

Minutes



To: All Members of the Community
Safety and Waste
Management Cabinet Panel,
Chief Executive, Chief
Officers, All officers named for
'actions'

From: Legal, Democratic & Statutory Services
Ask for: Michelle Diprose
Ext: 255566

COMMUNITY SAFETY AND WASTE MANAGEMENT CABINET PANEL

FRIDAY, 4 MARCH 2016

ATTENDANCE

MEMBERS OF THE PANEL

M J Cook, R J Henry, N A Hollinghurst, T Hunter (Vice- Chairman), T R Hutchings,
P F J Knell, A M R Searing, R H Smith (Substitute for M Bright) R A C Thake (Chairman),
C B Woodward

Also in attendance:

D E Lloyd – Police and Crime Commissioner
P A Ruffles – PCP Representative
M D M Muir

Upon consideration of the agenda for the Community Safety and Waste Management Cabinet Panel meeting 4 March 2016 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: No conflicts of interest were declared by any member of the Cabinet Panel in relation to the matters on which conclusions were reached at this meeting.

PART I ('OPEN') BUSINESS

ACTION

1. MINUTES

1.1 The Minutes of the Community Safety and Planning Cabinet Panel meeting held on 10 February 2016 were agreed as a correct record.

2. PUBLIC PETITIONS

2.1 No petitions were received.

3. POLICE AND CRIME COMMISSIONER (PCC)

[Officer Contact: Roy Wilsher, (01992 507501)]

- 3.1 The Cabinet Panel considered a brief update report which provided Members with an overview of the work undertaken by the PCC's office since the Panel had last met.
- 3.2 The Panel raised some concerns about the reduction in the local precept by the PCC and also the reductions which had been proposed following an expected reduction in the PCC budget. The PCC explained that although in the event there had been no reduction in police budgets by central Government the savings and reductions which the PCC had proposed were to be implemented as these were efficiency savings. The PCC noted that the Constabulary was currently holding reserves of £48m primarily for specific purposes and there was little justification for more reserves to be generated. Members suggested that the money 'surrendered' could have been used for other areas of crime such as Anti-social behaviour, Domestic Abuse and additional funding to the road safety fund.
- 3.3 The PCC advised of Her Majesty's Inspector of Constabulary (HMIC's) second assessment of the effectiveness, efficiency and legitimacy of Hertfordshire Constabulary's; he informed the Panel that the outcome of the assessment was a rating of 'Good' which put Hertfordshire at seventh highest in the country.
- 3.4 The Panel were given an update on the Mental Health Action Concordat and the positive action that had taken place. It was noted that Members of the public were being triaged on the streets and being assessed by Mental Health Nurses to reduce the number being detained in custody.

Conclusion:

- 3.5 The Cabinet Panel thanked the Police and Crime Commissioner for his presentation and welcomed the report.

4. POLICE AND CRIME PANEL (PCP)

- 4.1 Peter Ruffles, Hertfordshire County Council's representative appointed to the Police and Crime Panel advised the Panel that the PCP had not met since the Panel had been last updated, but would be willing to answer any questions that Members of the Cabinet Panel had. He did confirm, however, that the reduction in the precept had been fully debated at the PCP.

Conclusion:

4.2 The Cabinet Panel welcomed the PCP representative's update.

5. CO-LOCATING FOUR LIBRARIES WITH RETAINED FIRE STATIONS

[Officer Contact: Chris Bigland , Assistant Chief Fire Officer, (01992 507505)]

5.1 The Panel received a report which briefed Members on the feasibility work that had been completed to consider the opportunity to co-locate four libraries with retained fire stations in Buntingford, Redbourn, Sawbridgeworth and Wheathampstead.

5.2 Members were informed £700k of grant funding had been won from the Fire & Rescue Service Transformation Programme to support the project and further Capital expenditure was secured as part of the Inspiring Libraries project.

5.3 The Panel agreed this was a good strategy going forward and hoped that future projects would be extended to other partner agencies such as the NHS.

