

South Somerset District Council

Draft Minutes of a meeting of the **Scrutiny Committee** held in **Council Chamber B, Council Offices, Brympton Way, Yeovil BA20 2HT** on **Tuesday 31 January 2017**.

(10.00 am - 12.40 pm)

Present:

Members: Councillor Sue Steele (Chairman)

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| Mike Beech | David Norris |
| Dave Bulmer | Sue Osborne |
| John Clark | Rob Stickland |
| Val Keitch | Linda Vijeh |

Also Present:

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| Henry Hobhouse | Jo Roundell Greene |
| Ric Pallister | |

Officers

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| Laurence Willis | Assistant Director (Environment) |
| Steve Read | Somerset Waste Partnership |
| Donna Parham | Assistant Director (Finance & Corporate Services) |
| Catherine Hood | Finance Manager |
| Jo Gale | Scrutiny Manager |
| Becky Sanders | Democratic Services Officer |

104. Minutes (Agenda Item 1)

The minutes of the meeting held on 3 January 2017 were approved as a correct record and signed by the Chairman.

105. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Jason Baker, Amanda Broom, Tony Lock, Garry Shortland and Martin Wale.

106. Declarations of Interest (Agenda Item 3)

Councillor Val Keitch declared a personal interest for Agenda item 7 - Somerset Waste Partnership Response to Call-In, as she is also on the Joint Waste Scrutiny Panel.

Councillor Linda Vijeh declared a personal interest for Agenda item 7 - Somerset Waste Partnership Response to Call-In, as she is also Somerset County Councillor.

107. Public question time (Agenda Item 4)

There were no questions from members of the public at this item. The Chairman explained that public representation for Agenda item 7 would be heard when that item was considered.

108. Issues arising from previous meetings (Agenda Item 5)

There were no issues raised from previous meetings.

109. Chairman's Announcements (Agenda Item 6)

The Chairman did not make any announcements.

110. Somerset Waste Partnership Response to Call-In From Councillors Mike Beech and David Norris (Agenda Item 7)

The Chairman introduced the item which was regarding a call-in request of the decision taken on 16 December 2016 by the Somerset Waste Board – item 9 – New Waste Treatment Facility Task and Finish Group Update.

She explained that Mr Steve Read, Managing Director of Somerset Waste Partnership (SWP), would have the opportunity to speak first and explain the process the Somerset Waste Board (SWB) had been through to make the decisions that had been made, and then he would take questions.

Mr Read was welcomed to the meeting and invited to speak about the waste transfer station at Dimmer. He opened his address by apologising to the public who had submitted questions to the Somerset Waste Board (SWB) meeting on 16 December 2016, where he had said a written response would be provided. Unfortunately, due to a mis-understanding, the response had only been circulated today.

Mr Read provided an outline to the history, over the last few years, of seeking an alternative to landfill, and that in the future Somerset was likely to only have a single landfill site, Walpole. He explained the process to date to look at options for the future of waste disposal in Somerset, and landfill had been found to be the most cost-effective way of dealing with waste in the immediate future. It had been concluded to continue with landfill but to keep a watching brief regarding new technology, noting that Avonmouth might provide a solution in the future.

The Board had looked closely at alternative solutions and rejected some proposals. Soft market testing in 2015 indicated there was interest for dealing with Somerset's waste, most interest was for turning waste into fuel but much of it was overseas. Looking at the options and bids it was concluded that transfer stations would be required, with two sites believed necessary, one each broadly in the east and west of the county at Dimmer and Walpole, with Dimmer already having planning permission. The Board had looked at creating their own site rather than using Viridor, however the Viridor site was favoured as some structures were already in place. The economics of using Dimmer with its existing set-up had been assessed, and would provide savings of around £2.5 million over the duration of the project.

Mr Read noted the public understandably were asking why Dimmer was not considered to be a strategic site. He referred to the County Waste Core Strategy and acknowledged the definition of a strategic facility wasn't clear, but in his own opinion Avonmouth is the strategic facility by the definition. He recognised there were implications for local residents, but also acknowledged Dimmer was a site that had less impact for finances.

