

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

Thursday, 5 September 2024 at 2.30 pm County Hall, New Road, Oxford OX1 1ND

If you wish to view proceedings, please click on this <u>Live Stream Link</u>. 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 Friday 13 September 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

Martin Reeves Chief Executive

September 2024

Committee Officer: Committee Services

email: committeesdemocraticservices @oxfordshire.gov.uk

Note: Date of next meeting: 10 October 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. Minutes from the Previous Meeting (Pages 1 - 2)

To confirm the minutes of the meeting held on 18 July 2024 to be signed by the Chair as a correct record.

EXEMPTITEM

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. Redbridge HWRC Site Lease (Pages 3 - 10)

Cabinet Member: Deputy Leader of the Council with Responsibility for Climate Change,

Environment and Future Generations

Forward Plan Ref: 2024/270

Contact: Caroline Coyne, Project Manager (Caroline.Coyne@oxfordshire.gov.uk)

Report by Director of Environment and Highways (CMDDLC5).

The information in this case is exempt in that it falls within the following prescribed categories:

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.

The annex containing exempt information under the above paragraph is attached.

The Cabinet Member is RECOMMENDED to:

- a) Approve the new Redbridge Household Waste & Recycling Centre (HWRC) lease terms and costs as negotiated with Oxford City Council.
- b) Delegate to Director of Environment and Highways to finalise and enter into the lease.

6. Proposed New Lead Local Authority Drainage and Minor Groundworks Framework (Pages 11 - 16)

Cabinet Member: Deputy Leader of the County Council, with Responsibility for Climate Change, Environment and Future Generations

Forward Plan Ref: 2024/158

Contact: Lewis Purbrick, Flood Mitigation Officer (<u>Lewis.Purbrick@Oxfordshire.gov.uk</u>) and Clare Mills, Flood Risk Management Team Leader (<u>Clare.Mills@Oxfordshire.gov.uk</u>)

Report by Director of Environment and Highways (CMDDLC6).

The Cabinet Member is RECOMMENDED to

- a) Approve the development and subsequent procurement of a new Lead Local Flood Authority drainage and minor groundworks framework contract.
- b) Delegate the contract award and any contract extension award to Director of Environment and Highways.

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;
- 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.

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

MINUTES of the meeting held on Thursday, 18 July 2024 commencing at 2.30 pm and finishing at Time Not Specified

Present:

Voting Members: Councillor Dr Pete Sudbury – in the Chair

Officers: Chris Reynolds (Senior Democratic Services Officer),

Paul Fermer (Director of Environment and Highways), Frankie Upton (Technical Lead – Waste and Contracts).

The Deputy Leader of the Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

5 DECLARATIONS OF INTEREST

(Agenda No. 1)

There were none.

6 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda No. 2)

There were none received.

7 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

There were no requests received.

8 OXLAEP: LOCAL AREA ENERGY PLAN AND FUNCTION OXFORDSHIRE (Agenda No. 4)

The Chair introduced the item to the meeting.

The Chair stated that he thought it was a good idea, thanked officers for their work and agreed to the recommendation.

RESOLVED 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

9 REPORT ON URGENT DECISION BY CHIEF EXECUTIVE ON RECYCLING AND WASTE SERVICES

(Agenda No. 5)

The Chair introduced the item to the meeting.

The Chair explained that he was being asked to note the report as the decision had already been made by the Head of Paid Service (Chief Executive) at the end of May, due to the urgent nature of the terms.

The Chair thanked officers and agreed to note the report.

RESOLVED:

To note the Report on Urgent Decision by Chief Executive on Recycling and Waste Services.

	 in the	Chair
Date of signing		

Divisions Affected - Iffley Fields & St Mary's, Rose Hill & Littlemore

DELEGATED DECISIONS BY DEPUTY LEADER OF THE COUNCIL WITH RESPONSIBILITY FOR CLIMATE CHANGE, ENVIRONMENT & FURURE GENERATIONS 05 SEPEMBER 2024

REDBRIDGE HWRC NEW LEASE

Report by Director of Environment and Highways

RECOMMENDATION

The Cabinet Member is RECOMMENDED to

- a) Approve the new Redbridge Household Waste & Recycling Centre (HWRC) lease terms and costs as negotiated with Oxford City Council.
- b) Delegate to Director of Environment and Highways to finalise and enter into the lease.

