

Agenda



Listening Learning Leading

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A MEETING OF THE

Oxfordshire Waste Partnership

WILL BE HELD ON FRIDAY 4 APRIL 2014 AT 10.00 AM

COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, CROWMARSH
GIFFORD

Members of the Oxfordshire Waste Partnership:

**Oxfordshire Waste Partnership
Councillors**

Mr David Dodds (Chairman of the OWP)

Mr Reg Waite (Vice-Chairman)

Mr Nigel Morris

Mr John Tanner

Mr David Nimmo-Smith

Mr David Harvey

Representing:

South Oxfordshire District Council

Vale of White Horse District Council

Cherwell District Council

Oxford City Council

Oxfordshire County Council

West Oxfordshire District Council

Deputies: any Cabinet or Executive member of a member authority notified to the contact officer as attending in accordance with the substitution rules of that authority.

Members of the Oxford Environment Partnership are invited to attend and participate in the discussion of items on this agenda, but may not vote.

OXFORDSHIRE WASTE PARTNERSHIP AGENDA ITEMS

1 Apologies for absence and notification of deputy members attending

Unless otherwise indicated, apologies notified at the start of the Oxfordshire Environment Partnership meeting will be taken as read.

2 Declaration of disclosable pecuniary interest

3 Addresses and questions to the partnership

Members of the public wishing to speak to the committee for up to five minutes must register with the committee clerk named above by noon on Thursday (the day before the meeting).

4 Urgent business

To receive and consider any items of urgent business.

5 Minutes of the previous meeting (Pages 5 - 10)

Minutes attached

Purpose: To approve the minutes of the meeting of the Oxfordshire Waste Partnership meeting held on 17 January 2014 (attached) and to receive information arising from them.

6 Dissolution of the Oxfordshire Waste Partnership (Pages 11 - 20)

Report author: Mrs Clare Kingston, Head of Corporate Strategy

Purpose:

- to agree to dissolve the Oxfordshire Waste Partnership (OWP);
- to agree staffing plans for 2014/15;
- to agree to support informal working arrangements, to ensure the continuation of a co-ordinated approach to waste management across the county.

7 Chairman's announcements

*The next meeting is on Friday, 20 June 2014 in the Council Chamber, South
Oxfordshire District Council Offices*

MARGARET REED

Head of Legal and Democratic Services

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Minutes



Listening Learning Leading

OF A MEETING OF THE

Oxfordshire Waste Partnership

HELD AT 11.00 AM ON FRIDAY 17 JANUARY 2014

COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, CROWMARSH
GIFFORD

Voting members of the Oxfordshire Waste Partnership attending

Councillor D Dodds (Chairman)	South Oxfordshire District Council
Councillor D Harvey	West Oxfordshire District Council
Councillor N Morris	Cherwell District Council
Councillor D Nimmo-Smith	Oxfordshire County Council
Councillor J Tanner	Oxford City Council
Councillor R Waite	Vale of White Horse District Council

Officers attending for the whole of the meeting

Mr W Lewis	Oxfordshire Waste Partnership
Ms R Lake	Oxfordshire Waste Partnership
Ms M Brookes	Oxford City Council
Ms J Colwell	Oxford City Council
Ms M Nielsen	Oxford City Council
Mr T Flanagan	Oxfordshire County Council
Ms S Gilbert	Oxfordshire County Council
Mr N King	Oxfordshire County Council
Mr G Hull	Oxfordshire County Council
Mr M Prosser	South Oxfordshire and Vale of White Horse district councils
Mrs J Thompson	South Oxfordshire and Vale of White Horse district councils
Ms C Locke	West Oxfordshire District Council
Mr R Young	West Oxfordshire District Council
Dr A Simpson	Low Carbon Hub
Ms L Bee	Environment Agency

Apologies for absence

Ms L Watson	ORCC
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23 Declaration of disclosable pecuniary interest

None.

24 Addresses and questions to the partnership

None.

25 Minutes of the previous meeting

The minutes of the meeting of 1 November 2013 were agreed as a correct record and signed as such by the Chairman.

26 Role of Host Authority and future meeting dates

The partnership considered a report setting out future chairing arrangements and meeting dates for the partnership from June 2014 to March 2016.

The partnership resolved:

1. to note that the chairmanship would move to Vale of White Horse District Council with effect from the meeting on 20 June 2014;
2. that meetings would be held, starting at 10.00am, on dates as set out:
20 June 2014
24 October 2014
23 January 2015
27 March 2015
26 June 2015
23 October 2015
22 January 2016
18 March 2016
3. that meetings are held at South Oxfordshire District Council offices.

