

STRATEGIC OVERVIEW & SCRUTINY PANEL

10 JUNE 2008

Present :- Councillor Christopher Arnold (Chairman)
Councillors Nick Barlow, Mark Cory, Pauline Hazell,
Peter Higgins, Mike Hogg, Kim Naish, Gaye Pyman and
Julie Young

Substitute Members :- Councillor Margaret Lissimore
for Councillor Margaret Kimberley
Councillor Nick Willetts for Councillor Nick Taylor

3. Minutes

The minutes of the meetings held on 26 March 2008 (including the reconvened meeting of 8 April 2008) and 15 May 2008 were confirmed as a correct record.

4. Have Your Say!

Mr. Andy Hamilton addressed the panel saying that he felt all reports, emails and drawings appertaining to Firstsite Newsite (the Visual Arts Building) should be made available to the public. Mr. Hamilton believed local people had been misled and misinformed about details of this project and felt exposure of this information would allow the truth to be exposed.

Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

5. PER-001-08 Consultation Response on the Draft Joint Municipal Waste Management Strategy

Have Your Say

Councillor Richard Bourne (Essex County Councillor) addressed the panel saying he was against the way in which the Mechanical Biological Treatment Plant (MBT) project was moving forward within the Private Finance Initiative (PFI) process. Councillor Bourne said the risks are far too high for a project of an unimaginable size. He believed the rapidly changing technology gave huge uncertainty to the waste agenda, and tying down Councils to twenty or more year contracts was entirely wrong. Councillor Bourne urged the panel to support the decision of the Portfolio Holder for Performance and

Partnerships.

In response to Councillor Julie Young, Councillor Bourne said Governance Arrangements for this project are complicated, though it was County led, with districts unrepresented. Councillor Bourne said the risks associated with a contract with a value of £3.2 billion was unimaginable and worryingly, tax payers could be exposed. Councillor Bourne said he did not know what the risks were should Councils pull out of the PFI process, or whether Councils would get value for money. Councillor Bourne concluded by saying if smaller MBT plants were introduced to local areas ('localised deployment'), this would minimise the risk to Councils.

Mrs. Paula Whitney addressed the panel saying as long as a decade ago, and at the time of the 'Is waste a burning issue' enquiry, Colchester was opposed to central Material Recovery Facilities (MRFs). Mrs. Whitney said the documents within the County Waste Strategy permit incineration, and believed this was not necessary within waste plans, saying a policy of intensive recycling kerbside collection could increase recycling rates to 60% or above, the target set for 2007 within the Councils waste policy.

Mr. Peter Lynn addressed the panel saying the ramifications of waste disposal would be felt beyond this borough and well into the future. Mr Lynn urged the panel not to refer the decision to full Council, but either confirm the decision or refer the decision back to the Portfolio Holder for further consideration. Mr. Lynn said various alternative options are available and have been shown to be cheaper, reducing the financial risk to the Council.

Mr. Colin Sykes, Chairman of Stanway Parish Council addressed the panel, urging the panel to support the decision taken by the Portfolio Holder, saying that should the Waste Strategy adopt option 7 as put forward in the previous War on Waste consultation, would address the issues of waste disposal without the need for MBT.

In response to Councillor Arnold, Mr. Sykes said higher recycling and composting rates would reduce the waste stream to a level that would not warrant the investment in MBT.

Mr. Peter Thompson addressed the panel saying he congratulated the current administration for opening up the County Waste Strategy, a strategy that had failed to identify alternative options to MBT. Any reference to alternative options had been rebuffed without answers and to his knowledge without consideration. National studies had demonstrated that recycling was much cheaper than incineration, though any attempts to make Essex County Council talk about alternative solutions had failed.

Mr. Chris Fox, Wivenhoe Town Council (WTC), addressed the panel saying WTC were concerned about MBT and how this could affect the quality of recycling material and have a negative effect on recycling rates, increasing the need for landfill and the associated lorry journeys this entailed. Mr. Fox said incentive schemes could also be detrimental to working methods. Mr. Fox concluded by saying the West Mersea recycling and composting trial had achieved 60% recycling, using kerbside sorting and Councils should look at this type of approach again before committing to MBT.