Executive Summary

- 1. The old 42-year lease for Redbridge HWRC expired in 2023. The terms for the new Redbridge HWRC site lease have now been agreed with Oxford City and require Member approval before the new lease can be drawn up and signed.
- 2. Securing the new Redbridge lease supports the new HWRC Strategy to 'secure, maintain and enhance' the HWRC network, and ensures the ongoing delivery of waste and recycling services for Oxford city residents, and surrounding areas at Redbridge HWRC.

Redbridge HWRC

- 3. Redbridge is surrounded by a wooded area and is a very steeply banked site. This has caused stabilisation issues previously, with sheet piling added in 2020, and further sheet piling works planned for 2025.
- 4. (Paragraph added into Annex A due to exempt information)

Redbridge HWRC New Lease terms (Added to Annex A due to exempt information)

Corporate Policies and Priorities

- 11. The decision to approve the new Redbridge HWRC lease terms, will support the ongoing delivery of OCC's HWRC network, enabling recycling and waste management in accordance with the waste hierarchy which protects our environment, makes the best use of our resources, and helps reduce carbon emissions. Waste management contributes to several Oxfordshire County Priorities in our 2023 2025 Strategic Plan, particularly:
 - 1) Put action to address the climate emergency at the heart of our work
 - 2) Tackle inequalities in Oxfordshire
 - 3) Prioritise the health and wellbeing of residents
 - 4) Working with local businesses and partners for environmental, economic and social benefit
- 12. The recommendation also supports Oxfordshire County Council's requirement to comply with its Minerals and Waste Planning Policy, and Oxfordshire's Joint Municipal Waste Management Strategy 2018 2025.

Financial Implications

13. The new Redbridge lease proposal is a financial obligation on Oxfordshire County Council. The previous lease cost (Annex A) per year, and the new lease costs (Annex A) per year. The (Annex A) increase has been added into Waste Services budget savings and pressure proposals as an additional cost. Any additional costs raised as a result of backdating the lease will be absorbed through existing budgets.

Comments checked by:

Filipp Skiffins, Assistant Finance Business Partner (filipp.skiffins@oxfordshire.gov.uk)

Legal Implications

14. Under section 51 of the Environment Protection Act 1990, Oxfordshire County Council has a legal duty to provide HWRC's where residents can deposit household waste.

Comments checked by:

Jayne Pringle, Head of Law and LBP Contracts and Conveyancing, (jayne.pringle@oxfordshire.gov.uk)

Staff Implications

15. There are no additional OCC FTE staffing implications presented by the recommendation outlined within this report. The project work required is delivered via Waste and Property services teams, and the procurement and mobilisation of the new Redbridge lease is all done within existing OCC staff resource.

Comments checked by: Jeffrey Farrell, HWRC Manager (jeffrey.farrell@oxfordshire.gov.uk)

Local Transport and Connectivity Plan Implications

16. The recommendation from this report supports the Council's LTCP Vision and key outcomes by enabling WRAP HWRC best practice guidance, of delivering a HWRC for Oxfordshire's residents within a 20mins drive time. This helps manage the expected volume of HWRC site traffic on Oxford City roads and limits the number of journeys residents have to make to HWRC's outside of the recommended 20min drive time. Redbridge has good road link accessibility via Oxford Ring Road and the Old Abingdon Road.

Equality & Inclusion Implications

17. No implications in respect of equalities or inclusion have been identified in respect of the proposals.

Sustainability Implications

18. The proposals would help encourage recycling within Oxford City and its surrounding areas.

Risk Management

19. The risks associated with this proposal are as follows:

Risk	Impact	Likelihood	Mitigation
New lease	The terms of the	Minimal	Ongoing working
costs	new lease have		relationship with
escalate	been agreed		Oxford City
	_		Council
Oxford City	The terms of the	Minimal	Ongoing working
Council	new lease have		relationship with
dictate new	been agreed		Oxford City
lease terms			Council

Lease terms	The new lease	Minimal	Ongoing working
no longer	terms are		relationship with
support	supportive of the		Oxford City
HWRC	HWRC service		Council
service	requirements		
delivery			

Consultations

20. A consultation is not required for the proposal as outlined within this report.

Paul Fermer Director of Environment and Highways

Annex: ANNEX A – Exempt items / paragraphs

Contact Officer: Jeffery Farrell, HWRC Manager

(jeffrey.farrell@oxfordshire.gov.uk)

