) and Peter Day (Minerals and Waste Policy Team Leader) were consulted.

Regarding the Residual Waste Treatment contract, the procurement process began in March 2007, when bidders were invited to submit applications. The closing date for submitting a bid has long passed. We now have a preferred bidder for the contract.

7 newsletters updating Councillors of the progress of this project have been sent out.

GI7(A)

An application was made for planning permission at Ardley to build the energy from waste plant. This was refused last year. The preferred contractor, Viridor, is in the process of appealing that decision. Should this appeal fail, a new procurement process will have to be opened.

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Scrutiny proposal form

Section 1 – To be completed by member/officer proposing review

Subject area of proposed review

Planning, waste management, sustainable development and energy policies.

1. Who raised this issue?

Mr Draper

2. Aims of the review

To review:

- Process and procedures adopted by OCC in the execution of its waste disposal plans since 2004
- The possible grounds for the revocation of consent for any unsound planning applications identified
- The financial underpinnings of the proposed incinerator
- Alternative technologies to incineration to meet Oxfordshire's waste disposal requirements

N.B. Background document – A copy of the paper from Mr has been placed in the Members Resource Room, County Hall.

Section 2 : To be completed by the scrutiny team

CONTEXT

3. Are there any legislative/policy changes in the pipeline which may affect this issue?

Yes – the development of the new Minerals and Waste Development Framework, which is currently underway.

4. Which of our partners/stakeholders does this issue effect?

Oxfordshire Waste Partnership.

5. Who has been consulted about the upstream importance of this review?

Chris Cousins (Head of Sustainable Development),
Andrew Pau (Head of Waste Management)
Peter Day (Minerals and Waste Policy Team Leader)

A.R. Cloke (Assistant Head of Legal & Democratic Services)

Please see the attached note for details of their responses.

CORPORATE PRIORITIES

6. Which corporate objective would this review address?

Environment and climate change; better public services.

7. Which Sustainable Community Strategy Priority would this review address?

A successful residual waste treatment facility will positively address the Environment and climate change priority. However as outlined above, it is not clear how relevant this scrutiny review would be.

8. (a) Which Local Area Agreement 1 (LAA1) / LAA 2 target would this review address and how are we currently performing against this LAA1 target (if applicable)

None.

9. How was this issue viewed by the Comprehensive Area Assessment (CAA)?

Noted that progress is being made in this area.

Concurrent Work

10. Is this issue identified in the relevant directorate's business plan?

Yes

11. What work is concurrently being undertaken to address this issue?

As above.

12. What value would the review add to this work?

None. As above.

Resources

13. Which scrutiny committees does this issue relate to?

Growth and Infrastructure Scrutiny Committee.

Recommendation

Members are advised not to take any further action in regards to this proposal, for the reasons outlined in this form and in the attached note.

Decision of relevant Scrutiny Committee

Note 1

Following Mr Draper's request the following advice has been received:

- 1. Process and procedures adopted by OCC in the execution of its waste disposal plans since 2004

The current planning policy for minerals and waste is contained in the Oxfordshire Structure Plan 2016 and the Oxfordshire Minerals and Waste Local Plan. The Minerals and Waste Local Plan covers the period from 1996 to 2006. Many policies contained within this Plan were "saved" via a Direction of the Secretary of State, and so are still in effect.

The Minerals and Waste Local Plan is in the process of being replaced by a Minerals and Waste Development Framework, as required under the Planning and Compulsory Purchase Act 2004.

Since 2007, the Oxfordshire Waste Partnership has a joint waste strategy for dealing with municipal waste.

- 2. The possible grounds for the revocation of consent for any unsound planning applications identified

As for the revocation of consent for any unsound planning applications – this is not an appropriate topic for this Committee to look at, as Scrutiny has no jurisdiction over planning decisions.

- 3. The financial underpinnings of the proposed incinerator

The call-in for scrutinising the financial underpinnings of the proposed incinerator was made outside the required time limit as set out in the Overview and Scrutiny Procedure Rules (Paragraph 17 of Part 6.2). There are strict deadlines for the scrutiny of individual decisions: 5 working days from the publication of such decisions. The decisions listed by Mr Day therefore lie outside the time limit for the call in of decisions and cannot be considered by the Scrutiny Committee under this process.

- 4 Alternative technologies to incineration to meet Oxfordshire's waste disposal requirements

To review alternative technologies to incineration now would have no tangible outcome, as the decision to build an incinerator has been made and it is too late to appeal this decision.

Scrutiny proposal form

Section 1 – To be completed by member/officer proposing review**Subject area of proposed review**

The County Council's arrangements for winter maintenance of roads and footways.

1. Who raised this issue?

Steve Howell, Head of Transport

2. Aims of the review

- To scrutinise the current arrangements in place to respond to winter weather events
- To investigate lessons that can be learnt from the County Council's response to the extreme snowfall in January 2010

Section 2 : To be completed by the scrutiny team**CONTEXT**

3. (a) Are there any legislative/policy changes in the pipeline which may affect this issues?

No.

3 (b) How might these policy/legislative changes affect the review?

4. Which of our partners/stakeholders does this issue effect?

District Partners, Enterprise Mouchel, UK Highway Services, Carillion-WSP

5. Who has been consulted about the upstream importance of this review

Huw Jones, Director of Environment & Economy was supportive of this review.

CORPORATE PRIORITIES

6. Which corporate objective would this review address?

Better public services.

7. Which Sustainable Community Strategy Priority would this review address?
n/a

8. (a) Which Local Area Agreement 1 (LAA1) / LAA 2 target would this review address and how are we currently performing against this LAA1 target (if applicable)
n/a

9. How was this issue viewed by the Comprehensive Area Assessment (CAA)?
This issue was not specifically mentioned in the last CAA.

Concurrent Work

10. Is this issue identified in the relevant directorate's business plan?

It is not mentioned specifically.

11. What work is concurrently being undertaken to address this issue?

This policy is reviewed internally each year, so the work undertaken by this scrutiny review will feed into that.

12. What value would the review add to this work?

It would ensure that any changes to the policy are effective and relevant for driving service improvements.

Resources

13. Which scrutiny committees does this issue relate to?

Growth & Infrastructure Scrutiny Committee.

14. What resource commitment would be needed to effectively conduct the review?

The support of a scrutiny officer.

15. What impact would allocating resources to this review have on the overall scrutiny work programme?

Decision of relevant Scrutiny Committee

Recommendations

Members are recommended to set up a working group to work with Officers on this issue.

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