To consider the decision on the 'Consultation response on the draft joint municipal waste management strategy for Essex 2007 to 2032'

This decision was called in by Councillor Sutton, supported by four Councillors. for the following reasons

Councillor Sutton and Councillor Tina Dopson, Portfolio Holder for Performance and Partnerships attended the meeting for this item to present the case for the call-in.

Councillor Sutton presented the case for the call in, expanding on the reasons given within the call in papers, as shown below.

Whilst the decision is ostensibly to object to the draft Essex municipal waste strategy, it also signals from paragraph 4.4 onwards a willingness to withdraw from the Essex Waste Partnership. It does so on the basis that vigorous pursuit of the waste hierarchy (reduce, reuse, recycle) will be sufficient to enable Colchester to achieve its targets for the foreseeable future. Previously published officer advice has been that targets could be achieved only through a combination of the hierarchy principles combined with further treatment of residual waste. The current report is silent on the treatment and disposal of residual waste. The decision therefore needs scrutiny to ensure that appropriate weight has been given to the professional advice of officers.

The report lacks clarity, in that whilst it purports to be only a response to a consultation, in fact it seeks a mandate for a policy stance the aims of which have not been the subject of informed debate within the Council.

Section 3 fails to identify all of the alternative options. For example, there is no consideration of the option to support Mechanical and Biological Treatment (MBT), which is widely regarded as benign including by environmental campaign groups, but to oppose the production of Solid Recovered Fuel, which is a more controversial process.

Section 5.2 of the report sets out a new policy for the Council of opposing MBT. The reasons for this opposition are not set out within the report, which therefore lacks transparency. It follows that it is impossible to determine whether only matters that are relevant have been taken into account in arriving at the decision.

Section 7 of the report should deal with consultation to inform the portfolio holder's decision but actually consists of a description of the Partnership's consultation on the draft strategy. In fact there has been no consultation on the local decision, not even internally through policy or scrutiny panels. Since the decision is a departure from the position previously agreed by both Cabinet and the Strategic Overview and Scrutiny Committee, such consultation is necessary prior to the decision being taken.

Section 8 of the report is headed 'publicity' but fails to set out how the decision and its impact on the people of Colchester will be publicised. Instead it identifies a risk – which it then entirely fails to quantify. This risk should be quantified in line with Audit Commission guidelines and proposals for its management included within the 'Risk' section of the report in order to inform the decision.

Section 9 deals with financial implications in the most superficial way. In fact, a considerable amount of work has been done to quantify the financial impact on its taxpayers of achieving Colchester's waste reduction targets by various means. Building on this work, the affordability of the threat of withdrawal signaled by the decision should be costed in broad terms and the result used to inform the decision.

In response to Councillor J Young, Councillor Sutton said an MBT plant could be of benefit to Colchester. If Colchester recycles sufficient waste, an MBT plant, not necessarily of the size being mentioned would be of beneficial use, and would lessen the financial risk.

In response to Councillor Naish, Councillor Sutton said it was a red herring in suggesting an MBT plant would increase lorry journeys to and from the waste disposal site. If recycling rates increase, this will decrease the amount of black sack waste tonnage, equating to less trips to the site.

Councillor Tina Dopson, Portfolio Holder for Performance and Partnerships addressed the panel. Councillor Dopson said the level of public and Council interest at this meeting was a measure of the importance of the issues of waste disposal to local people. Councillor Dopson thanked Councillor Sutton for his presentation.

Councillor Dopson explained to the panel the responsibilities of Colchester as the Waste Collection Authority and Essex County Council as the Waste Disposal Authority, emphasizing that black sack waste currently went to landfill, producing long term methane gas, harmful to people and the environment. Councillor Dopson said one of the key issues for Colchester was to educate the local public to increase recycling waste and reduce the reliance on black sack waste to landfill.

