

A meeting of the **OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING)** will be held in **CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 10 SEPTEMBER 2013** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting of the Panel held on 9th July 2013.

**Miss H Ali
388006**

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary or other interests in relation to any Agenda Item. Please see Notes below.

3. NOTICE OF EXECUTIVE DECISIONS (Pages 7 - 12)

A copy of the current Notice of Executive Decisions, which was published on 21st August 2013 is attached. Members are invited to note the Decisions and to comment as appropriate on any items contained therein.

**Mrs H Taylor
388008**

4. STATEMENT OF CONSULTATION AND DRAFT REVISED SUPPLEMENTARY PLANNING DOCUMENT - LANDSCAPE SENSITIVITY TO WIND TURBINE DEVELOPMENT - FEEDBACK
(Pages 13 - 14)

To receive a report from the Cabinet.

**Mrs H Taylor
388008**

5. YAXLEY SEWERAGE (Pages 15 - 16)

To receive a report on drainage in Yaxley.

**C Allen
388380**

6. JOINT MATERIALS RECYCLING FACILITY PROCUREMENT
(Pages 17 - 58)

To receive a report from the Head of Operations on the procurement of a Joint Materials Recycling Facility.

**E Kendall
388635**

7. WORK PLAN STUDIES (Pages 59 - 64)

To consider, with the aid of a report by the Head of Legal and Democratic Services, the current programme of Overview and Scrutiny studies.

**Miss H Ali
388006**

8. OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) - PROGRESS (Pages 65 - 70)

To consider a report by the Head of Legal and Democratic Services on the Panel's programme of studies.

**Miss H Ali
388006**

9. SCRUTINY (Pages 71 - 76)

To scrutinise decisions as set out in the Decision Digest and to raise any other matters for scrutiny that fall within the remit of the Panel.

Dated this 2 day of September
2013



Head of Paid Service

Notes

A. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

(e) any licence for a month or longer to occupy land in the Council's area;

(f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or

(g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

B. Other Interests

(4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*

(5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -*

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

Please contact Miss H Ali, Democratic Services Officer, Tel No: (01480) 388006/email: Habbiba.Ali@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN on Tuesday, 9 July 2013.

PRESENT: Councillor G J Bull – Chairman.

Councillors M G Baker, Mrs M Banerjee, I C Bates, K J Churchill, J W Davies, D A Giles, D Harty, Ms L Kadic and Mrs D C Reynolds.

Mr D Hopkins – Co-opted Member.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors K M Baker and G J Harlock.

14. MINUTES

The Minutes of the meeting of the Panel held on 11th June 2013 were approved as a correct record and signed by the Chairman.

15. MEMBERS' INTERESTS

No declarations were received.

16. NOTICE OF EXECUTIVE DECISIONS

The Panel considered and noted the current Notice of Executive Decisions (a copy of which is appended in the Minute Book) which had been prepared by the Leader of the Council for the period 1st July to 31st December 2013. It was confirmed that the item entitled Loves Farm – Request for Supplementary Estimate related to the Community Centre and had been deferred for consideration by the Cabinet at its September meeting. In noting that the Whole Waste System Approach would be submitted to the Panel at its October meeting, comment was made that there should be early Member involvement in this matter as the proposals were likely to affect all Wards.

17. LANDSCAPE SENSITIVITY TO WIND TURBINE DEVELOPMENT DRAFT REVISED SUPPLEMENTARY PLANNING DOCUMENT

With the aid of a report prepared by the Planning Service Manager (Policy) (a copy of which is appended in the Minute Book) the Panel gave consideration to the Landscape Sensitivity to Wind Turbine Development Supplementary Planning Document (SPD) and the supporting technical evidence prior to their submission to the Cabinet. In introducing the item, the Planning Service Manager (Policy) reported that the Draft Revised SPD had been updated to take into

account the publication of new national policy guidance within the National Planning Policy Framework (NPPF), the development of the technical methodological approach to assessing landscape sensitivity to wind turbine development since 2005, the need for guidance on the siting and design of smaller scale wind turbines and the need to clarify the document's evidence base. The evidence base included an additional commissioned piece of work on the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire, which detailed all operational and consented wind turbine developments in the District together with those which currently were awaiting determination.

The Chairmen drew attention to the content of a letter sent to Members by Mr Watters, a representative of Molesworth Action Group, in which he stated a number of concerns relating to various aspects of the proposed SPD. In the letter the view was expressed that the guidance on wind turbine developments had been relaxed. In response, the Landscape Officer confirmed that there may have been some confusion over the reclassification of wind turbine group sizes within the SPD but the guidance overall was designed to tighten up the guidelines for developers. The omission of separation distances between developments was a further area of concern and it was held that other local authorities within Cambridgeshire had introduced them. However the Landscape Officer confirmed that this was not correct and that, in any case, the Local Plan was the appropriate place for such a policy. Finally, in response to references in the letter, clarification was received of the term "historic village". It was noted that this included conservation areas as well as buildings of historic interest which were on the Listed Buildings Register. Having expressed their satisfaction with the responses received to the points made, Members requested that a written response was sent to Mr Watters.

Following discussion on the findings of the study on the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire and in acknowledging the importance of this piece of work, the Panel made a recommendation that in order to give the draft revised SPD further weight and to make it better able to withstand the rigours of an appeal, the document should be subject to a separate public consultation exercise. It was therefore agreed that this recommendation should be put to the Cabinet.

Having regard to the NPPF, a Member commented upon the omission of the terms "adverse visual impact" and "material harm" from the SPD. The Planning Policy Manager (Policy) responded by informing the Panel that they appeared in the Core Strategy. Nevertheless, the Panel recommended that explicit reference to these terms should be incorporated within the new planning policy framework.

Discussion then ensued on the wind turbine group sizes proposed within the SPD which was previously of particular concern to the Panel. Members were not satisfied that the group sizes had been satisfactorily justified, particularly when considering the District's unique landscape characteristics. They reiterated the point made in January 2013, when the draft revised SPD had been considered prior to public consultation, that the SPD should not include the proposed

upper limit for large groups of wind turbines. At that time it was argued that the specification of an upper limit would provide developers with an indication of the level of development for which they could expect to receive approval and, in some cases, they might expect to exceed that level. The Panel thought that the SPD should be strengthened to provide more rigidity in this respect. Whilst it was acknowledged that the previous Land Use Consultants Study was used to inform the existing and the revised SPD group sizes, it was considered that this report had been based on areas which had differing landscape characteristics to those of Huntingdonshire. Furthermore, Table 1 of the SPD provided a summary of potential capacity for wind turbine developments, which indicated that there was, at best, moderate capacity for large groups with some of these limited to groups of 13-15. In addition, Table 6 revealed that some areas of the District were already reaching saturation point. It was further noted that conditions placed on existing developments severely restricted further development. Members argued that as capacity for turbines at the upper end of the large group size had already been restricted, the large group size should not be set at 24. In that light, the Panel recommended that further work should be undertaken significantly to revise downwards the size of the groups.

The Panel then discussed the absence of separation distances from the draft revised SPD. It was suggested that a minimum distance of 2km should be introduced either within the draft Local Plan or the SPD itself. Members recommended that Officers should be requested to produce terms for such a policy for approval by Members.

Whilst the Panel recognised the need for the Council to have in place a SPD for wind turbine developments, with reference to the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire, it was clear that owing to the fact that the District had reached saturation point in certain landscape character areas, Government policy represented a particular challenge. Comment was also made that there appeared to be fewer wind turbine developments in neighbouring local authority areas.

A number of other matters were discussed including the guidance on wind turbine developments due to be issued by the Department for Communities and Local Government, National Grid connections and the use of photo montages. Having regard to the former, it was reported that the impact of the announcement was not yet known but would need to be taken into account in the future.

Having commended Officers for the production of a high quality, objective and comprehensive report, it was

RESOLVED

that the Panel's comments and recommendations on the report by the Planning Service Manager (Policy), the Landscape Sensitivity to Wind Turbine Development Supplementary Planning Document and the study on the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire be conveyed to the Cabinet.

18. UPDATE ON DRAINAGE IN YAXLEY

Owing to delays with receiving a response from Anglian Water, the Chairman reported that this item would be deferred for consideration at a future Panel meeting.

19. WORK PLAN STUDIES

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) which contained details of studies being undertaken by the Overview and Scrutiny Panels for Social Well-Being and Economic Well-Being. The Chairman indicated that he would be making enquiries into how the Environmental Panel might have an input into the items on Economic Development and on the Local Plan 2036 – Provision of Social, Affordable and Supported Housing which were being examined by the Economic Well-Being Panel and Social Well-Being Panel respectively.

20. OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) - PROGRESS

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) which contained details of actions taken in response to recent discussions and decisions. The Chairman delivered a brief update on the work being undertaken by the Corporate Plan Working Group on the development of the Council Delivery Plan, which would then be used to hold Executive Members to account on the performance of their respective service areas.

Having regard to the Tree Strategy and Design Guide, the Chairman indicated that he would be raising both matters at a meeting he had arranged with the Assistant Director for Environment, Growth and Planning and the Executive Councillor for Strategic Planning and Housing. In noting that a report on the Whole Waste System Approach would be submitted to the Panel in October, Councillor M G Baker reported that the Waste Collection Working Group would consider whether to reconvene once the work on RECAP was complete.

In terms of rural transport and the suggestion made at the previous meeting that local bus services within Towns might be a potential future study area, the Panel decided that both matters should be raised by Councillor Mrs L Kadić through her Cambridgeshire Future Transport Initiative scrutiny work. Members then requested that a scoping report on car parking management and a position statement on areas where household recycling was not taking place were submitted to the Panel at its September meeting. Finally, the Panel agreed to remove the impact of large scale housing developments upon the A428 from its work programme as it was a matter that would be addressed through the Local Plan.

21. SCRUTINY

Having considered the 135th Edition of the Decision Digest, the Panel

placed on record their concerns at the increase in waiting times for Occupational Therapy assessments which was reported as currently being 26 weeks. This matter had been discussed by the Overview and Scrutiny Panel (Social Well-Being) as part of their deliberations on the Home Improvement Agency Shared Service Review and Disabled Facilities Grant Budget report.

Chairman

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NOTICE OF EXECUTIVE DECISIONS INCLUDING THOSE TO BE CONSIDERED IN PRIVATE

Prepared by
Date of Publication:
For Period:

Councillor J D Ablewhite
21 August 2013
1 September 2013 to 31 December 2013

Membership of the Cabinet is as follows:-

Councillor J D Ablewhite	- Executive Leader of the Council, with responsibility for Strategic and Delivery Partnerships	3 Pettis Road St. Ives Huntingdon PE27 6SR Tel: 01480 466941 E-mail: Jason.Ablewhite@huntingdonshire.gov.uk
Councillor N J Guyatt	- Deputy Executive Leader of the Council with responsibility for Strategic Planning and Housing	6 Church Lane Stibbington Cams PE8 6LP Tel: 01780 782827 E-mail: Nick.Guyatt@huntingdonshire.gov.uk
Councillor B S Chapman	- Executive Councillor for Customer Services	6 Kipling Place St. Neots Huntingdon PE19 7RG Tel: 01480 212540 E-mail: Barry.Chapman@huntingdonshire.gov.uk
Councillor J A Gray	- Executive Councillor for Resources	Shufflewick Cottage Station Row Tilbrook PE28 OJY Tel: 01480 861941 E-mail: Jonathan.Gray@huntingdonshire.gov.uk
Councillor R Howe	- Executive Councillor for Healthy and Active Communities	The Old Barn High Street Upwood PE26 2QE Tel: 01487 814393 E-mail: Robin.Howe@huntingdonshire.gov.uk

<p>Councillor T D Sanderson</p> <p>- Executive Councillor for Economic Development and Legal</p>	<p>29 Burmoor Close Stukeley Meadows Huntingdon PE29 6GE</p> <p>Tel: 01480 412135 E-mail: Tom.Sanderson@huntingdonshire.gov.uk</p>
<p>Councillor D M Tysoe</p> <p>- Executive Councillor for Environment</p>	<p>Grove Cottage Maltings Lane Ellington Huntingdon PE28 0AA</p> <p>Tel: 01480 388310 E-mail: Darren.Tysoe@huntingdonshire.gov.uk</p>

Notice is hereby given of:

- Key decisions that will be taken by the Cabinet (or other decision maker)
- Confidential or exempt executive decisions that will be taken in a meeting from which the public will be excluded (for whole or part).

A notice/agenda together with reports and supporting documents for each meeting will be published at least five working days before the date of the meeting. In order to enquire about the availability of documents and subject to any restrictions on their disclosure, copies may be requested by contacting Mrs Helen Taylor, Senior Democratic Services Officer on 01480 388008 or E-mail Helen.Taylor@huntingdonshire.gov.uk.

Agendas may be accessed electronically at www.huntingdonshire.gov.uk.

05 Formal notice is hereby given under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that, where indicated part of the meetings listed in this notice will be held in private because the agenda and reports for the meeting will contain confidential or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. See the relevant paragraphs below.

Any person who wishes to make representations to the decision maker about a decision which is to be made or wishes to object to an item being considered in private may do so by emailing Legal&DemServDemocratic@huntingdonshire.gov.uk or by writing to the Senior Democratic Services Officer. If representations are received at least eight working days before the date of the meeting, they will be published with the agenda together with a statement of the District Council's response. Any representations received after this time will be verbally reported and considered at the meeting.