5.4 A further report setting out the final recommendations for Buntingford Library would be presented to the Panel in the Summer.

5.6 Conclusion:

1. the Panel considered and commented on the report
2. the Panel recommend to Cabinet that the project proceeded to co-locate the libraries at Redbourn, Sawbridgeworth and Wheathampstead with the relevant retained fire stations; and
3. In relation to the project at Buntingford, that Cabinet Panel recommended to Cabinet that:

(i) the Library Service considered '*Buntingford in Transition's*' submission to keep the library in its current site, prior to any decision being made;

(ii) Hertfordshire Fire and Rescue and the Library service share with the local Buntingford community the details of the proposal to locate the library with the retained fire station, exhibiting the co-location proposals alongside *Buntingford in Transition's* plans; and

(iii) To return to the Cabinet Panel in the Summer with the final recommendation on Buntingford Library.

Darryl Keen / Elaine Shell to action

Darryl Keen / Nicola Cahill to action

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6. COMMUNITY PROTECTION DIRECTORATE QUARTER 3 2015/16 PERFORMANCE UPDATE

[Officer Contact: Darryl Keen, Deputy Chief Fire Officer, (01992 507502)]

- 6.1 The Cabinet Panel received an overview report outlining the performance of the Community Protection Directorate to the end of Q3 2015/16.
- 6.2 Members were pleased to note there were improvements to the performance indicators for deaths and injuries from primary fires; the number of road traffic collisions attended and attendance standards. Members heard that although the reduction on fires was a challenge targets had still been achieved.
- 6.3 Members noted there had been 4 deaths in the 12 months to the end of Q3 and though the causes of death had not been finally attributed to fire as this was still to be confirmed by the Coroner.
- 6.4 The Panel were informed the report before them was a 'light touch' update and a more detailed end of year report would be presented to a future meeting of the Cabinet Panel.

6.5 Conclusion:

The Panel noted the performance summary for the Community Protection Directorate in the year to the end of Q3 2015/16 and noted a full end of year report would be published and presented at the next appropriate Cabinet Panel meeting after April 2016

Darryl Keen /Nicola Cahill to action

7. WASTE MANAGEMENT PERFORMANCE MONITOR

[Officer Contact: Simon Aires, Assistant Director, Transport, Waste and Environmental management (01992 555255)]

- 7.1 The Cabinet Panel considered a report which reviewed the performance of Waste Management for the third quarter of 2015 against the Environment Department Service Plan 2015/16 including key performance indicators, major projects, and contracts and identified risks.
- 7.2 Members noted the RAG status for the Residual Waste Treatment Programme remained at red owing to its high profile nature and high value of the programme.
- 7.3 The Cabinet Panel heard that the performance indicators relating to Waste Disposal Authority function had shown improvements,

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7.4 Members raised concern in relation to the number of van permits issued and whether the controls in place were adequate to ensure that the system was not abused by commercial users. It was noted that a review in to the service changes at the HWRCs (including van permits) would be carried out later in the year and would be reported back to the Panel at a future meeting. The report would include comparisons on the procedures of other authorities. It was also noted that the introduction of ANPR cameras at some sites following a successful capital bid would be rolled out over the next 12 months.

Conclusion:

7.5 The Panel noted the report and commented on the performance monitor for Quarter 3 of 2015-16.

8. PROPOSED MEDICAL RESPONSE IN ASSOCIATION WITH EAST OF ENGLAND AMBULANCE SERVICE

[Officer Contact: Darryl Keen, Deputy Chief Fire Officer, (01992 507502)]

8.1 The Cabinet Panel received a report detailing the current regional; and local position regarding the utilisation of fire and rescue service resources to respond to medical emergencies in order to deliver basic life support and defibrillation interventions to the public.

8.2 A proposed six month trial with the East of England Ambulance Service (EEAS) and the Fire Service would act as a 'first responder' to respond to potential cardiac arrest patients. It would be conducted at two whole-time fire stations; sites were still to be confirmed. It was reiterated to Members that this proposed pilot would not be a replacement for the Ambulance Service, fire-fighting would remain the primary role and crews would be attending in support of, not instead of ambulance crews.

