

## **SOMERSET WASTE BOARD**

Minutes of a Meeting of the Somerset Waste Board held in the Luttrell Room - County Hall, Taunton, on Friday 24 February 2017 at 10.00 am

**Present:** Cllr J Aparicio Paul, Cllr P Berry, Cllr M Dewdney, Cllr D Hall, Cllr D Hill, Cllr R Pallister (sub) Cllr S Ross, Cllr G Slocombe, Cllr N Taylor, Cllr R Woods (sub) Cllr N Woollcombe-Adams (Vice-Chairman) and Cllr D Yeomans (Chairman)

**Other Members present:** Cllr J Dyke and Cllr H Hobhouse

**Apologies for absence:** Cllr B Maitland-Walker (Cllr R Woods substitute) and Cllr J Roundell Greene (Cllr R Pallister substitute)

### **478 Declarations of Interest**

Members of the Waste Board declared the following personal interests:

Cllr D Hill	Member of Cheddar Parish Council
	Member of Somerset County Council
Cllr S Ross	Member of Wiveliscombe Parish Council
Cllr N Woolcombe-Adams	Member of Somerset County Council
Cllr D Yeomans	Member of South Somerset District Council
	Member of Curry Rivel Parish Council

### **479 Minutes from the meeting held on 16 December 2016 - Agenda Item 3**

The Minutes of the meeting of the Board held on 16<sup>th</sup> December 2016 were taken as read and following endorsement by the Board they were signed as correct by the Chairman.

### **480 Public Question Time - Agenda Item 4**

Mr Chris Edwards - Chair, Ansford Parish Council

Mr Edwards wanted to focus the Board's attention on the road access issues near to the proposed Waste Transfer Centre at Dimmer. Mr Edwards added that the main reason why this was still being brought up was due to the fact that this matter had not been properly handled by the Somerset Waste Partnership namely with repeated requests for consultation with local residents in the area. Mr Edwards said that he believed that access to Dimmer cannot just be qualified by simply looking at a map – the only way to look into the access to the route is through a site visit – in order to see the significant limitations of the B3153 this road runs through the hamlet of Clanville where there has been an issue with HGV traffic due to the nature of the very narrow and twisty route. There are various signs in Clanville warning traffic of the potential narrow roads but these are very close to some blind bends – causing potentially hazardous traffic situations. HGVs have to often drive onto tarmac causing damage to some boundary fences. Mr Edwards added that another cause for concern was that there are no footpaths along the whole road causing hazards to pedestrians wanting to use the roadway.

Mr Martin Roberts - Vice Chair, Cary Moor Parish Council

Mr Roberts began by saying that consideration of the proposals by South Somerset's Scrutiny Committee had been affected by the lack of information given to the committee. The only information given to the committee was a two paragraph document which Mr Roberts didn't believe was adequate. He advised that he had submitted a complaint with South Somerset's monitoring officer about this. Mr Roberts added that he felt that decisions on Dimmer should be considered only when the Scrutiny process has been properly conducted.

He highlighted that the report indicated that Dimmer could be used by Viridor irrespectively if this contract is used or not because of the planning consent. Mr Roberts added that he believed that the best way forward would be to sign the contracts for Avonmouth and Walpole but with an option for Dimmer, which would allow Dimmer to be properly evaluated by South Somerset District Council (SSDC), Somerset Waste Board and the public before the final decision is made.

Pek Peppin - Chair, Planning Committee, Castle Cary Town Council

Ms Peppin began by saying that the Town Council believed that the decision relating to the Waste Transfer Unit at Dimmer was being taken without there being due consideration of other options. There is a concern about both financial implications and environmental impacts. Ms Peppin added that this had been taken to SSDC and they advised that it was a county matter and she disagreed with that as the Waste Board's Constitution states that it is in the remit of a partner authority to scrutinise the decision of the SWB where it directly affects the partner authority.

She highlighted that at the SSDC Scrutiny committee the vice chair suggested putting in footpaths on the B3153. She advised that Viridor have agreed extraordinary terms with regards to volume of waste which will be distributed at Dimmer. Ms Peppin closed by challenging the Board over the proposed decision when she considered that there had been inadequate consultation with the local communities.

Vicki Nobles – Care for Cary

Ms Nobles highlighted that the Care for Cary group did not seek to challenge or delay the proposed contract variation. Nor do it seek to challenge the proposed Waste Transfer Station at Walpole, as it will be well located. The group did though challenge the wisdom of using Dimmer, due to its long controversial history principally due to its inadequate access.