Paragraphs of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) (Reason for the report to be considered in private)

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the Financial and Business Affairs of any particular person (including the Authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations that are arising between the Authority or a Minister of the Crown and employees of or office holders under the Authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the Authority proposes:-
 - (a) To give under any announcement a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an Order or Direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Colin Meadowcroft
Head of Legal and Democratic Services

Huntingdonshire District Council
 Pathfinder House
 St Mary's Street
 Huntingdon PE29 3TN.

Notes:- (i) Additions changes from the previous Forward Plan are annotated ***
 (ii) Part II confidential items which will be considered in private are annotated ## and shown in italic.

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
RECAP Advanced Partnership Recyclate Procurement***	Cabinet	19 Sep 2013	Partnership Agreement	Eric Kendall, Head of Operations Tel No. 01480 388635 or email Eric.Kendall@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
9 Making Assets Count - Cambridgeshire's Proposed Approach to Strategic Asset Management	Cabinet	19 Sep 2013	Cambridgeshire County Council - Cabinet Report 2013	Steve Ingram, Assistant Director, Environment, Growth and Planning Tel No 01480 388400 or email Steve.Ingram@huntingdonshire.gov.uk		J A Gray	Economic Well-Being
Financial Forecast to 2019	Cabinet	19 Sep 2013		Steve Couper, Assistant Director of Finance and Resources Tel No. 01480 388103 or email Steve.Couper@huntingdonshire.gov.uk		J A Gray	Economic Well-Being

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Huntingdonshire Town and Parish Council Charter and Voluntary Sector Compact	Cabinet	19 Sep 2013		Dan Smith, Community Health Manager Tel No. 01480 388377 or e-mail Dan.Smith@huntingdonshire.gov.uk		N J Guyatt	Social Well-Being
Customer Services Strategy	Cabinet	17 Oct 2013		Kathryn Sexton, Customer Services Manager Tel No. 01480 387040 or e-mail Kathryn.Sexton@huntingdonshire.gov.uk		B S Chapman	Economic Well-Being
Consultation and Engagement Strategy	Cabinet	17 Oct 2013		Louise Sboui, Senior Policy Officer Tel No. 01480 388032 or email Louise.Sboui@huntingdonshire.gov.uk		J D Ablewhite	Social Well-Being
Whole Waste System Approach	Cabinet	17 Oct 2013		Eric Kendall, Head of Operations Tel No. 01480 388635 or email Eric.Kendall@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
A14	Cabinet	17 Oct 2013	Preferred option for public engagement	Steve Ingram, Assistant Director, Environment, Growth and Planning Tel No 01480 388400 or email Steve.Ingram@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Carbon Management Plan***	Cabinet	21 Nov 2013		Chris Jablonski, Environment Team Leader Tel No. 01480 388368 or email Chris.Jablonski@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Council Tax Reforms***	Cabinet	21 Nov 2013		Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		B S Chapman	Economic Well-Being
Huntingdon West Masterplan	Cabinet	21 Nov 2013	Following consultation. Preferred option.	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Wind Turbines SPD	Cabinet	21 Nov 2013	Draft SPD	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Approval of Council Tax Base***	COMT (Chief Officers Management Team)	25 Nov 2013		Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		J A Gray	Economic Well-Being
Green Deal***	Cabinet	12 Dec 2013		Chris Jablonski, Environment Team Leader Tel No. 01480 388368 or email Chris.Jablonski@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
Local Plan to 2036 - Proposed Submission	Cabinet	12 Dec 2013	Submission - Draft Local Plan	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Draft Budget & MTP	Cabinet	12 Dec 2013		Steve Couper, Assistant Director of Finance and Resources Tel No. 01480 388103 or email Steve.Couper@huntingdonshire.gov.uk		J A Gray	Economic Well-Being

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**OVERVIEW AND SCRUTINY PANEL
(ENVIRONMENTAL WELL-BEING)**

10TH SEPTEMBER 2013

**STATEMENT OF CONSULTATION AND DRAFT REVISED SUPPLEMENTARY
PLANNING DOCUMENT – LANDSCAPE SENSITIVITY TO WIND TURBINE
DEVELOPMENT - FEEDBACK
(Report by the Cabinet)**

1. INTRODUCTION

At its meeting on 18th July 2013, the Cabinet considered the deliberations of the Overview and Scrutiny Panel (Environmental Well-Being) on the contents of the Landscape Sensitivity to Wind Turbine Development Supplementary Planning Document (SPD) and supporting technical evidence.

2. BACKGROUND

- 2.1 The revised Supplementary Planning Document has been prepared to update, clarify and replace the existing SPD document adopted by the Council in 2006.

3. DELIBERATIONS

- 3.1 In discussing the views of the Overview and Scrutiny Panel (Environmental Well-Being), Members concurred with the Panel that the SPD should not include the proposed upper limit for large groups of wind turbines. They also agreed that the specification of an upper limit would provide developers with an indication of the level of development that they could expect to receive approval for, and in some cases, they might expect to exceed that level. Having also expressed some doubts over the capacity judgements referred to in the document and in questioning the level of wind turbines developments in neighbouring local authority areas, the Cabinet requested Officers to review further the content of the SPD.
- 3.2 With regard to the Cumulative Landscape and Visual Impacts (CLVI) report, the Cabinet concurred with the Panel that this is an important piece of work given its role as technical evidence alongside the Council's policy. With this in mind, the Cabinet has requested officers to subject the CLVI to a separate public consultation exercise. This will strengthen the SPD during any potential appeal process.

4. CONCLUSIONS

- 4.1 Members of the Overview and Scrutiny Panel are invited to note the contents of this report.

**Contact Officer: Mrs H Taylor, Senior Democratic Services Officer
(01480) 388008.**

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**YAXLEY SEWERAGE
(Report by the Project and Assets Manager)**

1. INTRODUCTION

- 1.1 This report provides an update on drainage in Yaxley following previous reports to this Panel.

2. BACKGROUND

- 2.1 A petition was presented to the Overview and Scrutiny Panel (Environmental Well-Being) on 5th December 2011 by Parish Councillor Mrs A Rees in respect of sewage overflow at Windsor Road and Main Street, Yaxley.
- 2.2 Following this petition, several meeting and discussions were held with Anglian Water and remedial works were carried out to the sewerage system. These included clearing silt from the surface water sewer in Mere View and a large fat build up in Windsor Road outside the foul pumping station. Both of these restriction / blockages would have caused significant problems and resulted in flooding.
- 2.3 For this reason, both the foul and surface water sewers have now been placed by Anglian Water on planned preventative maintenance (PPM) to help stop any further disruption to service. The foul sewer will be maintained every 9 months, and the surface water sewer every 12-18 months.
- 2.4 Work has also been carried out by Huntingdonshire District Council to clear a flow path through a balancing pond to the east of the pumping station. The clearing of this flow path should allow surface water flows to drain more freely, thereby reducing the risk of surface water flooding.
- 2.5 In addition, Anglian Water is also surveying the sewer that runs from Stilton to Main Street to assess whether any improvements are required in order to further reduce the risk of sewer flooding. This has resulted in manholes being repaired in certain areas.

3.0 LATEST UPDATE

- 3.1 Anglian Water have given a further update in July on the sewerage system in Yaxley. They state:

“Short term mitigation for two blocks of terraced properties in Main Street with shared laterals is being investigated. This was originally looked at last year and is now being looked at again. The proposal is to lay a new surface water sewer with Non Return Valves to take the roof water from the affected properties which was going into the combined system. One of my colleagues was out there yesterday and discussed the proposals with a number of the residents, who seem happy that work was progressing. A risk is that the sewer will have to be laid in their back gardens, so we'll need agreement from all the

residents. Further work is required to make this happen, but we're hopeful it can be completed this financial year.

A permanent solution is also being considered for Main Street. However, cost benefit analysis has yet to be completed for this work, and with only 2 properties flooding internally, we may struggle to make this scheme stack up. This is being looked at presently so we should have more information in due course.

- 3.2 These improvements should help the properties on Main Street that have been suffering flooding and loss of toilet facilities.
- 3.3 One problem that still exists is the fact that Anglian Water do not accept responsibility for the maintenance of the surface water balancing pond off Mere View. This is an integral part of the sewerage system and has public sewers going into and out off it. However the land was never transferred to Anglian Water by the developer who has now gone into liquidation. The land has transferred to the Crown. With no maintenance, the pond is silting up removing the balancing volume and causing backing up in the sewer and possible flooding. The fencing is also broken leaving gaps for children to access this area. Letters have been written to AW but with no positive response. This will be pursued again.

4.0 FUTURE ACTIONS

- 4.1 As a result of the Panel's interest in the problems and the meeting with Anglian Water, action has been taken in Yaxley which has improved the situation.
- 4.2 Residents in Yaxley (and in other locations affected by flooding) must be encourage to report any flooding they experience to Anglian Water and to the Cambridgeshire County Council Flood Team so that they all recorded. Only with all incidents on record, will Anglian Water respond to problems. The local members and parish council can help to get this message across to affected residents.
- 4.3 It is not expected that further updates on this problem will be made to this Panel.

BACKGROUND PAPERS

Report on work carried out at Yaxley by Anglian Water Services for the Huntingdonshire District Council Overview and Scrutiny (Environmental Well-Being) Panel.

Report by the Drainage Working Group to the Overview and Scrutiny Panel (Environmental Well-Being) held on 9th October 2012.

Contact Officer: C Allen 01480) 388380

COMT

27TH AUGUST 2013

OVERVIEW AND SCRUTINY
ENVIRONMENTAL WELL-BEING

10TH SEPTEMBER 2013

CABINET

19TH SEPTEMBER 2013

JOINT MATERIALS RECYCLING FACILITY PROCUREMENT (Report by the Head of Operations)

1. SUMMARY

- 1.1 The report at Annex A and the accompanying appendices inform the work done to date in respect of Recycling Cambridgeshire and Peterborough Waste Partnership (RECAP) jointly procuring a materials recycling facility (MRF) to manage and process all the recycling materials collected across Cambridgeshire and Peterborough. It is a common report being presented to all the partnership waste collection authorities.
- 1.2 The joint procurement is based on all the participating partners signing up to the procurement and abiding by the outcome. If any partner decides not to then the procurement will not proceed. The recommendations in Section 10 of the report in Annex A seeks approval of;
 - the joint procurement of bulking, sorting and onward processing/sale of recyclable materials;
 - agreement that Peterborough City Council leads the process for the Joint MRF procurement for a preferred supplier for services of bulking, sorting and onward processing/sale of recyclable materials, collaboratively with and on behalf of all RECAP partners;
 - the delegation of the final Invitation to Tender (ITT) to the Head of Operations in consultation with the Environment Portfolio holder;
 - the revised Partnership Charter and Governance, Schedule 2; and
 - for Peterborough City Council to appoint the preferred bidder on behalf of RECAP, following agreement with the other partners.
- 1.3 The contract will eventually incorporate all the partners due to varying contract termination dates, but all partners will sign up to the new joint contract and the incorporation timetable which will provide guarantees to the appointed contractor.

2. BACKGROUND

- 2.1 A working group consisting of officers from all the partners in RECAP were tasked with taking the partnership through a joint procurement for a MRF operator to take all the recyclate from the partners. The Project Initiation Document for that is attached as Appendix 2 to the report attached at Annex A.
- 2.2 Currently the different authorities in RECAP have 3 different contracts with different MRFs for their recyclate. It is clear from the work of other waste partnerships that the procurement of joint MRF contracts does realise benefits from pooling the tonnage of the various partners. The current contracts run out at different times and as a consequence they would need to be assimilated at different times into the main contract.
- 2.3 The partnership is also looking at the optimum design for waste collection in light of the Waste Framework directive which requires source separated recyclate. This is explained further in the paper attached at Annex A, Appendix 3.
- 2.4 All the Cambridgeshire authorities apart from Peterborough agreed and signed a Partnership Agreement in 2011. As Peterborough is part of this joint procurement then the agreement needs to be revisited and updated to include the Governance arrangements for the contract and that is included as Schedule 2 to the updated Partnership Agreement.
- 2.5 A soft marketing exercise is currently underway which is seeking industry views about the types of recyclate we collect and how we can seek to maximise the tonnage of recyclable material which is collectable in a cost effective way. Further to this we are asking how the amount of contamination can be reduced and as a consequence the amount of recyclate having to go to landfill which is a cost to the partners.
- 2.6 To realise the maximum possible savings it will require all partners, apart from the County Council to be party to this contract and for it to be binding on the partners.
- 2.7 The invitation to tender (ITT) stage of the procurement of the contract will require partners to agree the tender prior to it being sent out and it is proposed that this should be delegated to the Head of Operations in consultation with the Environment Portfolio Holder.

3. RISKS

- 3.1 The main risk associated with this contract is in respect of the degree the partners wish to maximise their income by linking the contract to market prices. The recycling market is a volatile one but good quality recyclables perform better than low quality contaminated recyclables. The alternative is to go for a reduced steady income set against a basket of recyclate prices. This is the type of contract we currently have and whilst it has been better than the previous contract we have

received a lot less income than say South Cambridgeshire District Council, but that has to be balanced against increased collection costs.

3.2 The following table sets out the different risk options:-

Risk	Rating	Mitigation
Payment of gate fee linked to a basket of recyclate prices.	Low	Fixed price linked to basket lowers risk as the fluctuations in prices are averaged out.
Payment of a gate fee for processing then top slice 50% of recyclate income for guaranteed payment linked to a basket of recyclate prices and rest subject to profit share in relation to market prices on a 50:50 basis.	Medium	Mitigated as authority gets a known payment for 6 months before basket re-evaluated.
Payment of a gate fee for processing then share a proportion of the risk in relation to market prices.	Medium to high	Mitigated by reducing percentage of local authority share to contractor i.e. 30:70

3.3 It may be better to look at a medium risk whereby a portion of the recycling income is linked to the market value but the rest is at a fixed rate. It is clear that to increase income more risk will need to be taken by the partners whilst recognising that recycling rates are very variable.

