

South West Devon Waste Partnership

Monday 5 September 2016

PRESENT:

Councillor Tyerman, in the Chair.
Councillor Michael Leaves, Vice Chair.
Councillors Croad, Hart and Nicholson.

Apologies for absence: Councillors Coker, Doggett and King.

Also in attendance: Simon Arthurs (Senior Financial Analyst – SWDWP Finance Lead), Ian Hartley (Project Officer – Torbay Council), Lou Hayward (Assistant Director – Street Services – Plymouth City Council), Frances Hughes (Assistant Director Community and Customer Services – Torbay Council), Tracey Lee (Chief Executive - Plymouth City Council), Anthony Payne (Assistant Director for Place – Plymouth City Council), Martyn Stapleton (SWDWP Assistant Contract Manager), Mark Turner (SWDWP Contract Manager), David Whitton (Head of Capital Development and Waste Management – Devon County Council) and Lynn Young (Democratic Support Officer – Plymouth City Council).

The meeting started at 10.03 am and finished at 11.27 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

85. **Appointment of Chair and Vice Chair**

Agreed that in accordance with the Joint Working Agreement Schedule C clause 4 –

- (1) Councillor Alan Tyerman is appointed as Chair until the first meeting of the Joint Committee after the 1 May 2017;
- (2) Councillor Michael Leaves is appointed as Vice Chair until the first meeting of the Joint Committee after the 1 May 2017.

86. **Declarations of interest**

There were no declarations of interest made by members in accordance with the code of conduct.

87. **Minutes**

Agreed the minutes of the meeting held on 22 October 2015.

88. **Chair's urgent business**

There were no items of Chair's urgent business.

89. **Contract and facility performance and current status**

Mark Turner (SWDWP Contract Manager), Martyn Stapleton (SWDWP Assistant Contract Manager) and Simon Arthurs (Senior Financial Analyst) provided members with details of the SWDWP contract, facility performance for the first year of operation and current status.

The highlights of the presentation included –

- (a) contract and facility performance 2015/16, contract year 1 key dates –
 - 11 September 2015 - full service commencement certified;
 - 15 October 2015 – steam exported to MOD;
- (b) MVV contract and facility performance 2015/16 (part year) -
 - MVV achieved 99.99% diversion from landfill (vs 97% target);
 - EfW maximum net plant efficiency 49.7% (vs 48.8% expected);
 - increased carbon savings 76,773 tCO₂/year (vs 73, 594 tCO₂/year);
 - plant availability – 91% with 6 unplanned shutdowns;
 - 21 performance indicator breaches (mainly involving turnaround times);
- (c) SWDWP contract performance 2015/16 –
 - project won 2 more awards in 2015/16 (9 now in total) – best national Public Sector award for Decentralised Energy and best Market Development award in Europe for Combined Heat and Power;
 - SWDWP total waste tonnage delivered was 1.0% down on forecast and 3.2% below contract waste profile (established 2009);
 - Defra Waste Infrastructure Grant (PFI) received from April 2015;
- (d) SWDWP tonnages and budgets 2015/16 –
 - tonnage delivered 1,500 tonnes below forecast for 2015/16 (May 2015 – May 2016);
 - expenditure within budget (which includes all costs – contract management, business rates, S106 contributions, pass-throughs);
 - final 2015/16 financial reconciliation to be agreed with MVV;
- (e) community communications 2015/16 summary –
 - 18 media stories;
 - 76 complaints (54 of which related to odour);
 - 25 enquiries (several of which related to ‘smoke’ emanating from the stack – which was in fact steam);
 - 22 compliments;
 - 3 Liaison Group meetings (the meetings are well supported, positively engaged and collaborative);