27 Future OWP funding

The Chairman took this item second.

The partnership noted the communications from County Councillor Rose and the recommendations on the proposed budget considered at the County Council's performance scrutiny committee meeting on 16 December 2013.

The partnership acknowledged the difficulties faced by the County Council in balancing its budget. However, the committee noted that the waste partnership's work not only represented a tiny fraction of the budget for waste and provided good value for money; it produced a considerable financial saving for all the partner councils. The County Council may find that removing funding for the partnership resulted in an increase in costs not a saving. It's contributions to districts from recycling credits, brought in by the government to offset the initial increased costs of recycling over landfill, had already been reduced and the OWP budget cut. Waste collection authorities may not wish to work with the disposal authority who bore the

bulk of the costs if that authority was unwilling to contribute funds to the partnership. It was not reasonable for the county to stop its contribution and expect the districts to pick up the costs.

The partnership noted that the partnership's vision was still to increase recycling and reduce waste and carbon emissions, and thereby generate savings across the county, and that the action plan contained a number of new projects and was clearly delivering results.

The challenge was to maintain recycling rates and increase them further to 70-80 per cent, reduce waste, and promote a low-carbon society. Increased housing numbers and a ten per cent turnover of population each year meant increased waste and a continual need for education, information, and more publicity to reach new residents. Working and communicating in partnership was essential otherwise the recycling rates and income would decrease and all councils would be adversely affected.

There needed to be a clear vision for the OWP, not just continuing doing the same thing without considering alternatives. There was little rationale for a change as the 'same thing' was working well. OWP had raised awareness and recycling rates to the best around and was an excellent example of partnership working, winning numerous awards.

The partnership noted that the budget for 2014/15 had been agreed at the last meeting and should therefore be included in each partner's budget. There was a formal process in the legal agreement to dissolve the OWP or for one partner to withdraw.

Members noted that there was value in retaining the partnership to maintain the considerable benefits of collaborative working. Work to reduce waste and increase recycling, whether collaboratively or individually, would still need to be done. The incinerator, which would significantly reduce landfilled waste, would not have been viable without the partnership with the waste collection authorities.

The partnership was of the view that the outcome should be in the best interests of the taxpayer.

There may be an argument for lower contributions or an alternative structure or vision, but a co-ordinated central approach worked well. If this was not available, each council would have to do the same work individually and would find it harder to justify the costs. Members and officers needed to have a full discussion of the purpose and vision of the OWP; how best to have the necessary partnership working; any alternatives to a funded organisation; and whether a statutory committee with the attendant cost was the best way. The work of the partnership and alternative sources of funding should be explored. It would be helpful to have this discussion and agree the way forward before the county council's budget for 2015-16 and its complete withdrawal of funding were decided. There should be an orderly transition and hand-over, sooner rather than later, if the partnership were to change form.

There was a danger that the collaboration would cease and when waste contracts were retendered these would be done for the individual council's benefit, not for county-wide benefit. There was merit in having at least an officer steering group meeting regularly and the portfolio holders meeting twice yearly.

The partnership agreed:

- that all councillors would brief their leaders on the value of the partnership, its successes, role, and future in advance of the Leaders' meeting;
- that the Chairman should attend the County's cabinet and council meetings to request that it revises its proposal to cease funding OWP from March 2015 and instead continues its support for the partnership; and
- to ask the Waste Partnership Coordinator to present options to the March meeting on alternative ways of continuing the partnership's work in the light of the County Council's final decisions.

28 Community engagement and education on environmental impact - Contract Procurement update

The Chairman considered this item after the discussion on future funding.

The partnership considered a report on the joint procurement of the green schools programme and the community action group project. Members discussed whether the procurement should proceed given the uncertain funding; the merits of procuring a joint contract; and the merits and feasibility of extending and renegotiating the existing contract with Groundwork.

The partnership resolved to proceed with a one-year extension to the current Groundwork contract rather than proceed with the procurement exercise, given the uncertain funding situation.

29 Waste Prevention Programme for England

The partnership considered a report summarising the newly published Waste Prevention Programme for England, 'Prevention is better than cure'.

The partnership agreed:

- to note the new national waste prevention programme;
- that OWP seeks to play an active role in its implementation by contributing to relevant forums and work programmes; and that
- OWP continues to prioritise waste prevention, reuse and repair in Oxfordshire through the implementation of its waste prevention strategy.

30 Joint Municipal Waste Management Strategy Action Plan 2014/15 - 2016/17

The partnership considered a report setting out an action plan for 2014/15 to 2016/17 to implement the agreed Oxfordshire Joint Municipal Waste Strategy. Members noted the focus on bulky waste and reuse; proposals for the assessment of co-mingled collections; and the risks and opportunities.