3.4 As the contract length is to be 5 years the risk could be mitigated to some extent by allowing a base savings figure and putting the extra when the market prices are high into a reserve and then pull back out to balance the budget when prices are lower. The long term market projection is for recycling prices to increase steadily and looking at the market over the last 3 years there is definitely an upwards trend line.

4. CONCLUSION


4.1 This contract is an important step for the RECAP Waste Partnership in progressing the agenda of moving to a whole waste approach. The timescale for this joint procurement is tight, as it will need to conform to the EC procurement rules. Consequently the delegation of the final ITT is necessary to meet the deadline for letting the contract. Should any of the partners fail to meet this timetable then it could result in the Peterborough City Council procuring separately, as they need a contract in place for June 2014.

4.2 The advantages in having a single contract across the partnership area is the combined tonnage of recyclate will make it attractive to a lot of MRF operators. As a result the contract will provide the best economically advantageous deal for the partners and as a consequence increase income for the partners, participating in the

contract. This will of course be subject to the outcome of the tendering exercise.

5. RECOMMENDATIONS

- 5.1 It is recommended that the recommendations set out in Section 10 of Annex A are approved.

Contact Officer: Eric Kendall, Head of Operations
 01480 388635

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**Joint Materials Recycling Facility (MRF) Procurement
Common Paper for RECAP Partners Decision-Making Processes
September 2013**

1. PURPOSE:

- 1.1 This paper seeks to inform the consideration of the Recycling Cambridgeshire and Peterborough (RECAP) partner Councils to approve a Joint Procurement of MRF services for bulking, sorting and onward processing/sale of recyclable materials for all RECAP partners, except Cambridgeshire County Council. All Partners will agree entering into the same contract, to commence by June 2014 in order to meet, sequentially, Peterborough City Council's current contract expiry date of June 2014, with all remaining Partners' recycle materials coming into the same joint contract at the following times:
- Peterborough City Council - June 2014
 - Cambridge City, Huntingdonshire and Fenland District Council - November 2014.
 - South Cambridgeshire - October 2015
 - East Cambridgeshire - May 2016.
- 1.2 Critical to realising the potential benefits to the public purse that are expected from this joint procurement and collective offer of Partners' materials, is the need for Partners to agree, in advance of the actual tender process itself, to present their respective recycle materials to the market jointly and collaboratively, thereby securing greatest influence over securing best value in processing cost and materials income. Withdrawing from the procurement, post tender bidding, would not only potentially negate the process, but also fundamentally prejudice the service continuity position of Partners and risk irrevocably fracturing the Partnership.

RECOMMENDATIONS

The Cabinet Member / Committee is recommended to:

1. Agree that the Council is committed to the procurement and appointment of a Contractor to deliver Joint MRF services for bulking, sorting and onward processing/sale of recyclable materials for all participating RECAP partners, unless all partners agree not to appoint.
2. Approve on behalf of the Council the 'RECAP Partnership Charter', as attached at Appendix 1, including approval of the additional Schedule 2 Governance Agreement relating to the operation of the Joint MRF contract, commitment to participation in and commitment of recyclate materials into the joint contract.
3. Agree delegation to the appropriate (named) Officer responsible for authorisation of the final Invitation to Tender (ITT), to award the Contract, in consultation with Members as appropriate.
4. Agree that Peterborough City Council will nominate a preferred supplier in collaboration with the participating partners, for the provision of the services of bulking, sorting and onward processing/sale of recyclable materials contract, on behalf on both Peterborough City Council and the RECAP participating partners.
5. Note and agree the approach to the Waste Framework Directive compliance regarding source separation of recyclate, as agreed by the RECAP Board on 4th September and as attached at Appendix 3.

2. SUMMARY OF MAIN ISSUES:

- 2.1 Recycling in Cambridgeshire and Peterborough (RECAP) Waste Partnership is made up of Cambridge City Council, Cambridgeshire County Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council, South Cambridgeshire District Council. Cambridgeshire County Council is a member of the Partnership although it will not be party to this joint MRF procurement, as recyclate materials received by the County Council are via its Household Waste Recycling centres and already dealt with through the PFI contract.
- 2.2 This Joint MRF Procurement project is a key work stream identified as part of the Whole Systems Approach Programme agreed by RECAP in autumn 2012 and endorsed by Cambridgeshire Leaders and Chief Executives as a 'flagship collaboration'. The programme seeks to develop an optimum waste management system across RECAP in Cambridgeshire and Peterborough through a collaborative approach that:
 - Reduces the overall expenditure against the public purse;
 - Increases the overall income to the public purse; whilst
 - Improving services for the customer, which would include levelling up services across Cambridgeshire and Peterborough to achieve consistently high quality services across the partnership area; and
 - Improving environmental performance.

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- 2.3 By working collaboratively and procuring jointly, it is assumed that maximising the collective offer of recyclate materials across the RECAP Partnership to the market will represent the most effective and efficient mechanism to achieving the best value in reducing processing costs and maximising materials income to best benefit the public purse.
- 2.4 Individual approaches to the market at sequential expiry of existing MRF contracts is unlikely to represent the strongest and most cost effective influence on the market. Neither would it accord with the Whole Systems Approach and spirit of partnership espoused by RECAP and captured in the existing RECAP Advanced Partnership Working Charter already signed by the Cambridgeshire partners in January 2012 (see Appendix 1) and now to be signed also by Peterborough City Council as part of this process.
- 3. TIMESCALE:**
- 3.1 To ensure efficient and effective procurement in line with the agreed Project Initiation Document (Appendix 2), agreement to the joint procurement and collective offer of recyclate materials into the resultant contract is required from all partners by 11 October 2013, in order to ensure robust procurement and to meet the contract requirements of Peterborough City Council in the first instance and RECAP partners as set out at Para 1.1.
- 3.2 Agreement to associated detailed procurement documentation, such as finalised ITT, contract structure and Partnering arrangements, and, can be effectively achieved by delegation to a Chief Officer, in consultation with Portfolio Member/Committee Chair, ITT to be secured by 24 November and with award of contract scheduled for March 2014. Ultimately final contract award will be subject to the appropriate compliance with the Constitutional and Member approval requirements of the individual Partner authorities.
- 4. DECISIONS REQUIRED:**
- 4.1 To approve the Joint Procurement of services for bulking, sorting and onward processing/sale of recyclable materials with all RECAP partners, in effect committing offering all the recyclate materials of each Partner Council into a common contract(s).
- 4.2 To approve delegation of final approval of detailed procurement documentation, including ITT, to appropriate Chief Officer in consultation with relevant service Portfolio Member / Committee Chair, noting that ultimately, final contract award will be subject to the appropriate Constitutional and Member approval compliance of the individual Partner authorities.
- 4.3 To approve the appointment of a preferred bidder by Peterborough City Council, in consultation with and on behalf of the RECAP partnership, with contract to be awarded to the Most Economically Advantageous Tender.
- 4.4 Approve and sign / reaffirm on behalf of the Council the RECAP Partnership Charter which sets out the Vision and Objectives of the Partnership; to improve environmental performance; improved value for money; level-up services where differences occur; and improve service performance. Cambridgeshire Councils have previously signed the original Charter, but collective agreement is also now required to the proposed additional Schedule 2 'Governance Agreement' that sets out how RECAP will collaborate in regard to this Joint MRF procurement and the operation and management of the resultant contract.

5. CONSULTATION

- 5.1 Consultation has been undertaken with a wide spectrum of the companies currently operating in the business of recycling, sorting, bulking and transportation of recyclable materials, with a Soft Market Test process undertaken in August 2013. The soft market test will help inform the nature of the contract, the mix of materials within the recycle basket (including likely impacts on values), the pricing mechanism and also quality requirements.
- 5.2 The project is consultative and collaborative with all of the authorities in the RECAP partnership, with the project being resourced by a Task Group drawn from across all the Partners. Peterborough City Council acts as the project sponsor, with progress and recommendations overseen by the Whole Systems Approach Programme Board (WSAPB) of senior Council Officers responsible for waste management. Section 151 financial officers are also involved in the consideration of the most effective pricing mechanism. The Cambridgeshire Public Sector Board (CPSB) has also been appraised of this project.
- 5.3 The RECAP Board of elected Members monitors the Whole Systems Approach work streams, of which Joint MRF Procurement is one, and is expected to have approved this common paper and supporting documents (see 7.1) at its meeting on 4th September 2013.
- 5.4 The Waste and Resources Action Programme (WRAP), a government funded advisory body, has also been consulted and involved in developing this approach to the marketplace, including provision of industry intelligence and project peer review.

6. ANTICIPATED OUTCOMES

- 6.1 To generate greater revenue for the partnership as a whole, by seeking to reduce processing costs and maximise materials values.
- 6.2 To develop, as far as possible, service consistency/harmonisation, therefore achieving the minimum amount of variation in all aspects of the tender - notably materials, operational processes, procedures and management requirements - and thereby service efficiencies.
- 6.3 To develop an approach to the market place that achieves the best value from materials for the Partnership as a whole, effectively responding to logistical factors and the requirements of the market place (e.g. not assuming the appointment of one single contractor will guarantee best value).
- 6.4 To effectively manage the financial risks of market volatility, developing pricing mechanisms that provide financial security in seeking to mitigate risk, whilst also allowing scope to derive benefits from the potential uplift in material values across the contract period.
- 6.5 To ensure the joint procurement contributes to and supports the development of an optimum waste management system through a whole systems approach across the Partnership.

REASONS FOR RECOMMENDATIONS & RELEVANT BACKGROUND INFORMATION

The Cambridgeshire and Peterborough Waste Partnership

7.1 With the increased value of recyclable materials as a resource, local authorities were previously incurring costs for services to bulk, sort and process such materials are now, at this time, receiving an income - although it should be noted that the market for recyclable materials fluctuates and incomes consequently volatile. Joint working in this area has been shown to potentially increase financial benefits to local authorities, for example, by increasing the quantity of recyclable material presented to the market place and therefore its potential value. It can also remove duplication of effort depending on the partnership approach and benefits can be derived from combining learning and expertise.

Supporting documents

- RECAP Partnership Charter and MRF Governance Agreement Schedule 2 (Appx 1)
- MRF Project Initiation Document (Appx 2)
- WFD-TEEP report (Appx 3)

7.2 The MRF procurement is not necessarily expected to change service design or collection systems, but rather intended to maximise existing volumes/materials with more into existing bins if operationally and financially practicable and partners 'levelling up' recycle type. It is understood that it is the options for Optimum Service Design (OSD), a separate Whole Systems Approach workstream, that will fully consider the implications of operational changes to collections services and thereby, potentially offers the more holistic work stream through which to properly consider the Waste Framework Directive requirements for how recyclable waste streams are collected by 2015 - source separated or comingled. The WFD/TEEP paper (Appendix 3) sets out how RECAP intends to address and broadly comply with these matters. The MRF procurement will focus on quality and '*necessity*' issues, with OSD addressing '*practicable*' considerations. This approach has been agreed by the WSA Programme Board (1 August) and is expected to be agreed by the RECAP Board on 4th September.

7.3 Best practice and challenging economic circumstances encourages Councils to work together to achieve the best outcomes for the residents and communities they serve. Reaffirmation of the RECAP Charter and its Guiding Principles (see Appendix 1) helps refresh the spirit of partnership and the collaborative ethos by which Partners would engage in the collaborative procurement and ongoing management of the resultant contract and partnership/contractor relationships.

7.4 Procuring collectively also further strengthens the RECAP Partnership ethos of collaborative working, achieving more together than we can deliver individually, for the overall best benefit to the public purse and the consistency of service to residents, helping meet the RECAP Vision of:

'Working ever closer together to deliver the best most cost effective waste services for the benefit of all local communities in Cambridgeshire and Peterborough'

ALTERNATIVE OPTIONS CONSIDERED

8.1 The following options were considered as part of the project initiation.

Option	Description	Initial Assessment
1	Do nothing - Delay procurement at this time by investigating and	<ul style="list-style-type: none"> • East Cambridgeshire have recently utilised the existing South Cambridgeshire contract,

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	assessing opportunities for partners to utilise existing contract arrangements within the partnership, or utilising extensions, procuring jointly at a later date.	<p>however, this contract would not allow for further excessive additional volumes of material without creating a significant change to the contract requiring re-tender.</p> <ul style="list-style-type: none"> Cambridge City/Huntingdon/Fenland District Council contracts do not allow for additional partners without creating a significant change to contract requiring re-tender. Peterborough would be required to procure individually. Partners could be financially disadvantaged utilising extensions and missing the potential benefits from re-tendering at this stage.
2	Utilise PFI contract arrangements.	<ul style="list-style-type: none"> Initial discussion with legal team at Cambridgeshire County Council indicates this would potentially mean a significant change to the contract, leading to significant legal costs and even re-tender. May not generate competition and therefore achieve financial benefit. Could reduce resource/time involved in tendering but revisions to the contact could counter this.
3	Jointly procure the design and build of a MRF, primarily dedicated to the partnerships use.	<ul style="list-style-type: none"> Is counter to conclusions to recent market testing by Peterborough. Lengthy process which would require interim contract arrangements. Capital investment required. Is being undertaken by a group of authorities in the South West although DCLG funding received for this.