She drew attention to the report stating that the per tonne fee is more than 40% higher in Walpole than Dimmer. In the same section it states that residents might be concerned that a lower gate fee at Dimmer might encourage waste to go through Dimmer compared to Walpole, however the additional haulage costs from Dimmer to Avonmouth almost balance this out. Ms Nobles highlighted that she considered there had been a lack of scrutiny and

consultation and requested that the Board agree the contract for disposing waste at Avonmouth with Walpole as a transfer station and with the option of Dimmer. This would allow time for further consultation and for Dimmer to be properly evaluated.

Mr Read stated that as the Chairman had already indicated that a written response had been compiled to answer the questions. Mr Read continued by saying that most of the questions seem to be addressed to the Board as a whole to question if the Board was satisfied that there has been sufficient consultation. The issues regarding the access and planning issues to the Dimmer site were considered by the County's Regulation Committee when it took account of highway concerns from local communities and there had been no objection from the Highways Authority. He highlighted that it was not for the Board to consider the highways matters as this had been done for the planning application when the County Council had considered it. He reminded the Board that the proposals today related to a contract variation. Mr Read clarified that the Partnership cannot economically operate with just one transfer station. Mr Read continued that he has tried previously to answer the points from SSDC and the local communities. Mr Read added that his recommendation is that the contract is continued as proposed.

Cllr C Aparicio Paul advised that she had spoken to various councillors at SSDC and she had visited the site. Cllr Aparicio Paul added that she understood local residents' concerns, but that she was assured that the necessary engagement with SSDC had been done.

Cllr Woolcombe–Adams reinforced that the Board is not the Planning Authority and is unable to make decisions on planning matters. He reminded the Board that they are there to make decisions for Somerset regarding waste management.

Cllr Pallister endorsed what Cllr Aparicio Paul had said. He highlighted two main points: in 2015 SSDC made an objection to the planning application and this was considered by the Regulation Committee. He pointed out that the proposed contract had significant financial implications over its term and he felt the Board should look at the mitigation measures for the proposed transfer station at Dimmer. He also advised that SSDC supported the proposed Viridor contract variation.

Cllr Hall thanked the speakers from this meeting and previous meetings. Cllr Hall clarified that he was confident he had all the necessary evidence in order to to make the proposed decision at the Board.

#### 481 **New Waste Treatment Facility Contract** - Agenda Item 5

The Chairman invited Steve Read to introduce the report. Mr Read highlighted the confidential documentation circulated to Board Members to assist them with the proposed decisions and that if any of there were any questions on this then it was recommended that the Board go into private session.

The report recommended that Somerset County Council, on behalf of the Somerset Waste Partnership, enters into a long term New Waste Treatment Facility Contract with Viridor to generate energy from Somerset's residual waste from April 2020. The report was to be read with previous reports, particularly the Report to SWB dated 21st October 2016 as this provided background on the route to this decision and the major risks and benefits.

Mr Read made a powerpoint presentation to the Board and key points made included:

- The overall contract is predicated on Viridor providing a Waste Treatment Facility at Avonmouth and Transfer Stations at Dimmer & Walpole
- Construction is aiming to commence on the Avonmouth energy from waste facility in July 2017, Dimmer Waste Transfer Station in September 2018 and Walpole Waste Transfer Station in October 2018 (subject to planning) in order for the service to commence from 1 April 2020.
- The levels of savings to be delivered
- A gate fee refund for every tonne above an agreed threshold for each Waste Transfer Station – where Viridor attracts 3rd party waste through the transfer stations the councils will benefit from a small rebate.
- A 50% share of income from electricity generated at the energy from waste facility where the sales prices per unit exceeds a threshold
- Minimum tonnage fee has been agreed in exchange for a fee deduction within a range. This has been set with reference to future waste growth.
- Recycle More is unaffected by the Viridor contract changes

Mr Mansell then took the board through the key assumptions and work undertaken on behalf of the partnership:

- Housing Growth – potential new housing and garden towns, Hinkley C construction and overall county growth all adding to the volume of waste.
- Reference made to the Municipal Waste Strategy and the Waste Minimisation Strategy.
- The aspiration is that recycling increases to 69%.

Mr Read added that the agreement with Viridor is that there will be 3 formal contractual review dates and in 2028 Dimmer will be reviewed. In 2032 and 2037 there will be full contract reviews.

The Board welcomed the report and the proposals. The Chairman moved the recommendations.