It was noted the public had also raised questions about the long length of the contract, and Mr Read explained the term was required due to capital investment. He also noted that exporting waste had looked favourable a few years ago, but given the drop in the value of the pound it would be in a very different position now. He fully acknowledged the concerns of residents, but looking at costs and that the Dimmer site already had planning permission, made it a logical site for a waste transfer station.

Reference was also made to the Recycle More project which would mean less vehicles taking waste to landfill, and there would be less vehicles in general. In the future more vehicles would be based in the west of the county which would also contribute to less vehicles going to Dimmer, but this would not have been known when planning permission was considered. Mr Read noted they had tried to be as open as possible with many documents available online.

Members of the public then made representation to the Scrutiny Committee:

Mr C Edwards, of Ansford Parish Council noted that to them locating a waste transfer station at Dimmer did not make practical, environmental or financial sense. They had concerns about highway and pedestrian safety, and the impact of vehicles using the B3153 through Clanville which has no pavements and repairs to the road were often needed. Resident's boundaries were also being eroded by passing HGVs. He referred to two Inspectors recently refusing a commercial operation at Dimmer due to road safety concerns. The road through Clanville is a primary access route to Dimmer and the Torbay Road Industrial estate. Residents of Ansford continued to be concerned about HGV traffic on a road that would be impossible to widen in certain places.

He referred to the distance of Yeovil and Frome from Dimmer and that each town had better transport links. They felt it would be more efficient to have transfer stations nearer those towns. Given the long term proposed, he asked the Scrutiny Committee to satisfy themselves that the location of a single transfer station at Dimmer had the necessary infrastructure. He asked the following questions:

- Where is the information for alternative sites with associated costs analysis data for comparison purposes?
- Feel further consideration of this important matter is urgently needed.
- Have Scrutiny Committee members seen for themselves the restrictive road access in Dimmer, in particular through Clanville to the junction of the A371 and at a time of day when the HGV's regularly use the road?

Ms P Peppin of Castle Cary Town Council noted to them this is a question about procedural transparency and use of public money, and using Dimmer as a waste transfer station would be expensive for SSDC. It would involve inefficient deployment of staff and vehicles, and the cost, if calculated, was not in the public domain. Walpole was a sensible location for a waste transfer station for the west of Somerset but that did not mean a single station made sense for east Somerset. She also referred to the inefficient transportation of waste to Dimmer before going to Avonmouth.

She commented that cost analysis should not be based on an assumption that one waste transfer station is best for east Somerset, and assumptions should be properly tested. It seemed that SSDC was being asked to commit to an inefficient environmentally unfriendly arrangement until at least 2045, while planning permission for a waste transfer station at Dimmer had only been granted to 2030. She felt a higher level of scrutiny was expected and believed SSDC councillors should make sure analysis had been done, and reviewed, to check it is robust. She noted there was no evidence publicly available indicating the level of scrutiny expected had happened. She also commented that the failure of the SWP to respond to questions from the meeting on 16 December 2016 until before this meeting was inadequate. Ms Peppin's questions were:

- Has an analysis been done to estimate the additional annual cost of transporting household waste to Dimmer from Yeovil instead of using a site much closer to Yeovil? Has even a rough estimate been done?
- Has an analysis been done to support the decision that one transfer station is preferable instead to two in East Somerset?
- Have the scrutiny committee members been provided with all the papers sent to the Somerset Waste Board members before the December meeting, including background papers at the October meeting, with adequate notice to review those papers and ask questions? Surely they must be entitled to scrutinise the same papers? If this material has not been made available then this agenda item should be rescheduled to a special meeting.

Mr M Roberts of Cary Moor Parish Council noted the lives of residents along the B3153 had been blighted for years by HGVs accessing the tip at Dimmer. He noted they could not get answers through the SWB officers. Invitations to Mr Read to meet them to discuss this matter had repeatedly been declined, and questions tabled three days before the SWB meeting on the 16th December 2016 not answered. Despite being promised that answers would be provided in writing after the meeting this hadn't happened until today. They had not had time to read that information and it should have been provided to members at the Board meeting so that they could make a fully informed decision. Constitutions of the Board and for councillors made it clear that Scrutiny Committees were able to access copies of any document of the Board whether public or confidential. His questions were:

- So why hasn't this information been provided?
- How can scrutiny function be done without it?