- zero formal consent breaches;
- (f) EfW community area summary –
- many site visits and tours have taken place with technical and resident groups;
 - SWDWP partners are utilising the facility and the Community Liaison Manager;
 - leaflets/flyers have been produced to promote the visitor centre and site tours;
 - school visits (ranging from Year 1 – Year 12) have increased via word of mouth (schools have not yet been formally targeted);
- (g) 2016/17 contract update and current status –
- MVV have been achieving 99.99% diversion from landfill (vs 97% target);
 - the annual three week planned maintenance shutdown has been completed;
 - there has been one unplanned shutdown to date (caused by a large tree trunk blocking the ash chute);
 - there have been 68 complaints since April 2016 (64 of which related to odour - 50 related to odour during the June shutdown);
 - a small number of local residents complain on a regular basis;
- (h) odour issues during the annual shutdown –
- a formal breach was issued from the Environment Agency for poor control of odour as a result of the annual shutdown (the shutdown fan odour control filter did not meet its life expectancy);
 - a petition was received in July from 200 local residents regarding the odour experienced during the annual shutdown;
 - MVV have written to local residents to apologise for the situation and to explain the action being taken to improve the situation;
 - MVV are currently investigating the problem with the shutdown fan and exploring alternative solutions;
 - MVV are planning to move the annual shutdown to September 2017 when it is hoped there will be less disruption;
- (i) Partnership waste deliveries – 2016/17 to date –
- tonnage deliveries have been very reliable and slightly above target;
 - forecast figures have been very accurate so far;
 - the figures are measured as a partnership;
 - contract waste is slightly higher than predicted;
- (j) community area summary – April – July 2016 –
- the community area is available five days a week;

- two events can happen at the same time due to the space and facilities available;
- currently only Plymouth schools visit the facility, other schools will be targeted as soon as possible;

(k) community communications April – August 2016 summary –

- 5 media stories;
- 68 complaints (64 of which related to odour);
- 7 enquiries;
- 9 compliments;
- 1 Liaison Group meeting (the meetings are well supported, positively engaged and collaborative);
- zero formal consent breaches;

(l) EfW formal opening ceremony and Prince of Wales technical visit –

- the EfW facility was officially opened by Councillor Roger Croad on 9 July 2016;
- the opening was attended by representatives from MVV, the MOD and partner agencies;
- Prince Charles has visited the facility and received a tour of the plant.

90. **Community interface, communication and educational presentation**

Minute 90 refers.

91. **Proposed update/amendments to the Joint Working Agreement**

Mark Turner (SWDWP Contract Manager) discussed the proposed update/amendments to the Joint Working Agreement, which was being reviewed by Alwyn Thomas (Senior Commercial Lawyer – SWDWP Legal Support).

Members were advised of the proposed amendments. Following a discussion they agreed the JWA recommendations and Deed of Variation with one amendment as detailed below –

- (1) progress changes via a Deed of Variation and protect historical agreement – Deed to;
 - re-define key officer roles from “project to contract”;
 - amend timescale for member removal given likely reduced meeting frequency to annually - *no Joint Committee Member can be removed until non-attendance for 24 months or 3 consecutive meetings and without a letter from the Committee to the relevant Authority requesting their replacement;*
- (2) develop a short internal ‘User Guide’ explaining roles, responsibility and governance;

- (3) proposals and Deed to be endorsed by Joint Committee for recommendation for subsequent approval as an executive decision by each Council.

Agreed that the Chair and Vice Chair would subsequently approve the wording of the amended Deed of Variation when updated by Alwyn Thomas.

92. **Date and location of next meeting**

The next meeting was provisionally scheduled for 27 July 2017 at a venue to be confirmed. Members were reminded that an extraordinary meeting of the Partnership could be convened at any time if an urgent issue required scrutiny.

Due to the length of time before the next meeting, it was agreed that Mark Turner (SWDWP Contract Manager) would circulate an update via e-mail after the next Project Team meeting.

93. **Exempt business**

Agreed that, under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

94. **Contract commercial performance and South West Devon Waste Partnership Accounts**

Mark Turner (SWDWP Contract Manager), Martyn Stapleton (SWDWP Assistant Contract Manager) and Simon Arthurs (Senior Financial Analyst) gave an update on the contract commercial performance summary and the SWDWP accounts.

- (a) the update included detailed commercially sensitive information on the following areas –

- commercial summary of 2015/16;
- annual reconciliation payment (ARP);
- partnership reconciliation process (PRP);
- 2015/16 SWDWP gate fee and cost breakdown;
- 2015/16 SWDWP contract cost versus landfill;
- future contract financial performance against forecasts;
- Waste Infrastructure Grant (formerly PFI).

(Councillor Michael Leaves left the meeting part way through this agenda item)