IMPLICATIONS

- 9.1 Following the completion of the procurement, the prevailing market conditions might lead to a lower price being received for the recyclable materials than is presently received by the individual partners. By procuring collectively and taking advantage of the large tonnage of material available to the Partnership as a collective, we aim to mitigate risks arising from market conditions. It is unlikely that Partners procuring individually or in smaller collectives would exert the same influence over and therefore any greater value from the market.
- 9.2 A pricing mechanism that seeks to minimise processing cost, maximise materials income and manage risk e.g. frequency of review, will be developed in conjunction with Section 151 Officers. That model will be agreed as offering the best balance between cost certainly and informed appetite for risk that secures best flexibility to market volatility in mitigating exposure and maximising materials income. Should the market may be at a, comparative, low point when the procurement completes, by building flexibility into the payment mechanism and acting collaboratively, these risks can be mitigated to a greater or lesser extent.

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- 9.3 The collaborative procurement seeks to jointly offer all existing recyclate across the Partnership as currently collected, i.e. largely comingled but also recognising the separate paper collection within South Cambs. The contract(s) will need to be both flexible to make provision for future collection/disposal service changes that may stem from Optimum Service Design and also be structured to ensure that existing and future materials streams continue to attract maximum value. No partners would be expected to retain recyclate materials for alternate treatment outside the joint procurement process.

BACKGROUND DOCUMENTS:

As 7.1 above, Appendices 1-3.

DRAFT

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RECAP 'Advanced Partnership Working' Charter

Version: 1.2

Date: October 2013

Circulation:

Endorsed by	Date
Cambridge City Council	tbc
Cambridgeshire County Council	tbc
East Cambridgeshire District Council	tbc
Fenland District Council	tbc
Huntingdonshire District Council	tbc
Peterborough City Council	tbc
South Cambridgeshire District Council	tbc

Purpose

This Partnership Charter was developed by the RECAP Board initially in October 2011 and encapsulates RECAP's approach to advanced partnership working. The Board had directed that the Partnership be more ambitious in its collaborative working and bolder in its decision-making, with the expectation of tangible delivery with pace and purpose. Developments had to respect individual Council positions and differences - avoiding an 'all or nothing' approach in the progression of opportunities. Subsequently, Schedules have been added to capture the collaborations taking place across the advanced partnership Whole Systems Approach work streams and within the spirit and principles of the Charter

RECAP Partners

Cambridge City Council
 Cambridgeshire County Council
 East Cambridgeshire District Council
 Fenland District Council

RECAP Board Members

Cllr Jean Swanson
 Cllr Matthew Shuter
 Cllr Kevin Ellis (Chair)
 Cllr Pete Murphy

The Cambridgeshire and Peterborough Waste Partnership

Huntingdonshire District Council	Cllr Darren Tysoe
Peterborough City Council	Cllr Gavin Elsey
South Cambridgeshire District Council	Cllr Mick Martin

Vision

In October 2011 RECAP agreed the following outline vision for advanced partnership working, now with the addition of Peterborough:

‘Working ever closer together to deliver the best most cost effective waste services for the benefit of all local communities in Cambridgeshire and Peterborough’.

Objectives

Advanced Partnership Working in RECAP will seek to deliver:

- **Increased best value for money.** Achieving sustained value for money, not at the expense of customer service and satisfaction.
- **Increased service improvement.** Improving services for local areas based on what local communities say and need.
- **Improved environmental performance.** Reducing the carbon impact of service delivery and waste management.
- **Leveling-up of services.** Achieving consistently high quality services across the partnership area.

Guiding Principles

Advanced Partnership Working guiding principles, underpinning the achievement of the Vision and Objectives are:

- **Strong leadership and clear governance**
- **Commitment to the partnership**
- **Good communications and continuous dialogue**
- **Build trust through openness, honesty and transparency**
- **Learn from each other**
- **Treat each other as equals with respect**
- **Willingness to compromise**

- **Seek a benefit to all partners to their mutual advantage**
- **Deal with issues promptly and effectively**
- **Deliver through clear and agreed project management methodology**
- **Contribute to joint ventures in a fair and equitable way**
- **Make decisions at the appropriate level**

Schedule 1

WHOLE SYSTEMS APPROACH

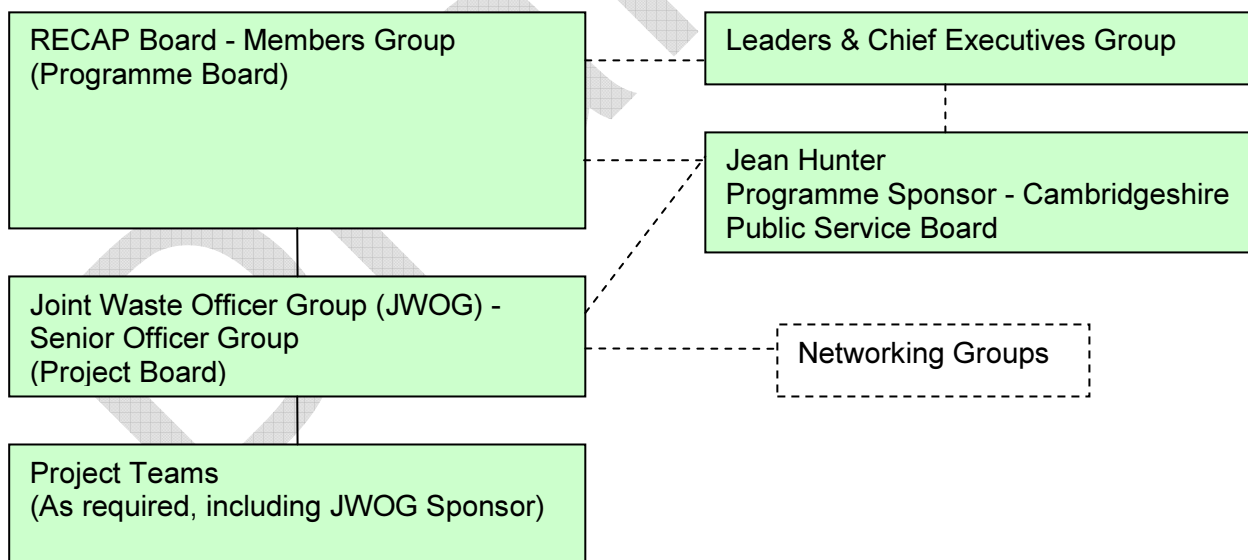
Scope of Activities

Advanced partnership working activities will extend to all waste related service delivery across the disposal and collection RECAP partners.

Governance

The following governance arrangements have been set up to oversee the RECAP advanced partnership working Whole Systems Approach development:

Organogram



Roles and responsibilities

Programme Sponsor

- Promotes visibility of work.

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- Ensures clear communication and engagement with the Cambridgeshire Public Service Board.
- Provides briefings and ensures engagement with the Leaders' & Chief Executives' meeting.
- Oversees project deliverables.

Programme Board

- Oversees the development of a partnership work programme on behalf of their respective authorities.
- Approves and commissions all work on behalf of their respective authorities in accordance with internal decision-making processes.
- Sets all tolerances e.g. resources and timescales.
- Responsible for relevant communications to stakeholders as per communications plan.
- All papers for meetings of the Board will be made accessible to the public with an annual meeting of the Board to be held in public.

Project Board

- Facilitates decision-making by the Programme Board and respective authorities on the development of a partnership work programme.
- Accountable to the Programme Board for the delivery of the advanced partnership working programme.
- Appoints and directs resource to deliver work programme, providing a sponsor for each project from the Project Board to sit on the Project Team.
- Provides direction and Mentorship to Networking Groups

Project Teams

- Appointed as required Project Board as task and finish groups with roles and skills required by the project.
- Delivers project in accordance with direction from the Project Board.
- Includes an appointed Sponsor from the Project Board.

Ends

SCHEDULE 2**Joint MFR Procurement**

for the operation of a joint contract for bulking, sorting and onward processing/sale of recyclable materials.

GOVERNANCE AGREEMENT

October 2013

Applicability: To all RECAP partners, with the exception of Cambridgeshire County Council

Term: Effective from October 2013

Objective: To generate maximum value from recyclate which is dependent on all collected recyclate materials being presented collectively by the Partners working collaboratively together and in compliance with the detailed terms of the related Contract.

Governance:

RECAP acts collaboratively as the collective governance mechanism and point of contact for procurement and contract management purposes on behalf of its constituent contract Partners as set out in the agreed PID of 7 June 2013.

Organogram – to be inserted once agreed by JWOG (to detail strategic and operational contract management and monitoring arrangements)

Basis of Collaboration

The Partners declare that :-

- (a) they are independent Contracting Authorities;
- (b) they have, as they each deemed necessary obtained independent legal advice; prior to entry into the consortium;
- (c) they enter into the Joint MRF Collaboration at their own risk.

Principles of Collaboration

The Partners agree to operate the contract in accordance with the 'Objectives' and the 'Guiding Principles' of the RECAP Charter in their collaboration with each other.

In addition:

1. The Partners hereby commit to utilising the contract(s) (for its duration, excluding any agreement to extend) for the processing and sale of their recyclable materials, either

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commingled or source separated and no Partner will retain any of these materials in pursuit of alternative selling opportunities.

2. Any Partner leaving the contract agrees to be liable for any costs arising directly from their early termination as incurred by the Partners remaining in the consortium and any costs incurred related to the management of such a change (for clarity, such costs including reductions in income per tonne from the sale of materials that stem directly from the decision to leave until the end of fixed contract period)

Relationship Management:

The Partners agree to act collaboratively as RECAP and not independently in initiating any action against the Contractor employed under the terms of the Joint MRF Contract.

The Partners agree that once the MRF Consortium contract has been awarded, all partners are committed to participation in and to the detailed terms of that Contract, for the duration of the Contract (excluding any agreement to extend), thereby ensuring that all savings and efficiencies identified and projected prior to the start of the collaborative contract are achieved.

Partners have the right to opt out or terminate their involvement in the Contract if a Contractor is in serious or material breach as defined within the termination provisions of the Contract.

Contract Management:

Strategic contract management duties will be overseen by JWOG on behalf of all Partners to simplify the relationship with the Contractor.

JWOG will designate 'Point of Contact' officers from within the RECAP partner authorities resources to assist in any specialist areas required to manage the contract for the collective benefit of all Partners (*detail to be captured by organogram evolving from ITT*).

Partner authorities will manage day to day service and operational issues directly with the contractor, however, recurring issues across the partners should be highlighted to JWOG for direction and resolution.

Dispute Resolution

In the case of a disagreement between Partners and/or the Contractor engaged in the Joint MRF contract, reasonable endeavours will be made by JWOG to settle the disagreement swiftly, in line with the detailed provisions of Contract and overall spirit of the Charter.

Status:

The Cambridgeshire and Peterborough Waste Partnership

Nothing in this Agreement is intended to, or shall be deemed to, establish any Partnership or joint venture among the Partners, constitute any Partner as the agent of the other Partners, nor authorise any of the Partners singularly to make or enter into any commitments for or on behalf of the other Partners.

Associated Documents:

Overall arrangements for the joint MRF procurement and contract operation are as set out in:

- PID dated 7 June 2013
- ITT dated ...tbc...(November 2013)
- Contract(s) dated ...tbc...

The approach to Waste Framework Directive compliance and the issue of TEEP are as set out in the agreed 4 September RECAP Board paper.

Ends

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Project Initiation Documentation

Programme: Whole Systems Approach

Work Stream 3: Joint Procurement of services for bulking, sorting and onward processing/sale of recyclable materials.

Version: 0.3
 Prepared by: Helen Taylor, Project Manager
 Issue date: 4 June 2013

Version History

Version	Date	Comments
0.1	10 April 2013	First draft circulated to WSAPB and reviewed at meeting on 17 April.
0.2	20 May 2013	Amended following further direction from the WSAPB on 9 May and reviewed by Task Group on May 22.
0.3	4 June 2013	Reviewed by Sponsor and re-issued.

Circulation List

Title/Group	Name/Chair	Date
Programme Board	All Members	4 June 2013
Programme Board Sponsor	Richard Pearn	4 June 2013
Procurement Lead	Zoe Berriman	4 June 2013
Waste Partnership Manager	Nigel Mccurdy	4 June 2013
Project Task Group	All Members	4 June 2013

Reasons for undertaking this project

This project is a key work stream identified as part of the Whole Systems Approach Programme which seeks to develop an optimum waste management system in Cambridgeshire through a whole systems approach that:

- Reduces the overall expenditure against the public purse;
- Increases the overall income to the public purse; whilst
- Improving services for the customer, which would include levelling up services across Cambridgeshire to achieve consistently high quality services across the partnership area; and
- Improving environmental performance.

The project therefore contributes to the staged development of a Whole Systems Approach to waste management in Cambridgeshire and Peterborough. It is significant in that it will be the first time that all partners will jointly procure services to bulk, sort and market recyclable materials. However, it is not the first time the partnership has experience of joint procurement in this area, Cambridge City, Fenland and Huntingdonshire DCs jointly tendered for these services in 2009/10 and it will be important to respond to and build on the learning from this exercise.

With the increased value of recyclable materials as a resource, local authorities, where previously incurring costs for services to bulk, sort and process such materials are now, at this time, receiving an income - although it should be noted that the market for recyclable materials fluctuates. Joint working in this area has been shown to potentially increase financial benefits to local authorities, for example, by increasing the quantity of recyclable material presented to the market place and therefore its potential value. It can also remove duplication of effort depending on the partnership approach and benefits can be derived from combining learning and expertise.