8.3 Members were informed that although fire-fighters had been trained to high levels for medical incidents, an analysis would be undertaken to identify any skills gap and where gaps were identified training would be delivered.

8.4 The Panel were very supportive of the proposal and were pleased to note that staff and Trade Unions had been consulted and were also supportive going forward.

Conclusion

8.5 The Panel acknowledged the content of the report and;

- a. Endorsed the formation of a partnership agreement between Hertfordshire Fire and rescue Service and East of England

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- Ambulance Service
- b. Endorsed the six month First Responder pilot scheme initially at two HFRS sites which are to be identified

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9. ALTERNATIVE FINANCIAL MODEL (AFM) FUNDING

[Officer Contact: James Holt, Waste Management Contractor, (01992 556318)]

- 9.1 The Panel received a report outlining the consultation currently on-going with the Hertfordshire Waste Partnership (HWP) on proposals to reduce the amount of money in the Alternative Financial Model (AFM) reward 'pot' to assist the County Council in meeting its substantial savings targets.
- 9.2 The report highlighted that despite the proposed reduction of £1m over a three year period starting from 2017/18 it is projected that the financial base position in the model would remain relatively static due to anticipated performance improvements, for example the implementation of the mechanical street sweepings contract. It was also noted that this approach would guarantee an unchanged AFM mechanism for a period of four years.

Conclusion

The Panel noted the report.

10. FUTURE DIRECTION OF THE RESIDUAL WASTE TREATMENT PROGRAMME

[Officer Contact: Simon Aires, Assistant Director, Transport, Waste & Environmental Management (01992 555255)]

- 10.1 Prior to the Panel's consideration of this item of business the Chief Legal Officer made the following statement:

'The function of the Cabinet Panel today is to consider the reports before them concerning the Revised Project Plan submitted by Veolia ES Hertfordshire Limited and to make a recommendation/s to Cabinet concerning the future direction of the residual waste treatment programme. Members of the Panel must consider this matter with an open mind in the sense that they must have regard to all material considerations and be prepared to change any views they may have if persuaded that they should. In reaching their recommendation Members must take into account the information before them and all other relevant factors'.
- 10.2 John Webb presented a petition (with c200 signatures) and addressed the Panel on behalf of Herts WithOut Waste calling on Hertfordshire County Council "for more recycling and composting

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instead of incineration”.

R A C Thake received the petition.

- 10.3 The Panel received a detailed report and associated appendices providing Members with information concerning the Revised Project Plan (RPP) submitted by Veolia ES Hertfordshire Limited (VES) in accordance with the Residual Waste Treatment Contract entered into between VES and Hertfordshire County Council in July 2011 for the long term treatment of Hertfordshire’s residual Local Authority Collected Waste (LACW).
- 10.4 The Assistant Director – Transport, Waste & Environmental Management clarified the contractual context of the RPP and its suitability to meet the Council’s needs in relation to commercial acceptability, affordability, technology and deliverability in terms of providing a long term, value for money solution for the treatment of the counties residual LACW. He reminded Members of the history of the contract awarded to VES in July 2011 and the failure to obtain planning permission for the New Barnfield proposal. Members were informed that VES had been invited to submit a draft RPP in accordance with the contract; a draft RPP was received by the County Council in July 2015 with the final draft RPP being received in December 2015 reflecting the work and discussions carried out between VES and officers since July 2015. Legal advice had been sought on whether the proposed changes to the 2011 Contract were compliant with regulation 72(8) of the Public Contracts Regulations so that, if they were accepted, a re-procuring of the contract would not be required. He advised that legal advice was that the variation of the contract to accept the RPP was not substantial within the meaning of the procurement regulations so that a re-procurement of the contract was not required.
- 10.5 Members heard that the site for the proposed facility would be located at Ratty’s Lane, Hoddesdon; however the report before them was not a report concerning planning but one of the Waste Disposal Authority to assess the RPP as a long term solution for the treatment of Hertfordshire’s residual waste. Details concerning the proposed facility and site would be addressed at the time of a planning application.
- 10.6 Members were informed that the contract with VES would be for a thirty year operational period, although the lease for the property was for fifty years to allow for building, decommissioning and flexibility in VES operation and the end of the lease period.
- 10.7 There were a number of issues highlighted in the report such as flood risk, traffic and emissions, although VES were confident that these would be addressed at the planning application stage.