Councillor Dopson said the Administration disagreed with a waste strategy that included a PFI procurement route of one single MBT over a contract period of twenty five years, and with unknown risks.

Councillor Dopson said the response to the Consultation, opposing the support of large scale MBT, mirrored the Administrations desire to see what was best for the residents of Colchester, although she did reiterate the Administration's support of all other parts of strategy. Councillor Dopson said there were other Essex Districts also expressing concerns on the new proposals.

Four years ago, Colchester, as the Waste Collect Authority implemented a change of waste collection vehicles and collection routes. Councillor Dopson said the implementation created a waste collection fiasco resulting in a £1.5 million overspend, and questioned whether the experts who got it wrong that time had got it right this time. She believed technology had not suited Colchester's needs then, so why now sign up to a twenty five year contract with all the associated risks. The guiding principal had to be what is best for the people of Colchester. Councillor Dopson confirmed her future participation with the Essex Joint Committee, but said she would continue to challenge any future proposals.

Councillor Dopson responded to the reasons for the call in raised by Councillor Sutton

and reiterated her future involvement with the Essex Joint Committee, and confirmed her support to working in partnership with the Essex Joint Committee on further work on the County wide strategy. Councillor Dopson said the financial implications and risks to Colchester on the current proposals were unknown, and suggesting MBT was the only solution was wrong and could lead to greater levels of waste to landfill. The cost of the proposals was equivalent to providing twenty five super hospitals, so there needed to be greater assurances with any future proposals and decisions.

Councillor Dopson concluded by confirming that the Administration was not prepared to sign up to a single solution that involved huge financial risk. Colchester would continue to work with local partners and Essex County Council on this initiative, and would strive to find innovative new ways of improving local recycling rates.

In response to Councillor Arnold, Councillor Dopson said Essex County Council was looking for agreement on MBT with all districts, though there appeared to be agreement on further appraisal of option 7 as mentioned in Annex 3 of the strategy document that focused on waste minimisation and high levels of recycling and composting. Councillor Dopson said the best way to achieve better recycling rates was to increase kerbside recyclable collections, which would eliminate the need for super MBT plants. Councillor Dopson said the failing of the latest consultation was that it was biased towards MBT, and did not allow for alternative options to MBT.

In response to Councillor Higgins and Naish, Councillor Dopson said Colchester was not withdrawing its support of the Essex Joint Committee, but its support of the Joint Waste Strategy. However it would continue to support the Committee and lobby for reconsideration in looking at alternative options.

In response to Councillor Willetts, Councillor Dopson confirmed the brevity of the report, saying this was done deliberately to avoid repeating information previously provided in other documents. In reference to her opposition of MBT, Councillor Dopson said her opposition could not be gauged in terms of words such as mild and strong, but she did expect the consultation paper to provide alternative options to just MBT and she would signal to Essex County Council firm opposition to just the one option of MBT.

Mr. Graham Tombs, Executive Director for Commercial Property and Infrastructure, Essex County Council addressed the panel. Mr. Tombs clarified some points raised within the debate, saying the MBT solution sat within the Outline Business Case as one of six strands, the others including recycling, composting and biodegradable waste, and the £3.2 billion costs included the disposal of all six strands of waste.

Mr. Tombs said the risks associated with MBT and the high level of investment, are fully recognised, and whilst uncertainty was not calculable, risk was calculable.

Mr. Tombs confirmed that the County Draft Waste Strategy was a product of the partnership not solely Essex County Council, and the responses to the consultation are still to be fully analysed, though the results would be known shortly.

Mr. Tombs said the length of contracts for PFI works is traditionally for a period of

twenty five years, and loans are acquired from various sources, with payback periods of between twenty and twenty five years. Exploration of smaller modular MBT plants to phase the impact of the financial costs was being considered.

In reference to local recycling rates, Mr. Tombs said Essex County Council positively encouraged districts to find new ways of improving their rates towards the target of 60% by 2012-2013, but it had to be recognised that no matter how good recycling and composting, there would always be a need to dispose of some residual waste to landfill, that would be subject to landfill tax. Mr. Tombs confirmed that no partner within the County Joint Committee accepted massive incineration as an option.

