

ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

5 November 2014

PRESENT: Councillor Hunter-Watts (Chairman); Councillors Mrs Brandis, Mrs Chapple, Foster, Monger (in place of Vick), Mrs Phipps (in place of Fealey), Mrs Russel, Stuchbury, Mrs Takodra and Winn. Councillors Lambert, Mrs Polhill and Sir Beville Stanier attended also.

APOLOGIES: Councillors Fealey, Vick and Mrs J Ward.

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 22 September 2014 be approved as a correct record.

2. PUBLIC HEALTH AND THE ROLE OF HEALTHWATCH BUCKS

In June 2013, the Scrutiny Committee had received a report on the changes that had occurred in the national health system in 2012/13. The new structure in Buckinghamshire included the transfer of responsibilities for different aspects of health to Bucks County Council (BCC) and the Aylesbury Vale Clinical Commissioning Group (CCG), and the Health and Wellbeing Board which had been established to promote the health and wellbeing of residents and focus on securing the best possible health outcomes for all. At that meeting, the Committee had spoken to both the County's Cabinet Member for Health and Wellbeing (Councillor Mrs Birchley) and to Buckinghamshire's Director of Public Health (Dr Jane O'Grady), and discussed the contribution that the district council, and local Members can make to public health.

Members received a further report with information about the role of Healthwatch Bucks, another body which had been established in 2013 as a local independent consumer champion. Healthwatch Bucks was commissioned by the county council to help to ensure that the views of the public and people who use health and social care services are taken into account and helped to provide better outcomes in health and social care services in Buckinghamshire. Mrs Jenny Baker, Chair of Healthwatch Bucks, attended the meeting to provide information about the organisation and help answer any questions from Members of the Committee.

Healthwatch Bucks was accountable to the County Council as the commissioner, with regard to its operational procedures and compliance with legal requirements. It was important to note that despite this, Healthwatch Bucks was an independent consumer organisation. At the national level Healthwatch England was also created to be the independent champion for consumers and users of health and social care in England, giving national influence to local voices. It was responsible for setting standards and providing support and leadership to local Healthwatch organisations, although they were not accountable to it.

Healthwatch England was a partner of the Care Quality Commission (CQC), which was the independent regulator of all health and social care services in England and ensured that care provided by hospitals, dentists, ambulances, care homes and services in people's own homes and elsewhere met national standards of quality and

safety. The CQC also took action against services that were not meeting those standards.

Healthwatch Bucks had replaced the Local Involvement Networks (LINKs), but with additional functions in relation to: children; signposting patients to good practice; holding a statutory place on local health and wellbeing board; and with the ability to feed views and recommendations to Healthwatch England to action at a national level.

Healthwatch Bucks had recently published its annual report for 2013/14 which provided information on the organisation and its work, as well as setting out the strategic plan for the period 2014 – 2017. The four key aims of Healthwatch Bucks were:-

- (i) Influencing – collecting data and stories about the good and the bad, to use evidence based criteria to influence commissioning and policy.
- (ii) Signposting – helping individuals to navigate their way through the system by giving advice and information.
- (iii) Holding to account – using powers to 'enter and view' to be influential in achieving service improvements, through partnership with: the local safeguarding boards; service providers; the local health and social care voluntary sector; the Health Overview and Scrutiny and Committee; the Health and Wellbeing Board; Healthwatch England; Clinical Commissioning Groups and the local authority.
- (iv) Celebrating – finding and sharing areas of good practice and telling their networks about things that were working well.

In June 2013, the presentation to Members had included factor affecting the health of local residents, taken from the Public Health Profile for 2012. Information on the latest public health profile, published in August 2014, was provided which highlighted that, generally, the health of residents of Aylesbury Vale District was above the national average, although pockets of deprivation with health inequalities still existed. In order to tackle those issues the countywide Healthy Communities Partnership, in which this council participates, has prioritised the following:

- Physical activity – a strategy and action plan for increasing physical activity has been agreed and could be accessed on the County Council's website. AVDC's Leisure team and the countywide sports partnership (Leap), worked closely with a range of partners on this agenda. Examples of projects included sports courses for young people (funded through 'Sportivate'), ladies only swimming, and multi-sports sessions for people with learning disabilities (DASH).
- Healthy eating – information to support healthy eating could be accessed on the County Council's website. Work was underway to bring together local stakeholders to develop a strategy for improving healthy eating in Bucks.
- Adult mental wellbeing – the partnership had been promoting the 'five ways to wellbeing' which provide easy ways for individuals to boost their own wellbeing.
- Tackling multiple risk factors – the 'Big Four' lifestyles which in combination have a massive impact on health: physical inactivity; smoking; unhealthy eating; drinking alcohol. This was a complicated area but work was underway to identify the most effective ways of helping people to address these lifestyles; and developing links between and within treatment services.

In addition to the district level profile, information had been compiled and published by public health colleagues at the county council about the health and wellbeing of

residents at Local Area Forum(LAF) level. This profile information aimed to help Members to consider more local priorities for their communities.

Members requested further information and were informed as follows:-

- (a) that now that Healthwatch Bucks was up and running with a trained team of volunteers, it was anticipated that the views / complaints / opinions of more people would be captured over the next 12 months.
- (b) that separate meetings were held with different organisations to ensure that complaints received were followed up.
- (c) that Healthwatch Bucks would welcome District Councillors passing on information on people's experiences and concerns with standards or service delivery in their areas.
- (d) a further explanation was provided on the workings of Healthwatch Bucks, in particular on the Board of Directors, the small team of staff and on the team of volunteers.
- (e) that Healthwatch Bucks was looking to ensure that it made the best use of the health related data collected by other organisations.
- (f) that Healthwatch Bucks would be looking to ensure that they collected evidence of people's experiences from across the whole community, including from hard to reach groups such as the BME community.
- (g) that translation services were used, if necessary, when communicating with people whose first language was not English. In addition, Healthwatch Bucks' website was translatable into more than 70 languages.