Teresa Kirkham, Head of Environment & Circular Economy (teresa.kirkham@oxfordshire.gov.uk)

August 2024



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

Document is Restricted



Divisions Affected - All

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

5 SEPTEMBER 2024

New Lead Local Flood Authority Drainage and Minor Groundworks Framework Contract

Report by Director of Environment and Highways

RECOMMENDATION

The Cabinet Member is RECOMMENDED to

- a) Approve the development and subsequent procurement of a new Lead Local Flood Authority drainage and minor groundworks framework contract.
- b) Delegate the contract award and any contract extension award to Director of Environment and Highways.

Executive Summary

- 1. Oxfordshire County Council is designated a Lead Local Flood Authority under the Flood and Water Management Act, 2010.
- 2. The proposal is to establish a drainage and minor groundworks framework contract, which will enable Oxfordshire County Council to award work to suppliers appointed to the framework to undertake works on our behalf to reduce flood risk for communities and residents.
- 3. It is proposed the framework contract will run for an initial period of 3 years, with an option for Oxfordshire County Council to extend for a further 3 years. The framework contract is for the provision of works across the whole of Oxfordshire on a "call-off" basis. Works will be on Oxfordshire County Council own land and assets and (by agreement) third party land.

4. Subject to approval by the cabinet member, we aim to award and establish the framework contract in Quarter 3 of 2024/25.

Introduction

- 5. The framework contract is to enable quicker and more cost-effective intervention in local flood risk issues across the county. Suppliers on the framework contract will be required to provide these services within a short time scale from the time of request.
- 6. This will allow efficient use of Lead Local Flood Authority funding to deliver works on the ground. This will enhance our current procurement options of issuing grants to third parties, delivering works via the Highways term contract, or going through the full procurement process for each project/works.
- 7. It is proposed the framework contract includes 3 Lots:
 - Lot 1) minor ground works, such as: ditch and pond creation, reinstatement or maintenance; small flood embankment, swale and infiltration device installation and maintenance; and vegetation management.
 - Lot 2) Culvert and small bridge works, such as: removal, replacement, alteration or repair.
 - Lot 3) Culvert and drainage pipe maintenance, surveying, jetting/clearance.

Corporate Policies and Priorities

- 8. The decision and creation of a framework contract will enable and support the work undertaken by the Flood Risk Management Team contributing to several Oxfordshire County Council Priorities in our 2023-2025 Strategic Plan, particularly 1, 3 and 9. Establishing a Lead Local Flood Authority framework contract will enable Oxfordshire County Council to strengthen and accelerate its work in these areas.
 - 1. Put action to address the climate emergency at the heart of our work.
 - 3. Prioritise the health and wellbeing of residents.
 - 9. Work with local businesses and partners for environmental, economic and social benefit.

Financial Implications

- 9. The funding to be spent through this framework contract has already been approved for 2024/25 by Cabinet, with an allocation of £500k for Lead Local Flood Authority flood work, and an additional £300k for sustainable drainage works and working with landowner owners on better land management and ditch clearance. Much of which could be delivered through the proposed framework contract.
- 10. The proposal is to set up the framework contract on a call off basis, whereby there will be no financial obligation on Oxfordshire County Council until

contracts are "called off". Tenders and contracts issued under the framework contract will be managed in line with annual approved budgets and financial direction provided to the Flood Risk Management Team, so poses very limited financial risk to Oxfordshire County Council.

Comments checked by: Filipp Skiffins Assistant Finance Business Partner filipp.skiffins@oxfordshire.gov.uk

Legal Implications

- 11. Oxfordshire County Council is designated a Lead Local Flood Authority under the Flood and Water Management Act, 2010. As such it has powers and duties relating to "local" sources of flooding, these are flooding from surface water, ordinary watercourses and groundwater. The Flood Risk Management Team (within the Environment and Highways Directorate) carries out these functions within Oxfordshire County Council, working in partnership with the district and city councils alongside others.
- 12. The work supplied under the framework contract includes construction activities including work in communities and on third party land. This poses health and safety risks, risk of damage to third party assets, public liability, reputational and environmental risks.
- 13. A framework contract risk assessment has been produced and will be included in documents approved as part of the overall procurement and approvals process. The framework contract will require risk assessments to be provided and approved in relation to be each "call-off" project.