Mr. Tombs confirmed that there are two MBT plants in London, an Anaerobic Digestion Plant in Leicester and numerous other waste disposal plants around the country, and that all current landfill sites in Essex are likely to be exhausted by 2020.

In response to Councillor Lissimore, Mr. Tombs said though the analysis of the consultation was not complete, it was indicating very high support for the totality of the strategy, not just MBT. Mr. Tombs said questions on the future landscaping of the Stanway landfill site would need to be addressed to the Waste Planning Authority (Essex County Council) and Stanway Parish Council.

In response to Councillor Young, Mr. Tombs said domestic household waste only represented 10% of waste. The 90% of waste included industrial and agricultural waste and anaerobic digestion was been considered for the disposal of agricultural waste.

In conclusion, Mr. Tombs said no matter what the response from Colchester on the consultation process, Essex County Council would continue to work with Colchester as a key partner within the County Joint Committee.

Councillor Sutton and Councillor Dopson were invited to give brief summaries following the discussions.

Councillor Willetts, supported by Councillor Pyman, believed further financial information was needed on MBT to reach an informed opinion and therefore proposed that the decision was referred back to the Portfolio Holder for further consideration (FIVE voted FOR and SIX voted AGAINST).

RESOLVED that the panel voted to confirm the decision (SIX voted FOR and FIVE voted AGAINST). Decision PER-001-08, Consultation response on the draft joint municipal waste management strategy for Essex 2007 to 2032 was upheld.

6. Decisions taken under special urgency provisions

The Panel noted the Cabinet decision 'Continuation of Repairs and Planned Maintenance to the Housing Stock' taken at the Cabinet meeting of 21 May 2008 and certified under the special urgency provisions by the Proper Officer and Chairman of the Strategic Overview and Scrutiny Panel on 21 May 2008.

7. Work Programme

The panel considered the Work Programme for 2008-09 and the proposed amendments that included rescheduling the review of the Firstsite Organisation to the 26 August 2008 and the item on 'Going for Growth' to the 4 November 2008.

RESOLVED that the panel considered and noted the Work Programme 2008-09 and subsequent amendments, and agreed to the additional meeting on 17 March 2009 to accommodate the review of all eight Portfolio Holders between January and April of 2009.

Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

8. Neighbourhood Action Panel Review

Superintendent Alison Newcomb from the Essex Police, Councillor Tim Young, Portfolio Holder for Street and Waste Services and Mr. Peter Carrington, Community Safety Co-ordinator attended the meeting for this item.

Councillor Young introduced Superintendent Newcomb and Mr. Carrington to the panel and explained to the panel the reason for this review, a follow up to the January 2008 item on the Colchester Crime and Disorder Reduction Partnership (CCDRP) – Essex Police, when the panel agreed to consider the Police review of Neighbourhood Action Panels (NAPs), which was to be completed shortly after the January meeting.

Mr. Carrington addressed the panel, introducing the report on the Review of Neighbourhood Action Panels – Essex Police. Mr. Carrington said the outcomes had confirmed the strength of unity between the partners of the CCDRP that ensured a robust delivery of NAPs in Colchester, and that Colchester NAPs had proven more successful than those of any other Essex Council. Mr Carrington said NAPs were supported by the attendance of senior officers from both the Council and Essex Police, and a breakdown of the issues discussed at NAPs showed 80% of issues to be Colchester Borough Council Business, 10% to be Essex County Council business and 10% to be hard crime.

Superintendent Newcomb addressed the panel and said the results of the review gave an excellent example of partnership working supported by the hard work of officers from both the Council and Essex Police.

In response to Councillor Hogg, Superintendent Newcomb agreed that the audit process of NAPs needed to be providing simpler documentation to give a more realistic approach in a shorter timescale. Funding was in place to provide training to individuals involved in NAPs, not specifically police officers, so as to be able to complete Architecture Audits with greater efficiency.

Superintendent Newcomb confirmed that all issues raised about NAPs, such as funding and support, are fed back to the Joint Action Group (JAG), with the purpose of providing improvements to the service.