Mr Roberts further noted the proposed a long contract with Viridor using a waste transfer station at Dimmer, would commit SSDC to using the facility for possibly 33 years. SSDC had opposed the location for an extended landfill site since 1991 and for a transfer station since 2015, primarily due to the road access. SSDC called for a transfer station near Yeovil when the Odcombe landfill site closed, however this did not happen, now was the time to investigate the possibility. Castle Cary, Ansford, Cary Moor and Lydford parish councils had all called for the Dimmer transfer site matter to be fully investigated. Scrutiny Committee were asked to do the same when in receipt of full information.

Mr K Knight, a local resident of Dimmer living close to the landfill site spoke about the day to day operations he saw regarding the rear end loading vehicles (RELVs) which are manned by a crew of three - driver and two pickers. Each vehicle may go from Yeovil to Dimmer twice a day and for that period the pickers spent four hours just sitting there doing nothing. Based on calculations he had done this equated to about £150,000 a year

in downtime of pickers. He also referred to the works required and costs to Viridor of providing a new waste transfer station at Dimmer.

Mr C Kay, commented he was concerned about how decisions were made. There appeared to be a lack of transparency, particularly as some decisions seemed to be made without all details and without evidence that cost benefit analysis had been done. He felt more detailed analysis needed to be undertaken. He noted full consideration needed to be given to costs involved with the trips to Dimmer including staffing, expenses, breakdowns and delays. It was hoped Scrutiny Committee would ask to see detailed costings because, if wrong, they would have implications for up to 33 years. He also noted his concern that some decisions appeared to be initially discussed in private and then go to a public meeting, where with little discussion, items would be approved. He considered the term commercial confidentiality was often used by the SWP as an excuse for not disclosing information and he provided an example.

He noted that online public records were available, but the lack of transparency was regarding the records of meetings that were not made available to the public. He felt bigger savings could be made by not using Dimmer, and if savings could be made they should be. He hoped the Scrutiny Committee would look at the actions of the SWB in detail and ask questions, ask to see all information and carry out a review of the documents. His questions were:

- What cost analyses have been made available to the Scrutiny Committee before today's meeting?
- If full documentation has not been made available for you to examine, do you agree that no decision can be made today, and no decision can be made until all the facts and documentation have been investigated, including financial information provided to experts.

Ms V Nobles, resident of Dimmer and founder member of Care4Cary, commented that SSDC councillors and ratepayers needed information that so far had not been forthcoming from the SWP or Board. She felt answers were needed to ensure that people are not going to be at a disadvantage for 30 years while County made the savings.

She had a number of questions:

- Questions must be asked about the scrutiny process.
 - Why are there no papers published on the website?
 - Where is the call-in paper?
 - Where are SWB papers relating to the Dimmer transfer station?
 - Surely you the committee can have sight of commercially confidential papers otherwise scrutiny of major contracts would be meaningless?
- What cost benefit analysis has been done to prove that only one waste transfer station, at Dimmer, is appropriate to service east Somerset? Has the Committee seen such an analysis?
- The waste to energy facility at Avonmouth is clearly strategic and Penon Group need certainty of supply for them to construct and operate it. We understand that, but as per the SWBs own Waste Core Strategy, transfer stations apparently are non-strategic, so why therefore the need to tie something that is non-strategic into a 25 year contract with no break clause?
- Questions must be asked about the lack of transparency and consultation. Despite Mr Read's contention this morning, much of what he has said today we have heard for the first time.

- Why has SSDC not been consulted by the SWP and Board about their decision to give Viridor the contract including a Dimmer waste transfer station?
- Why the recent refusal to meet with local parish and town councillors and community?
- Why have public questions asked at the December waste board meeting not been answered until this morning?
- Why make the decision now when it is not anticipated that waste will be transferred to Avonmouth until 2020?
- SSDC over the years has been consistent in its view of the issues surrounding Dimmer, insisting that when landfill finishes at Dimmer so do the other waste management operations. All planning permissions have been on this basis. The Regulation Committee took the same view with the approval of Viridor's application to 2030. So why is the Waste Board now locking in Dimmer for 30 years, through to 2050, 20 years after the planning permission is due to end?