The Board RESOLVED to:

1. Agree the case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the contract document made available to Board Members in confidence, as it contains commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
2. Agree that Somerset County Council enters into a New Waste Treatment Facility Contract (known as “NWTF2”) in accordance with the provisions of the Strategic Partnering Agreement with Viridor dated 13th May 2006 as provided to members at the meeting in substantially complete form.
3. Confirm that authority is delegated to the Managing Director of the SWP and the Director of Commissioning and Lead Commissioner for Economic and Community Infrastructure, Somerset County Council, in consultation with the New Project Task and Finish Group, to finalise and sign the contract.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

#### 482 **Somerset Waste Partnership Business Plan 2017-22 - Agenda Item 6**

The Chairman invited Mark Blaker from the Somerset Waste Partnership to introduce the paper. The Draft Business Plan was put to the December 16<sup>th</sup> 2016 meeting of the Somerset Waste Board (SWB). Following approval of the plan for consultation with the partners the plan had been taken to the Partner Authorities for comment and ratification. The plan includes reference to Recycle More and the Refuse Treatment projects. Both are subject to a separate decision making processes, with Recycle More approved in December 2016.

Mr Blaker began by saying that this is a constitutional requirement that the Board agrees annually its five year business plan. He added that the Recycle More and the Refuse Treatment projects are subject to a separate decision. He highlighted that Section 3.2 of the covering report showed a summary of the feedback and the changes to the business plan were on page 38 of the report.

During discussion the following points were raised:

- Cllr Hall wanted to ensure that within the business plan that time had been allocated to evaluate the HWRC permit scheme – which at the time

was deemed to be a 6 month review. Mr Blaker responded by saying that the review was going to be brought to the June meeting.

- Cllr Pallister added that he believed that the key to recycling success is education and the Board supported this but recognised the constraints with its available resources.
- Cllr Ross added that the quality of communication by the SWP was extremely good and credit goes to Mr Read and this team for this.

The Chairman moved the recommendations.

The Board RESOLVED to:

1. Note and consider the feedback from the partner consultation process as set out in paragraph 3.2 of the report.
2. Approve the Business Plan, subject to any amendments arising from the feedback.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

#### 483 **Financial update 2016/17 and Annual Budget 2017/18 - Agenda Item 7**

The Chairman invited Martin Gerrish, Finance Officer to introduce the report.

The report set out the financial performance against the approved Annual Budget for the first 9 months of the current financial year from April to the end of December, and how this had impacted on the forward budget for 2017/2018. (A verbal update was provided at the meeting itself for any significant changes in January).

The Board was asked to approve the Annual Budget for 2017/2018 in accordance with its Constitution and Inter Authority Agreement. In approving the final Annual Budget, members were asked to approve the non-public facing savings set out within the report.

Mr Gerrish highlighted that there was a summary table of the latest position for 2016/17 – which was to be found in page 65 of the report.

Mr Gerrish said that the collection figure was overall worse than it was reported in December and some of this can be attributed to the final garden waste figures. Mr Gerrish said that curbside recycling credits have been down in the last couple of months. Mendip and South Somerset have reported an increase in container stocks due to factors like food caddys being older. Mr Gerrish went on to say that we have not spent the budget allocated for the Chard reuse shop. There has also been a slight deduction in waste tonnage in some areas.

Mr Gerrish also highlighted on the top of page 68 of the report the increases in food waste recycling. Mr Gerrish confirmed that he had spoken to the SCC Equalities Manager and he is confident that there are no equalities implications.

The following points were raised during discussion:

- Cllr Ross asked about the container deliveries and the possibility of posting the caddies rather than delivering them. Mr Gerrish said that this had not been considered before but would look into the costs.
- Cllr Pallister added that a clearer message to communities on what can be recycled would be beneficial. He also asked for an update on the proposed reuse centre in Chard. Mr Gerrish responded by saying that further work was required as the proposed prices were not satisfactory.
- Mr Oaten commented that there had been issues getting a reuse centre to be built at Chard, this was due to the fact that there was a lack of contractors due to the Hinkley Project. Talks had taken place with Viridor to potentially build the site and then operate the site on SWP behalf.
- Cllr Berry added that the waste containers were an issue due to the fact that the delivery drivers need to be educated in the way that the containers are handled so that they last longer.
- Mr Read addressed Cllr Pallister's comment about stickers and said that there will be a major communication exercise when Recycle More is rolled out.

The Chairman moved the recommendations.