It is worth noting that the way in which a partnership approaches joint procurement and other key factors influence the degree of added financial value that can be derived, such as:

- Understanding the market place and our potential value and responding to this.
- Consolidating service requirements as far as possible, e.g. reducing the potential number variations tendered.
- Effectively managing risks - the greater the degree of uncertainty for the contractor e.g. in terms of the composition, quality and quantity of materials it is receiving, the greater the risk.

Options Considered

The following options were considered as part of project initiation by the Programme Board to inform the approach. Option 3 has been identified as the preferred option which will be further tested through the project e.g. through soft-market testing.

Option	Description	Initial Assessment
1	Do nothing - Delay procurement at this time by investigating and assessing opportunities for partners to utilise existing contract arrangements within the partnership, or utilising extensions,	<ul style="list-style-type: none"> • East Cambridgeshire have recently utilised the existing South Cambs contract, however, this contract would not allow for further excessive additional volumes of material

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	procuring jointly at a later date.	<p>without creating a significant change to the contract requiring re-tender.</p> <ul style="list-style-type: none"> • City/Hunts/Fenland contracts do not allow for additional partners without creating a significant change to contract requiring re-tender. • Likely that Peterborough would be required to procure individually. • Partners could be financially disadvantaged utilising extensions and missing the potential benefits from re-tendering at this stage.
2	Utilise PFI contract arrangements.	<ul style="list-style-type: none"> • Initial discussion with legal at CCC indicates this would potentially mean a significant change to the contract, leading to significant legal costs and even re-tender. • May not generate competition and therefore achieve financial benefit. • Could reduce resource/time involved in tendering but revisions to the contact could counter this.
3	Jointly procure private sector services to bulk, sort, process and market recyclable materials by June/December 2014.	<ul style="list-style-type: none"> • Reflects conclusions to recent market testing by Peterborough. • Supports staged development of a Whole Systems Approach, although would need to ensure that procurement does not constrain it in any way. • Does not allow for development of an Optimum Service Design prior to procurement. • Meets the immediate needs of Peterborough City Council, although if completed by December would lead to a less favourable financial position for this partner.
4	Jointly procure the design and build of a MRF, primarily dedicated to the partnerships use.	<ul style="list-style-type: none"> • Is counter to conclusions to recent market testing by Peterborough. • Lengthy process which would require interim contract arrangements. • Capital investment required. • Is being undertaken by a group of authorities in the South West although DCLG funding received for this.

Aims and Objectives

To jointly procuring the provision of bulking, sorting and onward sale/re-processing of recyclable materials for all RECAP partners by June 2014, in order to meet the first contract expiry date (Peterborough City Council's), with all partners entering into the joint contract at the following times (therefore not invoking any contract extension periods):

- o Peterborough City Council – June 2014

The Cambridgeshire and Peterborough Waste Partnership

- o Cambridge City, Huntingdonshire and Fenland District Council – November 2014.
- o South Cambridgeshire - October 2015
- o East Cambridgeshire – October 2015

Key Objectives:

- To generate greater revenue for the partnership as a whole.
- To develop, as far as possible, service consistency/harmonisation, therefore achieving the minimum amount of variation in all aspects of the tender - notably materials, operational processes, procedures and management requirements.
- To develop an approach to the market place that achieves the best value from materials for the partnership as a whole, effectively responding to logistical factors and the requirements of the market place (e.g. not assuming the appointment of one single contractor will guarantee best value).
- To effectively manage the financial risks of market volatility, developing pricing mechanisms that provide financial security and allow scope to derive benefits from the uplift in material values.
- To further mature the culture of partnership working in RECAP through the development of working practices that make best use of resource – removing duplication of effort.
- To ensure the procurement contributes to and supports the development of an optimum waste management system through a whole systems approach.

Scope

The procurement will include collected recyclable materials from households and trade customers, (where a partner operates a recycling service to trade customers) from the following RECAP partners:

- Cambridge City Council
- East Cambridgeshire District Council
- Fenland District Council
- Huntingdonshire District Council
- Peterborough City Council
- South Cambridgeshire District Council

Further recycling collected via other service areas such as street sweepings and street litter have been proposed by some partners which will need to be explored further.

Cambridgeshire County Council will be included in the procurement process to ensure links with the PFI.

Approach

The Programme Board has considered initial options around how the partnership could work together to jointly procure and contract manage. The Board advised that all partners will procure and contract manage working collaboratively utilising existing partnership forums (e.g. the Programme Board).

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The following arrangements have been agreed to manage the joint procurement process in line with the Partnership Charter. Further work will be required to determine how the partnership will contract manage.

The Waste Partnership Manager will also support the project in their capacity as Programme Manager.

Whole Systems Approach Programme Board

- Directs the project, ensuring project aligns with partnership programme objectives.
- Ensures appointment of qualified resources and allocation of any required partnership funds.
- Responsible for ensuring effective links to partner internal environments, including decision-making processes, key stakeholders.
- Identifies and manages key risks.
- Resolves any issues that cannot be resolved by the Project Team.
- Accountable to the RECAP Board for delivery of the project as part of the Whole Systems Approach Programme.

Task Group

- Delivers project in accordance with direction from the Programme Board.
- Provides regular reports, as required by the Programme Board.

Task Group Members

Officer	Authority	Role
Richard Pearn	Peterborough City Council	<ul style="list-style-type: none"> • Programme Board Appointed Lead, ensuring effective links with Whole Systems Approach Programme Board and RECAP Board. • To work closely with Project Manager providing guidance on project delivery. • To Chair Task Group meetings. • To promote positive collaboration to achieve maximum added value to the partnership. • To provide respective partner operational requirements/information and share operational learning/expertise. • To support effective stakeholder engagement/communication within respective authority.
Helen Taylor	Cambridgeshire County Council	Project Management.
Zoe Berriman	Peterborough City Council	<ul style="list-style-type: none"> • To provide procurement advice/expertise on behalf of the partnership. • To work closely with Project Manager providing guidance on project delivery. • To provide liaison with Procurement Officers across the partnership ensuring effective and continuous engagement/support for the work.

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Tom Lewis	Fenland District Council	<ul style="list-style-type: none"> To provide legal advice/expertise on behalf of the partnership. To provide liaison with Legal Officers across the partnership ensuring effective and continuous engagement/support for the work.
Jen Robertson	Cambridge City Council	<ul style="list-style-type: none"> To work collaboratively with partners to achieve maximum added value to the partnership. To provide respective partner operational requirements/information and share operational learning/expertise. To support effective stakeholder engagement/communication within respective authority.
Donald Haymes	Cambridgeshire County Council	
Dave White	East Cambridgeshire	
Mark Mathews	Fenland DC	
Sonia Hanson	Huntingdonshire DC	
Kylie Laws	South Cambridgeshire	

Partnering Agreements

The Programme Board has requested the development of a Partnering Agreement to be signed up to by each partnering authority. The Agreement will capture each individual partner's commitment to the joint procurement and will be developed and signed off by October 2013.

The Programme Board has also requested development of a Non-Disclosure Agreement to support exchange across the partnership of required information to support the procurement and assessment of its success, which can be included as an Appendix to the Partnering Agreement.

Guiding principles for collaboration

This project will follow the agreed guiding principles within the Partnership Charter (listed below) and additionally, partners will seek to achieve the maximum added value by:

- Developing and agreeing all elements of the procurement based upon effective evidence based research and testing in the market place.
- Responding to all relevant current and emerging legislation, statutory requirements and best practice.

RECAP Partnership Charter – Guiding Principles

- Strong leadership and clear governance
- Commitment to the partnership
- Good communications and continuous dialogue
- Build trust through openness, honesty and transparency
- Learn from each other
- Treat each other as equals with respect
- Willingness to compromise

The Cambridgeshire and Peterborough Waste Partnership

- Seek a benefit to all partners to their mutual advantage
- Deal with issues promptly and effectively
- Deliver through clear and agreed project management methodology
- Contribute to joint ventures in a fair and equitable way
- Make decisions at the appropriate level

Resource

Funding for the partnerships pooled funding will be made available to support expenses incurred during the project.

Interfaces

- Development of Optimum Service Design and other Whole Systems Approach Programme works streams.
- The partnership will identify opportunities for joint communications to support the partnership-wide procurement and start of any new service provisions. This work can be managed and delivered in parallel to the joint procurement consisting of representatives of the Marketing Group.

Quality

The project will be delivered in accordance with:

- Relevant legislation/policies and any emerging policy change
- Statutory requirements and emerging requirements e.g. the MRF Code of Practice
- Best practice, seeking out innovation and new ways of working

Timescales

The following shows the key stages for the project and timescales of each stage.

Project Stage	Timescales
Project Set Up / Initiation Stage	April – 3 June 2013
Pre-Tender Stage	3 June – 25 November 2013
Tender Stage	25 November – 5 March 2014
Post Tender and Mobilisation	6 March – 30 May 2014
Project Close/Review	30 May – 30 June 2014

Communications Plan

Stakeholder	Communication methods	Frequency	Responsible
Leaders	Verbal updates provided by respective RECAP Board representatives.	At each key stage of project.	WSAP Board Member/RECAP Board Members.
	Written reports as part of scheduled Programme Updates at Leaders & Chief Execs Meetings.	As determined by Leaders & Chief Execs.	Partnership Manager/RECAP Board Chair.

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Chief Execs	Verbal updates provided by respective WSA Board representatives. Written reports as part of scheduled Programme Updates and PSB Meetings.	At each key stage of project. As determined by PSB.	WSAP Board representatives. Partnership Manager/WSAP Chair
RECAP Board Members	Verbal updates provided by respective WSA Board Members. Reports provided at RECAP Board Meetings.	As part of 1:1s at each key stage of project. At each RECAP Board Meeting.	WSAP Board Member Partnership Manager
Programme Sponsor – Jean Hunter	Verbal updates provided by WSAP Chair.	As part of 1:1s at each key stage of project.	WSAP Chair.
Whole Systems Approach Programme Board Members	Reports/project documentation provided by Waste Partnership Manager/Project Manager.	At each WSAP Board Meeting and towards end of each stage. As and when required.	Waste Partnership Manager/Project Manager
Operations Panel	Verbal updates provided by Waste Partnership Manager or Project Manager.	As and when required. At Ops Panel Meetings when required.	Waste Partnership Manager/Project Manager
Marketing Group	Email updates provided by Project Manager.	At each key stage of project.	Project Manager
County Procurement Group	Verbal updates provided by Procurement Lead.	As and when required. At each County Procurement Group Meeting.	Procurement Lead
Respective Partner Legal Officers	Verbal/documented as and when required.	As and when required.	Respective Task Group Member
Respective Partners Cabinets/Committees/Scrutiny	Engaged as required to ensure links to partner internal decision making.	As determined by WSAP Board Members.	WSAP Board Member

Project Controls

The Cambridgeshire and Peterborough Waste Partnership

Control description and purpose	Responsible	Frequency / timing	Reviewed by
Project initiation Should the project be undertaken?	Project Manager	At the end of the Initiation phase and before the project commences	Programme Board
Environment outside project	Project Board	When environmental changes have been planned or have occurred that affect the project	Project Board Project Manager
Highlight reports Regular progress reports during a stage	Project Manager		Programme Board
Stage Plans	Project Manager	Towards the end of a stage	Programme Board
End stage assessment Has the stage been successful? Is the project still on course? Is the Business Case still viable? Are the risks still under control? Should the next stage be undertaken?	Project Manager	At the end of a stage	Programme Board
Risk Log	Project Manager	Project Manager should use discretion in deciding which risks should be reviewed by which group	Project Board
Issue Log	Project Manager	Project Manager should use discretion in deciding which issues should be reviewed by which group	Project Board
Lessons Learned Log	Project Manager	Project Manager/Task Group	Project Board Project Team
Project Closure Has the project delivered everything that was expected? Are any follow-on actions necessary? What lessons have been learned?	Project Manager Project Board	At the end of the project	Project Board Business Support Programme Board, for Business Support Projects

The Cambridgeshire and Peterborough Waste Partnership



Recycling in Cambridgeshire & Peterborough

The Cambridgeshire and Peterborough Waste Partnership

INITIAL RISKS LOG

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	Joint Procurement (MRF)		<p><u>Probability</u> 1 - Very Low 2 - Low 3 - Moderate 4 - High 5 - Very High</p> <p>Click here or go to the Risk Ratings Descriptions worksheet for full descriptions</p>	<p><u>Impact</u> 1 - Negligible 2 - Marginal 3 - Significant 4 - Critical 5 - Catastrophic</p> <p>Click here or go to the Risk Ratings Descriptions worksheet for full descriptions</p>	<p>RED if score 15 or over AMBER between 8 and 14 GREEN is 7 or less</p> <p>Note:- 1/ users cannot enter or edit data in this column. 2/ RED flags will be in bold text</p>	<p>Status Open Closed</p>		<p>Use this column to identify owners of actions, target completion dates and current progress</p>	
No	Description	Date Logged	Probability	Impact	Risk Score	Status	Risk Owner	Action to be taken & progress (to minimise/reduce risk)	Notes



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R01	Partners are not certain of each others degree of commitment to the procurement exercise, resulting in reduced/partial participation with potentially: <ul style="list-style-type: none"> • Alternative procurement arrangements being sought. • Full financial benefits not being realised. • Resourcing of project wavering and timescales missed resulting in Peterborough not securing a new contract when required. • Distrust is generated damaging partner relations and impacting on delivery. 	10.04.13	4 - High	5 - Catastrophic	20	RED	Open	Partnership Agreement to be developed and signed by all partners by October 2013 expressing their commitment to the procurement.
R02	The required capacity and skills are not made available to the procurement when required, resulting in work not being progressed, reduced quality and partner requirements not being responded to.	10.4.13	3 - Moderate	4 - Critical	12	AMBER	Open	<ol style="list-style-type: none"> 1. Task Group is established. 2. Board ensure resource is made available, prioritising project. 3. Board indicate resourcing issues at an early stage and determine mitigation.