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- 10.8 The Panel were informed that the proposed facility was sized for the Council's needs and, therefore, less reliant on third party waste input than the New Barnfield proposal.
- 10.9 It was noted that residual waste would be burnt to high temperatures and emissions carefully controlled with a permit required from, and regulated by, the Environment Agency. 320k tonnes per annum would be processed through the facility, 97% of the waste delivered would be diverted from landfill with bottom ash taken out by rail. The remaining 3% would be flue gas treatment residue; this would be bagged and taken to Cheshire for secure storage. The Guaranteed Minimum Tonnage (GMT) level in the RPP of 135k tonnes per annum was a further significant improvement for the Council, reduced from 180k tonnes per annum. In order to breach the GMT the recycling rate would have to be 74.79% at the start of the contract and increase to 81.21% by the end of the contract.
- 10.10 Veolia have consulted the highways authority in relation to traffic movement and it was noted from initial discussions that the issues raised could be mitigated. These would be addressed in the planning application.
- 10.11 In terms of value for money the Assistant Director – Transport Waste & Environmental Management informed the Panel that the RPP was the most efficient way forward for the County Council. Compared to an optimistic view of credible alternative solutions the RPP would be £72m cheaper over a thirty year term,
- 10.12 Members were informed that if the RPP was rejected and the contract terminated, the Council would be liable to pay VES contract termination costs of £1.2m.
- 10.13 Following questions and discussions the following were clarified:
- Clarification regarding minimum tonnage in table 6.2 on page 47 of the appendices - the word "residual" should be inserted before "waste" so it reads as follows: "This reduction is subject to an agreement by the Council that it will not send residual waste to other fuel production processes". This 'exclusivity' in no way limits the amount of recycling, composting or food waste collections that the WCAs might introduce in future years. Sending separately collected food waste to anaerobic digestion (AD) is acceptable in the Contract with Veolia.
 - The total capacity of the EfW facility at Ratty's Lane is 320,000 tonnes per annum. A planning application would have to detail the maximum number of vehicle movements that Veolia would wish to gain permission for and that would be based on trying to ensure the plant ran at its maximum

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capacity. The maximum number of vehicle movements would include the number of vehicles for the movement for third party waste.

- As long as Veolia were deemed to have made all reasonable steps to secure a satisfactory planning permission, and if that permission was refused, HCC would be liable to pay c. £1.2m if it chose at that stage to terminate the contract.
- If the EfW facility at Ratty's Lane were to proceed there would be no requirement for an eastern transfer station. A site search has been carried out for a northern transfer station and has identified a range of potential sites. There is currently no approved business case or capital allocation for such a development.
- Vehicle movements in terms of numbers and timings would have to be detailed at the time of any planning application. The existing use of the proposed location for the EfW (currently and aggregates depot) already carries planning consent for a substantial vehicle movements and it is anticipated only a small number of additional vehicle movements would be required if the EfW were to proceed.
- The need for a local EfW facility is made and evidenced in the report. Regionally there is a shortage of available EfW disposal facilities and a local facility will ensure haulage costs are kept to a minimum; it would also ensure that the County Council has long term surety.
- The EfW facility would not have a mechanical pre-treatment (MPT) plant to extract potential recyclables from the residual waste before it is burnt. Recycling at the kerbside is a much more efficient way to extract recyclable material, the quality of the material extracted at the kerbside is much higher, and therefore more valuable, than material extracted from a MPT.