Comments checked by: Marina Lancashire, Locum Lawyer (Contracts) marina.lancashire@oxfordshire.gov.uk

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Staff Implications

- 14. Time and cost savings are achieved by the framework contract providing a more certain route to construction, reducing time identifying suitable project partners. Tender production and assessment, and award times will be cut or eliminated. Contract award is simplified by using standard terms and conditions and suppliers' familiarisation with our processes. The time and cost savings will increase with the length of the framework contract.
- 15. Procurement and mobilisation of the framework contract will be done with existing staff resource.

Procurement

16. An Open Tender Procedure will be used to award places on the Framework contract to suppliers who bid for the opportunity. Entry to the framework contract will be scored against cost, quality and social value.

Comments checked by: Amy Withers, Category Manager (Procurement) amy.withers@oxfordshire.gov.uk

Equality & Inclusion Implications

- 17.A draft Equality Impact Assessment has been completed which shows some risk of some potential bias towards rural communities (although this is not a protected characteristic). Mitigating actions have and will continue to be taken to address this potential bias of the proposal, or negative impacts. Overall, the framework contract is considered to have a positive impact for all groups, with a minor additional benefit to older and vulnerable residents.
- 18. The Equality Impact Assessment will be reviewed and updated as we progress through the tendering and contract process, with specific schemes/work being subject to a specific Equality Impact Assessment if required.

Sustainability Implications

19. Establishing a framework contract is expected to improve the sustainability of flood risk management projects as we will be able to ensure high environmental and sustainability standards (scored under quality) from suppliers wishing to join the framework contract. Developing a partnership with suppliers on the framework contract allows greater opportunity to seek and test innovation over time compared with one-off project contracts.

Risk Management

- 20. A full risk assessment is in place and will be updated regularly. The main risks are summarised in Annex A.
- 21. The highest risks are appointing an unsuitable contractor and the reduction or withdrawal of funding.
- 22. Appointing an unsuitable contractor could lead to health and safety, financial, environmental and reputational risks. This will be managed through a robust and thorough tender process, with an Open Tender Procedure scored on cost, quality and social value.

23. The risk of reduced or withdrawn funding is being managed by establishing the framework contract on a "call off" basis so financial commitments will only be entered into once projects are ready for construction and funding is secure.

Consultations

- 24. Consultation with the district and city councils has been supportive of the proposal to set up the drainage and minor groundworks framework contract. West Oxfordshire and Cherwell Districts have already expressed interest in using the framework contract and Cherwell District have offered to work closely with us on the setting up of the framework contract.
- 25. Market testing with 12 potential suppliers has shown support for the establishment of a framework contract, and in the main the proposed format. Feedback from these meetings has been used to inform the final tender pack, tender process, and contract.
- 26. Procurement, Legal and Highway colleagues have been engaged in relation to setting up the framework contract and are supportive of the proposal.
- 27. Parish, district, and city councils, as well as catchment partnerships have been asked for expressions of interest for projects that could potentially be delivered through the framework contract. The high number of returns within a short deadline has highlighted the need and desire for quicker delivery of more flood risk management projects across the county.

Paul Fermer
Director of Environment and Highways

Annex A - Summary of key risks

Contact Officers:

Teresa Kirkham (Head of Environment and Circular Economy)
Lewis Purbrick (Flood Mitigation Officer)

Annex A

The main risks as currently identified.

Risk	Impact	Likelihood	Mitigation
New framework contract - may prove difficult to set up	Wasted time and money	Medium	Learn from other framework contracts and contracts – for example Highways Term Contract and Tree Services Framework contract. Work closely with Procurement Team
Withdrawal of funding	Legal liability - financial and reputational loss	Low	Develop "call -off" type contract and make this clear to suppliers and others throughout the process. Ensure regular updates with Head of Service and Directorate Leadership team
Insufficient projects brought forward to justify framework contract	Legal liability - financial and reputational loss	Very Low	A request for Expressions of Interest has generated over 70 project proposals in less than 4 weeks. Continued monitoring, reporting, and refreshing of programme of projects.
Unsuitable contractor appointed	Health and Safety, financial, environmental and reputational risks.	Very Low	Ensure robust and thorough tender process. Working closely with Procurement. Ensure Oxfordshire County Council and suppliers have suitable insurance and public liability.