RECAP

Recycling in Cambridgeshire & Peterborough

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R03	A partner is not prepared/restricted to disclose the required information concerning current arrangements, resulting in lack of benchmarking, learning, potentially generating distrust.	10.4.13	3 - Moderate	2 - Marginal	6	GREEN	Open	Non-disclosure agreement is developed and signed by each partnering authority as part of initial commitment agreement.
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Compliance with the Waste Framework Directive and Waste Regulations 2011- Recyclate Materials Streams Collections (TEEP)

Whole Systems Approach (WSA) Programme Board

1 August 2013

Purpose:

1. To agree a common RECAP approach to the WFD/ Waste Regulations requirements relating to collection of recyclate materials streams from 2015, so as to inform the progress of the Optimum Service Design (OSD) and Joint MRF Procurement workstreams of the WSA programme.

Issue:

2. As the RECAP WSA is currently considering both new MRF contract provision and also OSD options that will span across the effective 2015 date, there is a need to consider how the WFD & Waste Regulations impact and influence these work streams.
3. WSAPB has previously advised (26 June) that the MRF procurement is not necessarily expected to change service design or collection systems, but rather intended to maximise existing volumes/materials with more into existing bins if operationally and financially practicable and partners 'levelling up' recyclate type. It is understood that it is the options for OSD that will fully consider the implications of operational changes to collections services and thereby, potentially offers the more holistic work stream through which to properly consider the Directive and Regulation requirements.
4. Consequently, the issue for WSAPB to resolve is to determine:
 - how to best consider compliance with the WFD/Waste Regulation requirements
 - determine how to assess and balance the considerations under TEEP, and
 - agree why this is the common adopted approach of RECAP.

Summary:

5. From 1st January 2015 every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements **are by way of separate collection**, wherever separate collection:
 - (a) is **necessary** to ensure that waste undergoes recovery operations... and to facilitate or improve recovery; and
 - (b) is technically, environmentally and economically **practicable** (TEEP)
6. There is no statutory guidance to authorities (or to the Environment Agency which will enforce these duties) on assessing these obligations and what the requirement to collect separately particularly means. A recent Judicial Review seems to support comingled collections (subject to the above considerations) but identified glass as a material for particular thought. DEFRA advise that it is planning to consult on guidance on "TEEP" in the autumn and that in the interim, Authorities will need to take their own legal advice as appropriate on the applicability of those duties, and their effect on contracts entered into before, and continuing after, that date (1 Jan 2015).

7. As part of assessing how these legal duties apply to them, it will be for local authorities to weigh up the evidence of what is necessary and practicable. The High Court ruling against a challenge to the Regulations (effectively around whether comingled recycle collections were permissible) made it clear that whether separate collection is technically, environmentally and economically practicable depends upon a balancing exercise that is both sophisticated and context-specific.

Context:

8. The Waste (England and Wales) Regulations 2011 as amended by the Waste (England and Wales) (Amendment) Regulations 2012 on the separate collection of recycling, transpose the revised Waste Framework Directive 2008/98/EC and came into force on 1 October 2012.

9. Regulation 13 sets out duties for the separate collection of waste paper, plastic, metal and glass for recycling by 1 January 2015. This obligation is qualified, by “*practicability*” and “*necessity*” and the improvement of quality of recycle for end use, i.e. separate collection is required if it is technically, environmentally and economically practicable (TEEP) and necessary to facilitate or improve recovery (meeting appropriate quality standards).

10. WFD Article 3 defines “separate collection” as *the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment.*

11. WFD Article 11 says - *Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.*

12. European Commission guidance on the WFD seeks to define TEEP, stating:

- “‘*Technically practicable*’ means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.
- “‘*Environmentally practicable*’ should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection (e.g. additional emissions from transport).
- “‘*Economically practicable*’ refers to a separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality.”

13. A Judicial Review launched by the Campaign for Real Recycling challenged the transposition into the Regulations of the requirements of the Directive on the separate collection of recycling and was dismissed 6 March 2013. Mr Justice Higinbottom’s ruling included the judgements that:

- *The phrase “technically, environmentally and economically practicable” is used in the Directive as a term of art, importing the principle of proportionality and demanding a*

sophisticated context-driven exercise of judgment, balancing (amongst other things) the positive and negative environmental and economic effects of separate collection.

- *It was and is open to the United Kingdom to fulfil its obligations under the Directive by the system created by the 2011 Regulations, which allows a local authority to determine within its area whether separate collection is technically, environmentally and economically practicable; enforced by the Environment Agency.*
- *It appears to be common ground that, whilst glass is a well-recognised potential contaminant, metal and plastic can be separated at a stage later than kerb-side without any significant contamination or other relevant disadvantage.*

14. The key issues in the JR outcome and Higginbottom's specific comments suggest the assumptions that:

- Whilst kerbside sort could be considered the de minimus stance, comingled recycle collection is permissible, provided Authorities have assessed (*a sophisticated context-driven exercise of judgment*) that kerbside sort is either:
 - not necessary to ensure appropriate quality of material for its intended end use (i.e. it is a matter for the MRF supplier technologies and onward materials markets)
 - not practicable in regard to TEEP ('economically' likely to be best practicable test given cost of separate/separated collections, especially in rural areas but may be different in urban parts)
- Glass is identified as a particular material that can contaminate and thereby negatively impact upon the quality of other recycle and consequently may specifically warrant separate sort and collection at kerbside (subject to quality requirements and TEEP as above).

15. In a wider sense and in the absence of further case law or DEFRA guidance, it may also be appropriate to assume on the basis of logic and professional/industry deliberation to date, that the key focus of considerations are:

- The general objective of improving the **quality** of recycle materials for the appropriate end use, ideally a 'closed loop' system.
- Whether it is therefore **necessary** to kerbside sort - dependant upon the MRF supplier technologies and known end markets
- The **practicalities** of kerbside sort (TEEP) and the balance and sophistication of those judgements, including whether they apply homogenously across entire council areas i.e. rural -v- urban

Consequently, the emerging key linkage is the flow between how materials are collected, how they are processed and for what intended re-use, requiring a mature relationship between collection authority and MRF supplier and the initial key test being that of necessity i.e. if it is proven not necessary to kerbside sort then the TEEP consideration need not apply.

Considerations and Risks:

16. The Regulations came into force 1 October 2012 so the legislative requirements are known and therefore a technical requirement for compliance exists. The effective date for separate collection of recyclate (paper, metal, plastic or glass) in compliance with the Regulations is 1 January 2015. The contract deriving from the joint MRF procurement will span this period, as will any adopted OSD, so again, there is a technical requirement for compliance. Therefore, RECAP will need to show how it has considered and dealt with the obligations.
17. In terms of risk of challenge, whether from the Environment Agency as enforcing authority or from any further Judicial Review, whilst there is of course a technical risk, the practical risk is less easy to quantify. As RECAP currently operates a long established comingled recyclate service, except for East Cambs that currently kerbside sorts but is moving to a system to match and converge with RECAP partners, there is potentially less risk of challenge than for those Authorities considering a move away from separate collections to comingled, perhaps as a result of austerity/efficiency measures. However, the fact that RECAP is letting a new MRF contract and also considering OSD options may heighten the risk of scrutiny of those new arrangements. Any such risks can be mitigated if RECAP is able to demonstrate how it has paid due regard to the legislative obligations.
18. Glass being identified by Mr Justice Higinbottom as a specific recyclate material impacting on quality of recyclate, suggests particular attention needs to be given to the assessment of separate glass collections. The picture nationally is varied, with some authorities, such as Dorset already separating glass but also experiencing difficulties regarding Health & Safety of operatives and noise issues. More locally, Suffolk already collects glass separately, through bring banks and Household Recycling Centres, but has included comingled glass as one of its four mix options in its current MRF ITT. Industry experience also suggests that separate glass collections, where the material is not mixed with either other recyclate or residual waste (thereby shielded) has high attrition rates on freighter assets. Interestingly, the CIWM recently highlighted a report by consultancy WYG Group into national kerbside recycling performance for 2011/12 that demonstrates the top recycling Authorities have fully comingled services, including glass, whilst the worst performers are separated kerbside sort systems.
19. Given that RECAP, as of September, will all operate comingled recyclate collections, including glass, there also needs to be consideration as to how the public may react to changes in collection systems and what actions the public are expected to undertake, particularly if multiple changes are sought. Indeed, in terms of actual practicality, there is some question whether any specific material (such as glass) could ever be successfully removed from an existing waste stream in totality, even though alternately capturing the majority may be a sufficient and worthwhile objective. Additionally, consideration of kerbside sort implications and particularly the separation of any one key material (certainly a weighty material such as glass), potentially impacts across the other waste collection streams, particularly residual and fleet management/asset regimes - a matter better considered holistically by the OSD deliberations rather than MRF procurement.
20. It would seem simpler to allow the MRF joint procurement arrangements to progress largely on the basis of status quo systems, with any major changes in either material type, sorting requirements or receptacles left for a single holistic change resulting from OSD - which could then be communicated, implemented and monitored with more consistency and clarity

across the whole partnership. It may also have less potential political impact than multiple sequential changes if system change was driven by both MRF and OSD outcomes. The exception would be unless the MRF soft market test identifies any recyclate basket mix issues that prompt value realignment of any material(s) i.e. significant value income offsetting collection cost if a material(s) was separated from the mix.

21. Should this be the preferred approach, of course the MRF procurement will need to make proper reference to this process. In that regard, the ITT and any contract will need to articulate, recognise and make provision for any implications of OSD upon how materials might be presented in the future, including importantly, the ability to renegotiate materials basket values at that future time. It is not untypical for contracts to have provision for future service change scenarios.
22. A further MRF consideration is of course remembering the fundamental intent of the objectives, to ensure appropriate quality recyclate. It is the 'necessary' provision that is the initial judgement to be made, i.e. if there is no necessity to kerbside sort to achieve the material quality required for end use - because the MRF technologies can sort and separate sufficiently and/or the materials end markets are contract tied or require the material as already supplied – then there is no legislative requirement for TEEP (see Para 15 above). That is not to say that collection authorities should not play their part in consistently driving up the quality of material supply and how materials are presented, but that then creates further complexities and opportunities in working constructively with a MRF supplier to ensure quality through the emerging MRF Code of Practice and ongoing development of national End of Waste Criteria for the recyclate types. In that regard, the MRF procurement soft market test and evaluation of bids could and should adequately explore, test and weight the quality requirements of potential suppliers.
23. In effect, compliance with WFD / Waste Regulations would be deemed by RECAP to be a considered and reasoned two stage process - the MRF procurement initially levelling-up and jointly presenting a collective and consistent volume/type of material to the market and then; OSD securing the most efficient (saving) and value creating (income) collection systems that ensures the recyclate stream is captured in the most practicable way to ensure appropriate quality for maximised end use – indeed, exactly as required by the legislation, remaining agile to future statutory guidance when available, whilst also mitigating the risk of any challenge.
24. An alternative would be to abort the current joint MRF procurement, pending the outcome of OSD. However, given the above reasoning, that seems an unnecessary and draconian action that would have its own attendant risks and disadvantages. It would defer or prevent one of the key objectives of the WSA in securing assumed maximum value for a collective whole partnership offer of combined recyclate volume; fail to achieve the convergence of contracts and ease of future procurements (perhaps on an even bigger geographical scale) and importantly; would leave a number of partners out of contract in 2014 and potentially irrevocably fracture the RECAP partnership approach.

Recommendation:

25. It is recommended that the two stage approach as set out at Para 23 above is adopted as the RECAP position on WDF / Waste Regulations compliance, for the reasons identified in Paras 21-24 - requiring the MRF procurement process to test material quality requirements

The Cambridgeshire and Peterborough Waste Partnership

with suppliers and the OSD options to test the TEEP considerations of potential kerbside sort.

OVERVIEW AND SCRUTINY PANELS
(SOCIAL WELL-BEING)
(ECONOMIC WELL-BEING)
(ENVIRONMENTAL WELL-BEING)

3 SEPTEMBER 2013
5 SEPTEMBER 2013
10 SEPTEMBER 2013

WORK PLAN STUDIES
(Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

1.1 The purpose of this report is to inform Members of studies being undertaken by the other Overview and Scrutiny Panels.

2. STUDIES

2.1 The Council has a duty to improve the social, environmental and economic well-being of the District. This gives the Overview and Scrutiny Panels a wide remit to examine any issues that affect the District by conducting in-depth studies.

2.2 Studies are allocated according to the Overview and Scrutiny remits. Details of ongoing studies being undertaken by the two other Panels are set out in the attached Appendix.

2.3 Members are reminded that if they have a specific interest in any study area which is not being considered by their Panel there are opportunities for involvement in all the studies being undertaken.

3. RECOMMENDATION

3.1 The Panel is requested to note the progress of the studies selected.

BACKGROUND DOCUMENTS

Minutes and Reports from previous meetings of the Overview and Scrutiny Panels.