In response to Councillor Lissimore and Barlow, Superintendent Newcomb said members of the CCDRP and JAG recognised the importance of the role of the NAPs Chairperson. It was generally agreed and encouraged that the Chairperson would not be an officer of either the Council or Essex Police, and whilst it was understood that in some cases chairmanship was of a low standard, officers are active in their support, and 6-monthly meetings are held to develop needs, joined-up thinking and training. In regards to NAPs outcomes, Superintendent Newcomb said that whilst she understood members frustrations to delays in outcomes, the process of delegating issues to the correct person and providing the dedicated support was in constant review, though often it could be that the issue could be resolved sooner when it formed the core part of the relevant Council or Police officer work. Superintendent Newcomb said the Police do monitor 'cluster crimes' and do take action where criminal damage is done. This information is fed to NAPs and it is for the NAP to decide on any future action that they feel is required.

In response to Councillor Naish, Superintendent Newcomb said she understood the issue of low local attendance at NAPs, and whilst not complacent, low attendance can be for many reasons. Superintendent Newcomb understood that success of feed back from NAPs is sporadic and there was room for improvement in community engagement, but it was the case that this type of information is fed back to the appropriate NAP(s) to decide how to they can improve this within their own action plan. Councillor Lissimore invited Councillor Naish to speak her and other members of the Prettygate NAP to learn more about the ways they had improved attendance to meetings.

Councillor Sykes addressed the panel saying she felt in light of the views of herself and others on the quality of NAPs chairmanship skills, this could be improved by electing the chairs for longer periods, for example four years, and providing at the outset the necessary training, followed by further personal development.

Councillor Scott-Boutell addressed the panel saying she felt that in regards to the West Colchester NAP, the NAP meetings are clouding the issues at hand, and that this NAP needs to be split into manageable sizes.

Superintendent Newcombe felt a four year term would be a huge commitment and may

restrict the development of the role, that said, Mr. Carrington agreed for the need for further training and development for NAP chairs, which would hopefully provide the refinement and improvement needed to focus NAPs members on pertinent issues.

In response to Councillors Scott-Boutell and Willetts, Superintendent Newcomb said she and members of the JAG were open to ideas and would consider splitting large NAPs such as West Colchester and Constable into manageable sizes though being mindful of the cost of providing additional NAPs and the necessary resources to support this. The boundaries for NAPs would be decided by the NAPs with the JAG responsible for deciding on the resources.

Superintendent also confirmed that a Police Constable (Neighbourhood Specialist Officer) was the appropriate Police officer to attend NAPs, substituted by the appropriate Sergeant when necessary.

In response to Councillor Young, Mr. Carrington noted her concern about the clarity of the roles of the NAPs support staff and the need for a defined process for feeding information back to residents, saying he would clarify this concern and reply to members of the panel.

In response to Councillor Arnold, Mr. Carrington said he would look to make better use of the Customer Relationship Management (CRM) facility to refine the NAPs process, and confirmed that the JAG would undertake a comparison exercise to determine why some NAPs work better than others and use the information to improve the overall process for NAPs.

RESOLVED that the panel agreed to the following;

- i) The effectiveness of the ongoing commitment by the Council to deliver and develop Neighbourhood Action Panels in Colchester was considered and the Review of Neighbourhood Action Panels – Essex Police, noted.
- ii) A further progress update on Neighbourhood Action Panels in 2009-10.
- iii) For a review of Neighbourhood Action Panel boundaries to be considered by the JAG at a future JAG meeting.
- iv) Officers need to consider refining the support of NAPs process by making better use of the Council's CRM facility and ensure that good practice at some NAPs is shared by other NAPs.
- v) Officers need to consider actively exploring improved ways of feeding information from NAPs to local residents.

9. Meeting Adjourned

RESOLVED that the panel agreed at 10.30 p.m. to adjourn the meeting, to be reconvened for all outstanding business on Tuesday 15 July 2008 at the Grand Jury

Room, Town Hall.