The Chairman invited Mr Read to answer questions raised. Mr Read repeated his apology for the delayed response to the questions posed at the SWB meeting of 16 December. He was also sorry that if speakers felt they had heard things today that had not been said before as the SWB made efforts to put a lot of information in the public domain.

Mr Read noted the concerns of local residents about traffic on the B3153 had long been sustained, and the issues had been considered by the Board. The Board had looked at other options in detail. He acknowledged there was some downtime with pickers but this was an inevitable part of the process, it was not within Kier's (the contract provider) interest to run inefficiently but ultimately it would be Kier's costs. Costs to set up and run a transfer station had been modelled across the county using various options and it had been concluded that two stations would be the best option going forward and the most cost effective solution.

During discussion by members various comments and questions were raised including:

- Promises had been made back in the 1990s which are now being broken – it was said then that associated waste management activities would cease when the landfill closes.
- Disposal of waste is a County responsibility. SSDC only have a responsibility for collection.
- Hard to see how we can challenge the budget of the County Council.
- Need to bear in mind this is a county decision and we are likely to be out-voted by other members of the Board.
- Disposal of waste is a county decision. We could refer the matter back to them but it's hard to see how they could change their decision, and our only power is to ask them to consider the decision.
- Coming out of the SWP is not an option.
- Fully acknowledge concerns raised by the public, but the primary concern regarding highways is beyond our control.
- Waste has to be done by the most cost effective means which is through the SWP. The SWP try to be as transparent as possible.
- Acknowledge many questions to be answered.
- Main question is how Dimmer was chosen as a transfer site and the information that backs up that decision?
- Are there any mitigation plans for Clanville?

- This might not be the right Scrutiny Committee and it is more appropriate for the Waste Scrutiny Panel to consider it.
- There is a financial and environmental business case, and costs analysis, but they are not online.
- Waste to fuel – there has been mention of Europe but has setting up an energy facility with other local authorities in the UK been considered?
- Would like to see financial analysis and other documents.
- Is there any option for the SWP to voluntarily contribute towards the provision of a footpath link for residents?
- If there wasn't a landfill at Dimmer it's likely there would still be a need for a transfer station. Supportive of option to refer to the Waste Scrutiny.
- The planning approval for the transfer station needs to be looked at. Was the County Regulation Committee aware of Inspectors comments?

The Chairman reminded everyone that the Scrutiny Committee was not a decision making committee and it could only make recommendations. She also noted that Scrutiny had no remit to look at planning application decisions. The Chairman advised that all the questions raised at this meeting would be collated and answers would be sought from the County, SWP and Joint Waste Scrutiny Panel, and until such time she could not see how the concerns raised could be moved forward.

Mr Read was thanked for attending the meeting and answering questions.

ACTIONS: The Scrutiny Manager and Democratic Services Officer to collate all questions and seek answers from the County, SWP and the Joint Waste Scrutiny Panel.

111. Verbal update on reports considered by District Executive on 5 January 2017 (Agenda Item 8)

The Chairman noted that the Scrutiny comments had been considered and were included in the District Executive minutes which had been circulated.

112. Reports to be considered by District Executive on 1 February 2017 (Agenda Item 9)

Members considered the reports contained in the District Executive Agenda for 1 February 2017 and made the following comments:

Somerset Waste Partnership – Draft Business Plan 2017-22 (Agenda item 6)

- Scrutiny Committee request to have information with regard to timelines or the reports referred to on page 14 and 15 for the Refuse Treatment and Recycle More projects.
- Members of the committee requested it recorded that Scrutiny Committee had representations from the public with regard to the Dimmer Waster Transfer Station - part of the Refuse Treatment project. The outcome of this is Scrutiny will be passing the questions and concerns from the public to County Council

Scrutiny and the Somerset Waste Board Joint Scrutiny Committee. Two members wished it noted that they have reservations about whether Dimmer is an appropriate transfer site as they had seen no evidence.

- Members were pleased to note that review of the inter Authority agreement between Taunton and West Somerset will be of low risk as the breakdown of costs is based on the number of collections per area.