Contact Officers: Miss H Ali, Democratic Services Officer
01480 388006

Mrs C Bulman, Democratic Services Officer
01480 388234

ONGOING STUDIES

STUDY	OBJECTIVES	PANEL	STATUS	TYPE
Social Value	To consider the development of a methodology for the quantification of Social Value.	Social Well-Being	Working Group will focus on three key areas; namely social, health and financial benefits of the Council's activities. Officers have been tasked with attaching financial values to these benefits. Meeting held on 18th July 2013.	Working Group
Consultation Processes	To assist the Corporate Team with its review of the Council's Consultation and Engagement Strategy.	Social Well-Being	Strategy and Guidance being updated by the Corporate Office to incorporate comments suggested by the Working Group. To be presented to the Panel and Cabinet at their October 2013 meetings. Meeting of Working Group held on 28th August 2013.	Working Group.
Review of Neighbourhood Forums in Huntingdonshire	To undertake a review of the Neighbourhood Forums in Huntingdonshire.	Social Well-Being	At a recent meeting of ELSG, the Cabinet agreed to review their decision on Local Joint Committees (LJCs) on the understanding that they will be permissive on local communities' part and that groups of Parishes will organise, pay for and	Working Group

			service the meetings themselves. A report to this effect will appear before the Cabinet at its September 2013 meeting.	
District Council Support Services	To review the services provided by the District Councils Document Centre to form a view on its efficiency and cost effectiveness.	Economic Well-Being	The Panel has established a Task & Finish Group to review the progress which has been made with regard to their recommendations on the Document Centre. This Group will meet on 11 th September 2013.	Working Group
Economic Development	To be determined.	Economic Well-Being	The Huntingdonshire Economic Growth Plan 2013 to 2023 was considered by the Panel in July 2013. The Economic Development Manager will attend a future meeting to provide an update on the marketing and implementation plans.	Whole Panel.
Delivery of Advisory Services Across the District	To monitor the performance of the voluntary organisations awarded grant aid by the Council in 2013-2015.	Social Well-Being	Working Group will meet with each voluntary organisation shortly to review their progress with a further meeting to be arranged 6 months thereafter.	Working Group.

			Annual Report on organisations supported by grants through Service Level Agreements to be presented to Panel in November 2013.	
Housing Benefit Changes and the Potential Impact Upon Huntingdonshire	To monitor the effect of Government changes to the Housing Benefit System arising from the Welfare Reform Act.	Social Well-Being	Quarterly reports presented to the Panel. Members of the Economic Well-Being Panel will be invited to attend. Next report expected in October 2013.	Whole Panel
Local Plan 2036 – Provision of Social, Affordable and Supported Housing and Impact Upon Homelessness	To explore how the new Local Plan would help to address housing and homelessness needs within the District.	Social Well-Being	An outline of how the new Local Plan will help to address housing and homelessness needs within the District was delivered to the Panel. Regular updates to be provided. Next update expected October 2013 as part of the Affordable Housing Policy report.	Whole Panel.
Customer Services Strategy	To contribute to the production of the new Customer Services and Channel Migration Strategy.	Economic Well-Being	A number of meetings of the Working Group have been held. The Working Group will meet again on 12 th September, prior to the draft Strategy being submitted to Overview and Scrutiny & Cabinet in October.	Working Group

Review of Elderly Patient Care at Hinchingsbrooke Hospital	To undertake a review of elderly patient care at Hinchingsbrooke Hospital.	Social Well-Being	Working Group appointed to undertake a review which will be undertaken in conjunction with the Hospital. First meeting held on 18th July 2013. Member and Officer views on their experiences of patient care at the Hospital will be sought as part of investigations. A presentation on the procurement of the Older Peoples Programme will be delivered to the Panel in December 2013.	Working Group
Communications & Marketing	To be determined.	Economic Well-Being	First Meeting of the Working Group will be held on 11 September to determine the remit and scope of the review.	Working Group
Shared Services	To be determined	Economic Well-Being	The Membership of this Working Group will be confirmed at the September Panel Meeting. The Working Group will then meet with the Assistant Director (Finance & Resources) to determine the scope of this review.	Working Group

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Panel Date	Decision	Action	Response	Date
15/05/13	<p><u>Leadership Direction</u></p> <p>Councillors G J Bull and Mrs L Kadić have been appointed to the Corporate Plan Working Group.</p>	<p>Number of meetings of the Corporate Plan Working Group held to develop the Delivery Plan. Last meeting held on 17th July 2013 to consider the Customer Services aspect of the Plan.</p>	<p>Working Group to meet with new Managing Director once further work has been undertaken to refine the Plan. The Managing Director's perceptions of the role of overview and scrutiny will also be discussed at this time. Members will then give further consideration to developing a programme of meetings to discuss with Cabinet Members their particular areas of responsibility.</p>	
<p>13/7/10 8/3/11 12/10/11 8/11/11</p> <p>12/03/13</p>	<p><u>Great Fen Project</u></p> <p>The Panel attended tours of the Great Fen. Latest visit undertaken on 1st October 2012.</p> <p>Copy of the Socio-Economic study presented to Panel. The Panel has challenged the figures relating to the number of new jobs created since the Project came into being and has sought clarification on what the real economic benefits of the Project are. These were circulated around to Panel Members on 25th March 2013 via email.</p>	<p>Updates on the progress of the project to be presented to the Panel at 6 monthly intervals.</p> <p>Site visits and information reports will be provided to the Panel as the Great Fen Project develops.</p>	<p>Site visit to be held on 17th September 2013.</p>	
14/09/10	<p><u>Tree Strategy</u></p> <p>To form a strategy in conjunction with the Tree Officers for the retention and planting of trees.</p>	<p>A series of Working Group meetings have been held comprising Councillors M G Baker, Mrs M Banerjee and J W Davies. A</p>		

Panel Date	Decision	Action	Response	Date
11/09/12	Councillor J W Davies updated the Panel on progress made towards completion of the Tree Strategy.	draft policy is being drawn up by the Arboricultural Officer for submission to the Working Group for comment. Ways of finalising the Tree Strategy are being considered. Arboricultural Officer advised that he is working with consultants to finalise the document and that the first draft is with him for review.		TBC
9/04/13	<p><u>Whole Waste System Approach</u></p> <p>Panel received an update on progress with the RECAP Waste Partnership. The Panel has endorsed, in principle, the whole system approach, a business case for which is expected to be delivered to the Panel in the Autumn.</p>	Head of Operations acknowledged the Panel's request for the report prior to its submission to the Cabinet.	<p>A report on Joint Materials Recycling Facility Procurement appears elsewhere on the Agenda. This report forms part of the whole waste project and further reports are expected to be submitted to the Panel in due course.</p>	10/09/13
11/06/13	In considering the Panel's work programme, Panel agreed that it may be necessary to reconvene the Waste Collection Working Group when consideration is given to the whole waste system approach. The Working Group comprises Councillors M G Baker, G J Harlock and C R Hyams.			
9/07/13	The Panel has made comment that there should be Member involvement earlier on in the process given that the proposals were likely to affect all Wards.	These views have been conveyed to the Head of Operations.		
6/01/12	<p><u>Design Principles for Future Developments</u></p> <p>First meeting of the Working Group held where Councillor Mrs M Banerjee was appointed rapporteur. It was agreed that the Working Group needed an overview of the site from a Planning Officer, followed thereafter by a site visit.</p>	Working Group met with the Assistant Director for Environment, Growth and Planning on 26 th January 2012 to receive an overview of the Loves Farm site. Site visit held on 2 nd March 2012 followed by a de-brief on 21 st March 2012 and a meeting on 1 st June 2012.	The Working Group has considered a report by the Urban Design, Trees and Landscape Team Leader analysing the results of the 'Building for Life' assessments which were completed on the site visit. The Working Group will begin to draft	

Panel Date	Decision	Action	Response	Date
11/09/12	The Panel considered the report of the Working Group which outlined its findings to date.	Meeting with the Urban Design, Trees and Landscape Team Leader was held on 5th October 2012 to discuss aspects of the Design Guide in more detail. Officers met with consultants in January 2013 to discuss the matter further.	their final report. Planning Officers are yet to establish a timetable for consultation on this document – details awaited.	TBC
9/10/12	<p><u>Drainage Issues/Maintenance of Water Courses</u></p> <p>Panel has concluded a study in response to a petition received relating to the overflow of sewage in Yaxley. Report of the Working Group considered at the meeting. The outcome of negotiations between Anglian Water and the County Council on drainage in Yaxley is awaited.</p>	An update has been received from Anglian Water and was reported to the Panel at its January 2013 meeting.		
15/01/13	Panel received an update on recent flooding events within the District and noted the actions taken by the Council to deliver sand bags to affected households.	The Panel has requested for regular updates on drainage and flooding to be provided.	Invitation extended to the Projects and Assets Manager to attend the Panel's September 2013 meeting to deliver an update on drainage in Yaxley. This item appears elsewhere on the Agenda.	10/09/13
15/01/13	<p><u>Landscape Sensitivity to Wind Turbine Development Draft Revised Supplementary Planning Document</u></p> <p>Panel were provided with an opportunity to comment on the draft revised Wind Power SPD which was undergoing consultation. The Panel has expressed their concerns over a number of matters including the impact of cumulative developments upon the District, the absence of any limits set on the proximity of turbines to dwellings and the group size proposed for large scale developments. With regard to the latter, the Panel is of the view that 24 turbines on one site is not</p>	Comments have been forwarded to the Assistant Director for Environment, Growth and Planning who advised that he would include Members views as part of the consultation.		

Panel Date	Decision	Action	Response	Date
18/07/13	<p>an appropriate policy to adopt for Huntingdonshire. Additionally, the Panel has requested for point (e) of the guidance to be reconsidered in respect of Ouse Valley area's landscape as it was felt that this required further clarification.</p> <p>A further opportunity to comment on the Wind Turbine Development Draft Revised SPD was provided. The Panel is still concerned over the group sizes proposed. Concerns also remain over the absence of separation distances between developments and made a suggestion that explicit reference to the terms "adverse visual impact" and "material harm" is incorporated within the planning policy framework. The Panel also has suggested that the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire document should be subjected to a separate public consultation exercise.</p>	Panel's views were conveyed to the Cabinet at their meeting in July 2013.	Cabinet agreed with the Panel's recommendations. Councillor Bull was in attendance at the Cabinet meeting and will provide a brief update at the meeting. A report from the Cabinet providing feedback on their deliberations appears elsewhere on the Agenda.	10/09/13
<p>10/07/12 & 9/04/13</p> <p>11/06/13</p>	<p><u>Rural Transport</u></p> <p>Report received on Transport for Cambridgeshire. A number of comments have been made and were conveyed to the Cabinet. The Panel wishes to review the provision of transportation in rural areas and has requested sight of the final report to be submitted to them at a future meeting.</p> <p>Councillor Mrs L Kadić appointed as the Panel's representative on the Cambridgeshire Future Transport Initiative.</p>	Outcome of the County Council's Overview and Scrutiny Committee on 27th March 2013 reported to Members where discussion took place on Cambridgeshire Future Transport.	Further updates to be delivered in due course.	TBC
12/03/13	<p><u>Grounds Maintenance – Service Standards</u></p> <p>Panel agreed to undertake a review of the Council's Grounds Maintenance budget.</p>			

Panel Date	Decision	Action	Response	Date
11/06/13	Report submitted on grounds maintenance service standards. An opportunity does exist to achieve savings in respect of litter picking. A number of suggestions were made by the Panel for further investigation by the Executive Councillor for Environment.		A report on litter picking will be submitted to the Panel in the Autumn.	8/10/13
11/06/13	<p><u>List of Areas for Potential Future Studies</u></p> <p>Panel agreed to the addition of the following subject areas to their work programme:-</p> <ul style="list-style-type: none"> • Car parking management • Recycling in Flats 	<p>Panel has requested for a scoping report to be submitted to the September 2013 meeting. Request submitted to the Assistant Director for Environment, Growth and Planning.</p> <p>Members requested for a position statement to be submitted to a future meeting. Request submitted to the Head of Operations.</p>	<p>Advised by Officers that this item will not be coming before the Panel. Chairman and Vice-Chairman attended a meeting with Officers on 8th August to discuss the matter further.</p> <p>Report anticipated October 2013.</p>	8/10/13
	<p><u>Notice of Executive Decisions</u></p> <p>A14</p> <p>Awaiting Government announcement. Update expected in shortly.</p> <p>Dairy Crest Fenstanton: Planning and Urban Design Framework</p> <p>Panel requested sight of the report prior to its submission to the Cabinet.</p>	<p>Assistant Director for Environment, Growth and Planning aware of Panel's interest in subject matter.</p> <p>Request submitted to the Assistant Director for Environment, Growth and Planning.</p>	<p>Update expected in October 2013.</p> <p>Report expected in early 2014.</p>	<p>8/10/13</p> <p>TBC</p>

Panel Date	Decision	Action	Response	Date
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	<p>Huntingdon West Masterplan</p> <p>Panel requested sight of the report prior to its submission to the Cabinet.</p> <p>Local Plan to 2036 – Proposed Submission</p> <p>Panel will have sight of the report prior to its submission to the Cabinet.</p> <p>Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire</p> <p>Panel will have sight of the report prior to its submission to the Cabinet.</p>	<p>Request submitted to the Assistant Director for Environment, Growth and Planning.</p> <p>Request submitted to the Assistant Director for Environment, Growth and Planning.</p> <p>Request submitted to the Assistant Director for Environment, Growth and Planning.</p>	<p>Report expected November 2013.</p> <p>Report expected December 2013.</p> <p>Report expected November 2013.</p>	<p>12/11/13</p> <p>10/12/13</p> <p>12/11/13</p>
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	<p><u>Huntingdonshire Strategic Partnership (HSP)</u></p> <p>The Panel has a legal duty to scrutinise the work of the HSP, with the following thematic group falling within the Panel's remit:-</p> <p>Growth and Infrastructure</p> <p>Panel is yet to undertake some scrutiny of this thematic group.</p>	<p>The item will be programmed in for a future Panel meeting as appropriate.</p>	<p>Due to appear before the Panel in October 2013.</p>	<p>8/10/13</p>
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ACTION LOG
(Requests for information/other actions other than those covered within the Progress Report)

<u>Date of Request</u>	<u>Description</u>	<u>Response</u>
	<i>None at present.</i>	



Decision Digest

Edition 136

Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 1st July to 31st July 2013.