The partnership:

- agreed the action plan as attached at Appendix 1 of the report; and
- noted that the action plan may need to be revised in light of the final outcome of discussions on the future of the partnership.

31 Performance monitoring update

The partnership considered the quarterly update on performance.

The partnership resolved:

- to note the high level risks set out in section 2.3 and the accompanying mitigation measures;
- to note the upward trend in the amount of waste landfilled, declining recycling levels and increased fly-tipping continue to be reviewed; and
- to review the action plan in the light of the County Council's decision on future funding.

32 Household Waste Recycling Centre for the Chipping Norton area

The partnership considered a report discussing the need for a household waste recycling centre (HWRC) in the north of West Oxfordshire district.

Members requested that proposals be discussed at the partnership before being made public given the shared responsibilities and the potential for shunting costs between authorities.

The partnership agreed to note the concerns from WODC regarding the lack of HWRC facilities and ask that the County Council review the provision of HWRCs serving the north of the County.

33 Residual Waste Treatment and Bulking & Haulage Projects update

The partnership considered a report setting out the progress of the residual waste treatment and bulking and haulage projects.

The partnership agreed to:

- note and support the progress made on the residual waste treatment project;
- note and support the progress made on the bulking and haulage contracts for the efficient delivery of waste to the Ardley EfW facility; and
- add consideration of the disposal of bulky waste to future reports.

34 Sustainable Clothing Action Plan

The partnership considered a report seeking approval for Oxfordshire Waste Partnership to sign up as a Supporter to the Waste and Resources Action Programme (WRAP) Sustainable Clothing Action Plan (SCAP).

The partnership agreed:

- that Oxfordshire Waste Partnership signs up to become a Supporter of SCAP;
- and to note the good work undertaken by partner councils to divert textiles from landfill and to continue to support this.

35 Chairman's announcements

The partnership noted the letter from Brandon Lewis MP and his department's guidance on weekly bin collections circulated by the Chairman in advance of the meeting.

The Chairman thanked Rebecca Lake, whose secondment in to the role of OWP Communications Officer finishes at the end of January when Paul Mocroft returns.

The Chairman congratulated Oxford City Council which was named as a finalist at the APSE annual awards held on 5 December. The City Council was nominated in the following categories:

- Refuse Collection (winning the Most Improved Refuse Collection Service Award)
- Street Cleaning
- Transport & vehicle maintenance.

The meeting closed at 12.15 pm

Chairman

Date

OXFORDSHIRE WASTE PARTNERSHIP JOINT COMMITTEE

4 April 2014

Dissolution of the Oxfordshire Waste Partnership

1 Purpose of Report

1.1 To agree to dissolve the Oxfordshire Waste Partnership (OWP).

To agree staffing plans for 2014/15.

To agree to support informal working arrangements, to ensure the continuation of a co-ordinated approach to waste management across the county.

2 Background

2.1 At the Oxfordshire Leaders meeting on 30 January 2014 a decision was taken to dissolve the OWP as quickly as possible. It was recognised that the partnership had worked well and delivered impressive results with recycling rates across the county having improved from 30 per cent to 60 per cent over a five year period. Accordingly the Leaders determined that there was no longer a need for a constituted partnership and that in future co-ordination could happen in an informal way.

On the 3 February 2014, the City Council considered the matter. Full Council received a statement from the Lead Member that opposed the dissolution of the Partnership as there was still a great deal that could be achieved. It was agreed that the OWP had been a real success and needed maintaining.

2.2 At the Chief Executives meeting in March it was agreed that the partner councils should serve notice of withdrawal of funding after 1 April 2015.

2.2 We have sought clarity on the process of ending the formal partnership arrangements. Clause 25.1 of the Partnership Agreement provides that the partnership will continue until "...terminated by unanimous decision of the existing Partner Authorities". If the vote is unanimous the partnership is dissolved.

2.3 If all members were choose to vote to dissolve the OWP, because the partnership is not a separate incorporated body, there are no formalities required to unwind it or bring it to an end other than to record the unanimous decision of the Partner Authorities that the Partnership will be terminated.

2.4 If the vote is not unanimous, to bring the OWP to an end, partners will need to resign as members. Clause 25.2 states that individual Partner Authorities can resign by giving written notice to the Host Authority, which takes effect on the following 1 April. Although partner authorities may choose to do this any time between now and October when the budget is ordinarily set, the recommendation is to do so earlier, to provide clarity and to allow plans for successor arrangements to be implemented.