10.14 Members discussed the Part 1 Report. Some members expressed concerns including as to whether the RPP represented value for money, as to whether a long term commitment was appropriate, future re-cycling rates and vehicle movements. Other members considered that the RPP did represent a good solution and were pleased to note the reduced GMT of 135k tonnes.

10.15 Members thanked officers for the detailed report before them.

10.16 The Panel then agreed to move into Part 2 (confidential session) to consider the Part 2 report and recommendations. The press and public left the Council Chamber. Following discussion and decisions

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on the Part 2 recommendations the Panel moved back into Part 1 (open session). The press and public were invited to return to the Council Chamber. The Panel then considered the Part 1 recommendations.

CONCLUSION

- 10.17 The views of the Panel on the Part 1 recommendations were sought by the Chairman of the Panel. The Chairman asked the members of the Panel to express their views by voting on the recommendations. This resulted in five members (including the Executive Member) indicating that they supported the recommendations and five members indicating that they did not support the recommendations. The Chairman then indicated that he, as Executive Member for Community Safety and Waste Management, would be recommending to Cabinet that the proposals in the report (as set out below) be accepted.

Recommendations:

- 1.1 To approve the acceptance in principle of the Revised Project Plan (RPP) submitted by Veolia ES (VES) Hertfordshire Limited subject to the satisfactory conclusion of the legal drafting required to vary the Residual Waste Treatment Contract (the Contract) and subject to satisfactory conclusion of the legal drafting of all associated ancillary documents required to give effect to the RPP.
- 1.2 To authorise the Assistant Director – Transport, Waste & Environmental Management to conclude the detailed discussions on the RPP with VES and discussion on and drafting of the Contract variation and all associated ancillary documents in consultation with the Chief Legal Officer and the Chief Finance Officer (Section 151 Officer) and, where such ancillary documents related to any property agreements and/or under lease and sub-under lease, also in consultation with the Director of Resources.
- 1.3 Subject to 1.1 and 1.2 above, authorise:
 - (a) the Chief Executive and Director of Environment in consultation with the Executive Member for Community and Waste Management to accept the RPP;and
 - (b) for the Council to enter into the relevant Contract variation agreement and to enter into any

John Wood
/Simon
Aries /
Kathryn
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necessary documentation required to give effect to the RPP and to take all other steps and actions to protect the Council's interests.

- 1.4 In accordance with the relevant Contract variation agreement, authorise the Council to enter into an under lease with Veolia ES (UK) Limited and a sub-under lease with Veolia ES Hertfordshire Limited and/or other related property agreements to give effect to the RPP of the site at 2 Ratty's Lane, Hoddesdon and also enter into any associated consents and agreements relating to such under lease and sub-under lease
- 1.5 Authorise the Assistant Director – Transport, Waste & Environmental Management in consultation with the Chief Legal Officer and the Chief Finance Officer (Section 151 Officer) to enter into a further deed of variation to the Contract to extend the deadline for acceptance of the RPP from 31 March 2016 to 30 June 2016 if this is considered necessary to enable the Contract variation agreement and other necessary documentation referred to in 3.2 to be concluded to the Council's satisfaction and/or to enable all other steps and actions to be taken to protect the Council's interests.
- 1.6 that the Chief Legal Officer (and in her absence either the Assistant Chief Legal Officer Environment, Property and Dispute Resolution or the Head of Commercial Law) be authorised to execute the Contract variation agreement and other necessary documentation referred to in 1.2 above as are required to give effect to the above decisions, so far as such power is not already delegated by the County Council's Constitution.

10.18 M J Cook, R J Henry, N A Hollinghurst, T R Hutchings and A M R Searing asked for it to be recorded in the minutes that they voted against the recommendations as detailed in 1.1 to 1.6 above.

10.19 R Henry asked for clarification as to why the meeting had to move to Part II when in his opinion the views of the Panel were clear from the Part I discussions.

The Chief Legal Officer advised that the Panel moved to Part II for Members to have all the information before them in order for them make an informed decision based on the confidential information set out in the Part II report as well as the Part I report.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

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