

South West Devon Waste Partnership

Thursday 28 October 2010

PRESENT:

Councillor Michael Leaves, Vice Chair in the Chair.
Councillors Bowyer, Carroll and Croad.

Apologies for absence: Councillors Butt, Hart, Doggett and Vincent

Also in attendance: Councillor Pete Addis, Torbay Council; Kate Spencer, Scrutiny Lead Officer, Torbay Council; Barry Keel, Chair of Project Executive; Mark Turner, Project Director; Ben Jennings, County Waste Manager, Devon County Council; Ian Harrison, Deputy Executive Director of Environment, Economy and Culture, Devon County Council; Sally Farley, Service Manager, Torbay Council; Rachel Galbraith, PFI Project Co-ordinator.

The meeting started at 10.00 am and finished at 11.30 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.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

Agreed that the minutes of the meeting of the South West Devon Waste Partnership Joint Committee held on Thursday 22 July 2010 be confirmed as a correct record.

18. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent business.

19. PROJECT UPDATE

The Partnership received a Project Update Report from the Project Director. Members were informed that –

- a. the Department for Environment, Food and Rural Affairs (DEFRA) Commercial Review of the procurement was completed in early October 2010. This reviewed the positions achieved with each bidder to ensure DEFRA were comfortable legally and commercially prior to closing the competitive dialogue negotiation phase of the procurement;
- b. the Partnership closed the competitive dialogue with the bidders and formally called for Final Tenders in early October 2010;

- c. the bidders were now finalising their bids and Final Tenders would be received in early November 2010;
- d. on 20 October 2010, the Comprehensive Spending Review was announced. The Partnership was informed by DEFRA they were one of 11 ongoing PFI projects who retained their PFI Credits. Seven projects had their PFI funding withdrawn.

20. **OVERVIEW OF PROJECT COMMUNICATIONS**

The Project Director presented a report on recent and upcoming communication activity. Members were informed that –

- a. the Partnership had, at the request of the Environment Agency, attended a Surgery at Ivybridge regarding the New England Quarry Permit Application. This was solely to answer questions on behalf of the Partnership should they arise;
- b. the Joint Working Committee attended a visit of the two potential sites proposed by the bidders;
- c. Section 151 Officers for the three Authorities received an update on the project;
- d. the Partnership met with Paul Connett to discuss his waste management ideas as an alternative to energy from waste and the SWDWP's proposals. This meeting was requested and arranged by the opposition group CAVIL;
- e. Senior Management Teams and Cabinet teams for Plymouth City Council and Torbay Council were briefed on the project. Devon County Council's Corporate Management Team and Cabinet Team would be briefed in November 2010;
- f. Monitoring Officers for the three Authorities had received an update on the project;
- g. the Partnership held an all Councillor briefing on the 27 October 2010. Six Councillors attended. The Councillors fully engaged in the meeting and the questions asked were useful;
- h. there had been some media coverage on the project, namely an article in the Plymouth Evening Herald debating Energy from Waste technology and a similar debate on BBC Radio Devon;
- i. the Partnership was meeting the newly formed opposition group named Devon Alliance for Incineration Alternatives (DAIA) on the 29 October 2010. DAIA had contacted Councillors within the partnership area to propose an alternative technology. They had also contacted a number of senior council officers and the local media;
- j. it was confirmed that the Peterborough option being proposed by DAIA was an alternative to the bidders' solutions and was a mix of MBT, gasification and plasma arc technology. The Peterborough project however was not yet under construction although planning permission was granted through the Secretary

of State as the facility exceeds the remit of local planning. The solution was a purely commercial enterprise and was not being procured by a local authority council although it was believed it was considered as part of the Peterborough Council procurement but not taken forward.

Agreed that further information on the Peterborough model and DAIA proposals was required.

21. **COMPARISON OF IMPACTS OF EFW, LANDFILL AND OTHER TECHNOLOGIES**

Project Officer, Ben Jennings presented a paper as requested during the 22 July 2010 Committee meeting on assessing and comparing waste disposal technologies. Members were informed that -

- a. there were impacts associated with all forms of waste management. However, the only waste management activity that specifically required a facility to be a certain distance from human habitation was composting;
- b. this review identified that although EfW received more focus than other technologies, the risks associated with modern EfW were deemed very small and barely noticeable. This was documented within numerous pieces of research. Even under strict interpretations of the worst case scenario, Energy from Waste causes no more than 0.5% change in the natural environment and although it did produce large quantities of CO2 this should be compared with producing the energy through alternative means such as burning fossil fuels.

Agreed that the report would be published on the Partnership website.

22. **JOINT SCRUTINY REVIEW**

Councillor Pete Addis presented the report to the Joint Working Committee. Members were informed that –

- a. point 4.7 of the report the panel felt the process was more of an overview rather than scrutiny. However, given the restrictions placed on the panel due to commercial sensitivities and time constraints he believed it was a worthwhile process and the report was agreed unanimously by the panel;
- b. the review focused on four areas of questioning:
 - funding and affordability;
 - population and waste stream projections;
 - lessons learnt elsewhere;
 - contingency plans.

The Chair thanked Councillor Addis for a productive and well chaired Joint Scrutiny and advised the Partnership would review the report and the recommendations.

23. **DATE AND LOCATION OF NEXT MEETING**

The next Committee was proposed for the 16 December 2010 in the Council House, Armada Way, Plymouth.

24. **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.

25. **JOINT SCRUTINY REVIEW - RESPONSE TO RECOMMENDATIONS (E3)**

The Project Director presented a report encompassing the Proposed Response to Joint Scrutiny Report. Members were informed that that –

- a. eight recommendations were included in the joint scrutiny report; three for the Partnership and five for the respective Local Authorities;
- b. the Proposed Response to Joint Scrutiny Report provided a suggested Partnership response to recommendations 5.1 to 5.3;
- c. recommendations 5.4 to 5.8 were for each Authority and outside of the Terms of Reference for the South West Devon Waste Joint Working Committee;
- d. the project team had passed the recommendations onto the relevant department within each authority and collated the responses. Collating the responses would provide one report and negates the need to send a response from the Partnership and then individual responses from each authority.

Agreed that –

1. the Joint Scrutiny process and report is a robust piece of work and thanks be given to those involved;
2. proposed responses to 5.1 to 5.3 as included in the Proposed Response to Joint Scrutiny Report are approved and will be issued to the Joint Scrutiny Panel;
3. proposed responses to 5.4 to 5.8 as provided by each partner authority be included in the report to the Joint Scrutiny Panel. However, it is to be made clear that the response to recommendation 5.4 to 5.8 had been collated on behalf of the three waste management authorities as this falls outside of the Terms of Reference for the South West Devon Waste Joint Working Committee.

26. **PROJECT PROCUREMENT AND CONTRACT SIGN-OFF PROGRAMME (E3)**

The Project Director presented the latest procurement programme. Members were informed that –

- a. Final Tenders would be received in early November 2010;
- b. the announcement of the preferred bidder was likely to be in early January 2011;
- c. the Final Business Case would go to the three Authorities Cabinet's for approval in February 2011;
- d. the operational service commencement date was currently 2014 but this could be subject to change depending on the winning bidder and the planning process.

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