2.5 Clause 25.1 also states that termination cannot take effect until all contracts that have been entered into in connection with the OWP have been or can be terminated. If the partnership is terminated in April 2015 there will not be any legacy contracts.
This requirement applies to termination not resignation.

2.6 Clause 25.4 provides that each Partner Authority has to bear its share of any remaining amounts payable under such contracts.

The provisions of Clauses 25.3 and 25.4 in relation to any resignation state that, notwithstanding any resignation by a Partner Authority, the resigning Partner Authority remains liable for its contribution to any OWP Gross Budget that has already been agreed by the Partnership as well as any already accrued liabilities of the Partnership and any costs and liabilities arising from the decision to resign. Assuming the partnership is dissolved in April 2015 the financial liabilities are set out in Appendix 1.

The recommendation is that any financial liabilities are shared by the partners in the proportion 50 per cent county and 10 per cent for each district, in accordance with clauses 15.5 and 25.7.

2.7 Whilst the OWP will exist until April 2015 officer groups have already met to plan the future without the benefit of the support of the formal partnership.

It is recommended that the OWP work plan for 2014/15 is reviewed.

2.8 Beyond April 2015, to ensure that we maintain a co-ordinated approach to waste management we are proposing that the Officer Strategy Group continues to meet, taking it in turns to host, minute and chair meetings. We have also asked the officer working groups to review their work programmes and then propose what they would want to do and what they could contribute by way of partnership working in the future.

2.9 Councillors may also wish to continue to meet on an informal basis. If that is something that councillors would like to do a decision needs to be reached as to the purpose of those meetings and what the mechanism or resources will be put in place to support them.

2.10 The support provided to the OWP has also extended to the Oxfordshire Environment Partnership (OEP) and so in deciding whether to continue to meet Councillors may want to consider whether any meeting would include consideration of OEP matters or whether the OEP should also cease.

2.11 We have already had some media coverage of the decision and a statement has been issued in response.

3 Financial, Risk and Staff Implications

3.1 The partnership has financial liabilities beyond April 2015 and these are set out in appendix 1.

If OWP were to be dissolved in April 2014, as until recently seemed likely, the financial liabilities for 2014 / 15 are set out in appendix 2, for information.

The outstanding balance of the New Initiatives Fund is set out in appendix 3. The recommendation is that any un-allocated funding at April 2015 should be distributed back to the partners in the proportion set out in the partnership constitution. Partner Councils

currently holding NIF funding should seek to complete their funded projects as soon as possible.

- 3.2 The partnership has a contractual liability through the one year contract extension offered to Groundwork South. The contract is held by Oxfordshire County Council on behalf of OWP. If needed OCC has agreed to take over the OWP Partnership Coordinator's contract management role on the steering group until the contract ends in 2015. Future contract payments under this agreement are included in appendices 1 and 2.

The only other contractual liability is the Heart Radio advertising contract which ends in the Summer of 2014.

- 3.3 There are staff implications: both the OWP Coordinator and Communications Officer will be given notice of redundancy by Cherwell District Council (CDC), which acts as the Employing Authority for OWP. Payments are included in appendices 1 and 2. CDC plans to report to its Executive Meeting on 7 April. Dependent on the decisions made a Personnel Committee meeting maybe held on 15 April. Notices of redundancy will only be issued once decisions are known both regarding the timescales of dissolving the partnership and the OWP staffing plans.
- 3.4 There is a risk that dissolving the partnership will result in the councils acting unilaterally. To mitigate this risk, partnership working will still be maintained but it will no longer have a formal status beyond 2015.
- 3.5 There is a risk that recycling rates will fall and we will drop down the national recycling league tables, and also that waste management costs increase as a result of lower recycling levels and less coordinated activity on waste prevention.

4 Areas Affected

- 4.1 All partner councils are affected by the matters within this report.

5 Effect on Strategic Policies

- 5.1 The dissolution of the partnership will mean that there is no longer any formal commitment to the strategic policies within the JMWMS. However, it is anticipated that all local authorities will continue to support them. It should be recognised though that the JMWMS will not be refreshed annually and joint implementation will cease in March 2015. No replacement will be prepared when the next five-year review point is reached in 2017.

6 Options or Alternatives

- 6.1 We sought guidance on whether the partnership could be "held over" rather than dissolved in case the decision was taken to re-instate the formal partnership arrangements in the future. We were advised that as the Partnership is not a formally incorporated body any decision to re-establish it is simply an internal decision for each of the constituent Partner Authorities. There are no external formalities or registrations to be complied with.

Therefore the recommendation is to dissolve the partnership in April 2015.

