

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.

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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.