The Board RESOLVED to:

1. Note the summary financial performance to date as contained in this report, and how this will impact on the budgetary requirements for 2017/2018.
2. Approve the attached final Annual Budget for 2017/2018 (totalling £43,577,620) – Appendix 1.
3. Formally approve the non-public facing savings in Appendix 2, having considered the equalities duty in so doing.
4. Approve that the Managing Director negotiates any final requirements with the relevant contractors in accordance with this Annual Budget Report.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

484 **Consultation on TDBC and West Somerset's Proposal to form a New Council - Agenda Item 8**

The Chairman invited Steve Read, Managing Director of SWP to introduce the report. The report proposed a response to a consultation exercise on the proposal to replace the two existing councils in the Taunton Deane and West Somerset areas of Somerset. He drew attention to the proposed response and highlighted that there are no significant operational or contractual issues arising for SWP. The creation of a new council to replace two current partners would trigger a review of the Inter Authority Agreement and dissolution and immediate replacement of the current partnership to coincide with the creation of the new Council.

Mr Read further highlighted:

- There should not be any foreseeable operational issues.
- There will need to be a refresh of the inter authority agreement and the Constitution to reflect the proposed changes if they are approved.
- Potentially only two members would need to sit on the board and this would mean that the overall numbers would go down from 12 members to 10.

The Board RESOLVED to:

1. Agree that a consultation response drawn from sections 2, 3 and 4.1 is submitted by the Managing Director.
2. Note that there may be some issues of detail around future cost sharing that will require clarification in the review of the IAA.
3. Advise TDBC and WSC that they are asked to note that the other partners will expect to ensure, unless agreed otherwise by all parties, that they will not bear any additional costs through revision to the formulas in the cost sharing mechanism - and that the revised IAA, which must be agreed by all partners in advance of the new council being formed, will be drafted accordingly.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

485 **SWP Risk Update - Agenda Item 9**

The Chairman invited Mark Blaker from the Somerset Waste Partnership to introduce the paper. The report highlighted any new or changing risks which



may affect the operation, strategy or reputation of Somerset Waste Partnership or partner authorities.

Mr Blaker pointed out that at 1.4 the risk was no longer relevant because all parties have approved the plans.

The Board noted the latest position with the Risk Register and the mitigations being managed.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

**486 Performance update Q3 2016/17 - Agenda Item 10**

David Mansell, Development and Monitoring Manager introduced the paper. This report summarised key performance indicators for Quarters 1 to 3 from April to December 2016 and compared these to the same period in 2015.

Mr Mansell highlighted that 3.3 is where most of the findings are shown. Mr Mansell added that overall there had been an increase compared to 1.5% in the previous period. Mr Mansell added that from figures shown in the report increases do not seem to be even, but it was highlighted that Kier collects some commercial waste and in the past it was co collected with household waste. Estimated levels are therefore being revisited and there is a cost impact and a performance impact.

Mr Mansell added that following the charging for asbestos this has led to a reduction of asbestos of 65%. Food waste has continued to increase at just over 4%. Paper has continued its downward trend – 8% down. Upward path for cardboard which is up 3%. 11% increase in plastic. Fly tipping was overall lower with the majority of the reduction in Mendip's area. The numbers of missed collections have reduced and is heading in the right direction.

The following points were raised during discussion:

- Cllr Pallister asked what had happened to all of the asbestos? Is there an issue with irresponsible people still dumping this sort of waste, especially since the charges have started to be enforced. D Oaten clarified that the level asbestos waste was not transferred into fly tipping and that it is likely that householders are instead choosing to leave it in situ.
- Cllr Slocombe added that there is still an issue with missed collections and homes being missed in Sedgemoor and she asked for this to be raised again with Kier.

The Board:

1. Noted the tonnage and performance results within appendices A to D.
2. Noted the change, outlined in section 2, to the future reporting of District performance which will apply from 2017-18.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report.

REASONS FOR DECISION: As set out in the officer report and as debated at the meeting.

**487 Somerset Waste Board Forward Plan - Agenda Item 11**

The Board were updated by the Governance Manager on the latest position of the forward plan and the planned business for the next meeting on 24 March 2017.

The Board noted the latest version of the Forward Plan.

**488 Information Sheets Issued Since the Last Meeting - Agenda Item 12**

There were none.

**489 Any other urgent items of business - Agenda Item 13**

Cllr Berry asked for the Board to receive a report on fly tipping. Mr Read responded by saying that fly tipping would be reported as part of the performance outturn report which is due to go to the Annual General Meeting in June.

**(The meeting ended at 11.45 am)**

**CHAIRMAN**