CAMBRIDGESHIRE AND PETERBOROUGH CLINICAL COMMISSIONING GROUP: FINANCE AND PERFORMANCE REPORTS

The Overview and Scrutiny Panel (Social Well-Being) received a presentation from representatives of Cambridgeshire and Peterborough Clinical Commissioning Group on the financial and operational performance of the Group, with particular mention made of Hinchingbrooke Hospital. It was reported that the Hospital was achieving its performance targets but that there were some areas of concern relating to diagnostic waiting times and Ambulance handover times. These matters were in the process of being addressed. Constructive responses were given to the numerous questions asked by the Panel. A further update will be delivered in 6 months time.

HOUSING AND COUNCIL TAX BENEFIT CHANGES AND THE POTENTIAL IMPACT UPON HUNTINGDONSHIRE

The Overview and Scrutiny Panel (Social Well-Being) has been updated on the effect of Government changes to the Housing Benefits system arising from the Welfare Reform Act. A number of changes came into effect on 1st April with the Benefit Cap introduced on 15th July. Only 44 households in Huntingdonshire will be affected by the latter.

The Panel discussed a number of matters including discretionary housing payments, the availability of one and two bedroom properties across the District, property exchanges undertaken by housing associations, the level of budget available to assist with homelessness together with the range of preventative work undertaken and the recent acquisition of additional temporary accommodation in Huntingdon.

CCTV OPERATIONS – SHARED SERVICE PROPOSAL

Together with the Cabinet, the Overview and Scrutiny Panel (Social Well-Being) has endorsed a proposal to establish a joint CCTV shared service with Cambridge City Council. The service is likely to operate from Eastfield House and the proposals are expected to generate savings of around £200,000 per year. There is also potential for the service to improve its financial performance once the shared service is established.

The Panel is concerned over the financial implications of the transfer of staff from the City to the District Council and has sought assurances that its true impact should be incorporated fully into the proposed business plan. Other matters that were discussed included the potential redundancies that might arise from the proposals and the reconfiguration of the CCTV Control Room.

In considering the Panel's recommendations, the Cabinet has authorised the Head of Operations to approve the establishment of the shared service, based in Huntingdon, on the basis of a detailed business case.

LANDSCAPE SENSITIVITY TO WIND TURBINE DEVELOPMENT DRAFT REVISED SUPPLEMENTARY PLANNING DOCUMENT

The Overview and Scrutiny Panel (Environmental Well-Being) has commented on the Landscape Sensitivity to Wind Turbine Development Supplementary Planning Document (SPD). To add extra weight and to strengthen the support for the proposed SPD, the Panel has suggested that the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire (CLVI) document should undergo separate public consultation as it is felt that this would make the SPD better able to withstand the rigours of an appeal. The Panel agreed that explicit reference to the terms "adverse visual impact" and "material harm" should be incorporated within the planning policy framework.

Concerns remained over the group sizes proposed within the SPD. The Panel has recommended to the Cabinet that further work is undertaken to revise the downward size of the groups as it is felt that those proposed are not reflective of the landscape characteristics of the District. The absence of a separation distance is a further area of concern and the Panel has suggested that a minimum distance of 2km is introduced.

The Panel has also discussed the concerns raised by the Molesworth Action Group over various aspects of the SPD.

Subsequently, the Cabinet has requested the Planning Service Manager (Policy) to further review the content of the SPD and to proceed with a public consultation exercise for the CLVI document.

HUNTINGDONSHIRE ECONOMIC GROWTH PLAN 2013 – 23

Both the Cabinet and the Overview & Scrutiny Panel (Economic Well-Being) have reviewed the content of the Huntingdonshire Economic Growth Plan.

The Panel has recognised the importance of the Economic Growth Plan for the District and for the Council and has recommended that the vision should replace that already contained in the Leadership Direction. It has also suggested that the Plan's vision should be amended to refer to Huntingdonshire becoming one of the best places to live in England.

Given the importance that is attached to the Plan, Members were of the view that the Council should make adequate resources available to ensure the actions associated with it can be delivered.

In terms of the contents of the Plan, the Panel has also recommended that

- reference should be made to the District's infrastructure needs;
- contact details should be clearly provided for interested parties who wish to contact the Council about it,
- a more dynamic tone should be adopted throughout, and
- a more explicit explanation should be provided of the "trickle down" effect from

economic activity centres to rural areas.

The Panel has asked to see the marketing and implementation plans in due course.

In discussing the document's key components, the Cabinet has reiterated the Panel's views that the Plan's vision is amended, that a more dynamic tone be adopted throughout and the "trickle down" effect be explained.

USE OF CONSULTANTS, HIRED STAFF AND TEMPORARY STAFF

The Panel has considered the annual report detailing expenditure by the Council on consultants, hired and temporary staff. In noting the reduction in capital expenditure compared to the previous year, concern has been expressed by the Panel at the increase in revenue expenditure. This prompted a number of pertinent questions.

Having noted that the Employment Panel had been asked by the Cabinet to review the use of consultants and agency staff, the Panel has asked the Employment Panel to look at:

- the cost effectiveness of temporary staff;
- the effect of stress within the workforce on their cost and use;
- who reviews the use of temporary staff; and
- whether the revenue costs could be reduced.

PRIVATE SECTOR RENT LEVELS

Following a request for information at a previous meeting, the Overview and Scrutiny Panel (Economic Well-Being) has received an update on rent levels in

Huntingdonshire. There is currently no evidence to suggest that landlords are adjusting their rents downwards in line with Housing Benefit Local Allowance rates. This has reduced the number of households which the Council has been able to work proactively with to prevent homelessness and contributed to an increased use of temporary accommodation.

The Panel has discussed a number of matters including the work which was ongoing with local Housing Associations to provide temporary accommodation.

Further updates will be provided as and when there is something significant to report. A seminar on housing and benefits has also been arranged for all Members in October.

CUSTOMER SERVICES MONITORING REPORT

The Overview & Scrutiny Panel (Economic Well-Being) has considered the Customer Service Performance report for the period January to June 2013. The report sets out the standards of service that have been achieved and the issues the service will face in the forthcoming period.

In considering the report, the Panel has discussed a range of matters including the reduction in service standards at the Call Centre and the increase in sickness absence. The Head of Customer Services was asked to provide details of the additional costs incurred as a result of the implementation of the Green Bin project.

Having regard to recent changes to systems and procedures within the Call Centre, Members have expressed the view that before the current lease expires, consideration should be given

to combining the call centre with customer services.

A further report will be provided in 6 months.

OVERVIEW & SCRUTINY STUDIES

The Overview & Scrutiny Panel (Economic Well-Being) has established a Working Group to undertake a study on communications & marketing. Councillors P G Mitchell, P D Reeve, and T V Rogers have been appointed to this Group. A small team has also been established to follow-up on the recommendations arising from the Panel's review of the Document Centre.

In addition, a further Working Group will be established shortly to carry out a study on shared services. The membership is yet to be appointed.

DRIVING STANDARDS AGENCY – DRIVER TESTING

The Licensing and Protection Panel has been updated on the situation with regard to waiting times for Driving Standards Agency (DSA) driving tests for hackney carriage and private hire drivers following complaints from taxi operators.

The Panel had approved the transfer of in house testing by officers to the DSA with effect from January 2012, having been advised that the high and consistent standard of testing by qualified and approved examiners would remove the risk to the Council of not having officers available for testing and would leave it less open to challenge and possible legal proceedings.

The DSA originally estimated waiting times for tests to be 6 weeks and had indicated that additional staff would be employed if this was not the case. Research into the waiting times has

revealed that Cambridge and Peterborough are within these timescales although Cardington is currently taking 11.5 weeks due to the relocation of the Bedford centre. Drivers are not restricted to particular locations.

The DSA has advised that where tests cannot be arranged within 6 weeks they will be slotted into vacant appointments left by private driver tests if appropriately qualified examiners were available.

The Panel understood the concerns of operators and drivers. However, having been advised that reforms were likely to follow current consultation by the Law Commission on Regulations covering taxis and private hire vehicles, they remained of the opinion that national standards should apply to private hire services and testing.

REVENUE BUDGET AND CAPITAL MONITORING: 2012/13 OUTTURN AND 2013/14 BUDGET

The Cabinet has noted the final outturn for revenue and expenditure in 2012/13 and variations already identified in the current year. Executive Councillors noted that, as a result of under spending, the Council has been successful in saving an additional £1 million in reserves. This saving will be placed in the Special Reserve to fund one-off expenditure that will lead to ongoing savings. With regard to the New Homes Bonus Scheme, Members were advised that the grant for 2014/15 may be marginally less than that forecast but within the sum included in the risk provision.

Executive Councillors also have been apprised of variations in the capital programme in the current year and adjustments in the 2013/14 budget

FILMING AND RECORDING AT COUNCIL MEETINGS

As a result of new guidance produced by the Department of Communities and Local Government, the Corporate Governance Panel has considered an amendment to paragraph 17A of the Council's Constitution relating to filming and recording and taking of photographs at meetings that are open to the public and the use of social networking and micro-blogging websites.

The Panel has recognised that some members of the public attending meetings may not wish to be filmed. However, they were of the opinion that those making representations would normally expect to be filmed.

Whilst discussing the circumstances in which termination or suspension of filming might occur, the Panel felt that there would be no benefit in halting filming once a defamatory statement had been made. With this mind and having referred to the circumstances surrounding the filming of the Council meeting in June by a member of the public, it was suggested that future training for Chairmen be adapted to include dealing with such situations.

Members supported a proposal that filming should take place from a specific location, adding that it would be reasonable for the Chairman to direct someone to a particular place in the meeting room.

The Panel was of the view that it would be preferable for anyone proposing to film, record or take photographs of a meeting to advise the Democratic Services Team before the start of the meeting and to provide their name and contact details.

In recommending the amendment to full Council and to avoid any potential

difficulty in the interim, the Panel requested Officers to introduce the guidelines pending their formal approval in September.

REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICIES AND PROCEDURES

New RIPA Policy and Procedure Statements for Covert Surveillance and Communications have been recommended to the Council by the Corporate Governance Panel. The new documents have been prompted by recent changes in legislation, primarily the requirement for all applications to be authorised by a Justice of the Peace and the requisite that all RIPA activity only take place where serious crime was being investigated.

PREPARING THE ANNUAL GOVERNANCE STATEMENT

In reviewing the action taken to reassess the Code of Corporate Governance, the Corporate Governance Panel has concluded that the 'supporting principles' should refer to providing 'value for money' rather than 'excellence'. The Panel also discussed issues around the preparation of the Annual Governance Statement and concluded that the following issues be recorded in the Plan as significant:

- to develop the themes and aims in the Leadership Direction through service plans and performance measures;
- to improve budgetary control;
- to reinvigorate engagement with stakeholders;
- to introduce a project management methodology; and
- to prepare an annual report for the 2013/13 financial year.

INTERNAL AUDIT SERVICE ANNUAL REPORT

In accordance with the Public Sector Internal Audit Standards, the Corporate Governance Panel has noted the Internal Audit Manager's opinion on the overall adequacy and effectiveness of the Council's internal control and governance processes.

Concerns continue to be expressed over the lack of compliance with the Code of Procurement. The Panel is also concerned that one no assurance and seven limited assurance audit reports have been issued. They have stressed the need to create a culture whereby actions are undertaken and any failures reported to the Chief Officers' Management Team so that they then regularly update the Panel. In the meantime, all Officers are to be reminded of the need to comply with the Code and training provided where necessary.

APPOINTMENT OF PROFESSIONAL ADVISORS

The Corporate Governance Panel has noted the outcome of a review into the procedures adopted to appoint a contractor for a major redevelopment scheme. During the review a number of concerns had been raised by Internal Audit. The Panel has been informed of a series of recommendations aimed at modifying or reinforcing the Council's processes to minimise the likelihood of such issues arising again.

It was reported that the Internal Audit Manager would be reviewing the Internal Audit Plan to ensure adequate contract reviews are undertaken in the future.

In expressing their disappointment that procedures had not been followed, the Panel has agreed that the issues

identified be taken into account when considering the Annual Governance Statement. The Panel also asked that any resulting amendments to the Employees' Code of Conduct and Code of Procurement be submitted to a future meeting.

REVIEW OF 'LOCAL LIST' APPLICATION REQUIREMENTS VALIDATION

The Development Management Panel has considered the outcome of consultation with the local community including applicants, agents, statutory consultees and town and parish councils during a review of the information necessary to validate a planning application. The existing requirements are required to be updated, in any event, to refer to the National Planning Policy Framework and specifically town centre uses, transport assessments and statements, open space and flood risk assessments and heritage statements. Having expressed their satisfaction with the responses given to the comments received during the consultation, the Panel has authorised the Planning Service Manager (Development Management) to finalise the validation check list and to make any necessary changes to the list, in the future, in response to any Government guidance, changes in local policy or circumstance. The Panel's scheme of delegation will be updated accordingly.