Appendix 1

OWP financial liabilities for 2014/15 and 2015/16 (assuming Partnership dissolution in April 2015)

<u>Item</u>	<u>2014/15 budget</u>	<u>2015/16 liability</u>	<u>Total</u>	<u>Notes</u>
Salaries (and on-costs)	£103,006	£43,656	£146,661	Notice period and redundancy costs for OWP Coordinator and Communications Officer. Notice period includes NI and pension contributions.
Training and support costs	£2,720	£0	£2,720	
OWP Employing Authority costs	£3,502	£867	£4,369	One quarter of annual budget allocation for close down costs incurred April-Jun 2015
OWP Host Authority admin costs	£2,123	£525	£2,648	One quarter of annual budget allocation for close down costs incurred April-Jun 2015
OWP Accounting Authority costs	£2,123	£525	£2,648	One quarter of annual budget allocation for close down costs incurred April-Jun 2015
OWP Auditing Authority costs	£3,122	£3,091	£6,212	2014/15 internal and external audits would need to be completed if OWP continues to operate through 14/15.
Sub-total Core Budget	£116,595	£48,664	£165,259	
Development Budget				
Environmental Education	£60,964	£0	£60,964	OWP agreed on 17th Jan 2014 to offer a one year contract extension to Groundwork, who have accepted. Currently no liability beyond this period.
Home composting	£11,100	£0	£11,100	
Communications Plan	£70,000	£0	£70,000	
Sub-total Development	£142,064	£0	£142,064	
Total Expenditure	£258,659	£48,664	£307,323	
Reserve carried forward from 2012/13	£74,072			
Anticipated 2013/14 outturn to be added to reserve	£39,702			
Total budget required (with full use of existing reserves)			£193,549	
Partner Council contributions required OCC Districts			£96,774.43 £19,354.89	per district

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Appendix 2

OWP financial liabilities for 2014/15 (assuming Partnership dissolution in April 2014)

<u>Item</u>	<u>2014/15 Liability</u>	<u>2014/15 budget</u>	<u>Difference</u>	<u>Notes</u>
Salaries (and on-costs)	£41,943	£103,006	-£61,063	Notice period and redundancy costs for OWP Coordinator and Communications Officer. Notice period includes NI and pension contributions.
Training and support costs	£96	£2,720	-£2,624	Training courses booked for April 2014
OWP Employing Authority costs	£867	£3,502	-£2,635	One quarter of annual budget allocation for close down costs incurred April-Jun 2014
OWP Host Authority admin costs	£525	£2,123	-£1,597	One quarter of annual budget allocation for close down costs incurred April-Jun 2014
OWP Accounting Authority costs	£525	£2,123	-£1,597	One quarter of annual budget allocation for close down costs incurred April-Jun 2014
OWP Auditing Authority costs	£3,091	£3,122	-£31	2013/14 internal and external audits.
Sub-total Core Budget	£47,047	£116,595	-£69,548	
Development Budget				
Environmental Education	£60,964	£60,964	£0	OWP agreed on 17th Jan 2014 to offer a one year contract extension to Groundwork, who have accepted.
Home composting	£0	£11,100	-£11,100	
Communications Plan	£4,194	£70,000	-£65,806	Monthly payment to Global Radio for "Limited Edition" ad package. Annual subscription ends June 2014.
Keep Britain Tidy - countywide membership	£0	£0	£0	
Sub-total Development	£65,158	£142,064	-£76,906	
Total Expenditure	£112,205	£258,659	-£146,454	
Reserve carried forward from 2012/13	£74,072			
Anticipated 2013/14 outturn to be added to reserve	£39,702			
Total budget required (with full use of existing reserves)	-£1,569			
Partner Council contributions required				
OCC	-£784.45			
Districts	-£156.89			per district

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**Appendix 3
NIF Budget Position**

Summary

	Revenue	Capital	Total
Total income	£ 615,770	£ 719,358	£ 1,335,128
Total commitments	£ 49,091	£ 178,433	£ 227,524
Total expenditure	£ 566,617	£ 526,524	£ 1,093,141
Remaining funds to be allocated	£ 62	£ 14,401	£ 14,463

Committed funds

Project	Revenue	Capital	Total
Oxfordshire C.C Household Waste Recycling Centre Reuse	£ 40,000	£ 150,000	£ 190,000
West Oxfordshire D.C Flats recycling	£ 2,579	£ 26,933	£ 29,512
South Oxfordshire & Vale of White Horse on-street recycling	£ 6,512	£ 1,500	£ 8,012
Total	£ 49,091	£ 178,433	£ 227,524

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