Loan to Somerset Waste Partnership for Waste Vehicles (Agenda item 7)

- Members support the recommendation noting that the £29,255 interest is in addition to what is currently being received in terms of interest.

Heart of the South West Devolution Update (Agenda item 8)

- Members were happy to support the recommendations but had concerns that they didn't have enough knowledge yet to make formal decisions.
- Scrutiny Committee will be discussing Devolution and the role of Scrutiny at its next meeting.

Revenue Budget 2017/18 Medium Term Financial Plan and Capital Programme (Agenda item 9)

- Para 37 page 50 refers to exploring fees and charges and specifically mentions car parking fees. Where are we with the Car Parking Strategy?
- Scrutiny Committee could consider a Task and Finish group with regard to Fees and Charges if this would be helpful.

2016/17 Revenue Budget monitoring report for the quarter ending 31st December 2016 (Agenda item10)

- Para 10.1 on page 81 - Members were concerned of the number of outstanding applications for Discretionary Housing Payments(32),p articularly given the financial vulnerability of some of the applicants.

2016/17 Capital Budget monitoring report for the quarter ending 31 December 2016 (Agenda item 11)

- A member sought clarification regarding the Market Towns Vision (page 119) – with the changes that Transformation will bring will the Market Towns Investment Group continue and is the funding secure?
- Page 119 – New Car Parks - Some members queried the reason for delays regarding the progressing of the Millers Garage site in Crewkerne.

Public Space Protection Order for dog fouling, dogs on leads and dog exclusion (Agenda item 12)

- Some members queried if in general such Orders for dog exclusion could only be made for SSDC owned land or whether they could be made for any land used generally by the public e.g. recreation grounds owned by trusts or parish councils.

Allowenshay Private Water Supply (Agenda item 13)

- Based on the report included within the agenda, members raised no comments.

Final Recommendation of the Community Governance Review of Brympton Parish (Agenda item 14)

- No comments
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113. Verbal update on Task and Finish reviews (Agenda Item 10)

Members noted the updates provided by the Scrutiny Manager on each of the Task and Finish Groups currently in progress:

Consent for Disposal of Properties – the properties of a rural nature are ongoing, and this has been passed to the Corporate Strategic Housing Manager to do with the Rural Lettings Policy.

Discretionary Housing Payments – the report was nearly finalised and is due to Scrutiny in March and the District Executive.

Street Trading – this has been left with the Licensing Manager and he will be writing the final report. Task and Finish Group members are satisfied their views have been considered and taken forward.

National Non Domestic Rates Discretionary Relief – Group are awaiting a response from the Portfolio Holder, but has indicated he is probably supportive that the charity sector is funded.

Right to Buy Clawback – the group has finished their work and a letter had been sent to Yarlington but there had been no response to date.

114. Update on matters of interest (Agenda Item 11)

The Scrutiny Manager reminded members that Devolution was going to be considered under matters of interest, but much had been covered when the item was discussed under the District Executive item on the agenda.

Councillor Clark's presentation had been circulated to members prior to the meeting and after a short discussion it was agreed that Scrutiny should consider the matter in more detail at a future meeting.

ACTION: That an item to consider the Devolution update be added to the Scrutiny Work Programme.

115. Scrutiny Work Programme (Agenda Item 12)

The Scrutiny Manager provided members with some updates to the Work Programme:

- The Rural Lettings Policy item would now be at the 28 February meeting.

- The TEN system was likely to be replaced in the future as it didn't integrate with other systems. Members were asked raise any items they may wish to see more performance information on.

She also reminded members of the Task and Finish Group regarding the Community Council, which had stalled due to more information being required regarding data sharing. In response the Chairman noted that the group had thought a presentation from the Yeovil One team with be useful, and other members agreed.

ACTIONS: The Scrutiny Manager to arrange a presentation from the Yeovil One team and then re-convene the Task and Finish Group regarding how the Community Council for Somerset and SSDC could work better together.

116. Date of next meeting (Agenda Item 13)

Members noted the next meeting of the Scrutiny Committee would be held on 28 February 2017, in the Main Committee Room, Brympton Way.

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Chairman