Members also commented:

- that the majority of health related complaints they received from constituents related to poor service and facilities at local GP surgeries. This also extended to how money was being managed by the newly established Clinical Commissioning Groups which, in some cases, meant that local doctors were involved in managing finances rather than working in GP surgeries.
- that Healthwatch Bucks needed to be proactive in seeking feedback from people, in particular in areas such as quality of care in care homes where systemic problems had been detected in a number of localities across the country.
- that while it was helpful to identify problems, e.g. with processes for discharging people from hospital, it was also important to look at and identify the root causes that might be leading to these problems.

RESOLVED –

- (1) That Chair of Healthwatch Bucks be thanked for attending the meeting and for the work that was being done by that organisation to promote and improve the health and wellbeing of local residents.
- (2) That the report be noted, and the comments made by Members passed to Healthwatch Bucks.
- (3) That further information on Healthwatch Bucks and on its projects be provided to Members via the Members ' Information Sheet.

3. THE FUTURE OF AFFORDABLE HOUSING AND AYLESBURY VALE AS A HOUSING DEVELOPER

The Committee received a report updating Members on the Council's delivery of affordable housing, the proposed delivery over the next few years, the impact caused through the withdrawal of the Vale of Aylesbury Plan, and the potential of the Council operating as a housing developer.

There had been several changes recently that had a direct impact on the delivery of affordable housing within the district, including the withdrawal of the Vale of Aylesbury Plan and the ability of developers to challenge the financial viability of their sites. Aylesbury Vale had performed consistently well over the past few years in the delivery of affordable houses as follows:-

	Target	Actual
2009/10	190	513
2010/11	150	255
2011/12	400	446
2012/13	200	368
2013/14	100	314
Totals	1040	1896

The delivery of affordable homes had been helped in part by the three major delivery areas (MDA) within the district, Buckingham Park, Berryfields and London Road, Buckingham. The current in-year prediction was for 488 new affordable homes too be delivered within the district against a target of 325. However, the next two years' figures reduced dramatically and were currently predicted to be 183 and 162 respectively.

The fall in predicted numbers was due to a number of factors including the Buckingham Park MDA nearing completion, the withdrawal of the Vale of Aylesbury Plan and the ability of developers to challenge the Council on the financial viability of sites.

In December 2013, an independent planning inspector recommended to the Council that the Vale of Aylesbury Plan be withdrawn. Consequently, a new local plan was now in the early stages of being brought forward. This would involve establishing the growth needs of the district, and an appropriate level of development across a range of aspects, including affordable housing. The 'Vale of Aylesbury Local Plan' (VALP), as this document would be known, would form the basis for strategic development in the Vale. It was expected that the new local plan would be delivered in 2017.

In the interim period up until 2017, AVDC was using the 2004 'Aylesbury Vale District Local Plan' to guide affordable housing delivery and development in general. Under the policies set out in this document, AVDC sought affordable housing of 30% on sites larger than 1 hectare or 25 dwellings. Previously, the Council had been able to request affordable housing on developments over 15 units, at 35% of total housing provision. This clearly impacted on affordable housing provision, as sites of 15-24 units were no longer required to put forward any affordable units and AVDC would have to accept a lower percentage of delivery.

Linked to the delivery of the VALP, the level of affordable housing need would also be taken into account when agreeing the level and type of affordable housing to be delivered. The Forward Plans team was currently working to produce a new Housing

and Economic Development Needs Assessment (HEDNA) with GL Hearn. The housing model within this was largely based on housing market conditions (and particularly the relationship of housing costs and incomes) at a particular point in time (the time of the assessment) as well as the existing supply of affordable housing (through relets of current stock) which can be used to meet housing need. On this basis, estimates of housing need were provided for the period between 2013 and 2033.

Developers were also able to challenge the financial viability of a development if they believed that the level of proposed affordable housing made the development unviable. Developers could submit a detailed financial appraisal to the Council seeking a reduction in the level of affordable housing and, potentially, the amounts of s106 contributions. Should the Council disagree with this appraisal it was referred to the District Valuer (DV), at the developers expense, to act as an intermediary. The DV would then make a recommendation on the maximum level of affordable housing that the development could incorporate.

Despite the current prediction of a fall in the number of new affordable homes to be delivered it was also possible that the levels could substantially increase. One new MDA had already received outline planning permission (Aylesbury East) with a minimum of 20% affordable homes to be delivered on site. This outline planning permission was for 2450 homes which should see the delivery of at least 490 new affordable homes. There are also 3 further MDAs at the appeal stage which, if delivered, could also deliver a high number of affordable homes.

The fact that the Council did not have an up-to-date local plan was encouraging developers to submit speculative planning applications. With the potential increase in sites that this may bring forward, the future numbers of affordable homes delivered could increase.

The Council had recently been successful in a funding bid from the Department of Communities and Local Government (DCLG). It was planned that a share of this would be used to fund some viability training sessions for Members and staff and for two complex viability reviews if both Planning and Housing believe that they were required. This would allow the Council to challenge developers seeking a further reduction in the level of affordable housing they provided.

Aylesbury Vale District Council as a Housing Developer

Recently the option of the Council developing properties for the private sector had been put forward as a method of generating much needed income. However, access to suitable land was a significant factor and without a land supply it would be difficult to take this initiative forward.

For this to be introduced it would be necessary for a trading subsidiary to be created, so that the Council could access any profits from the development process. This would also introduce implications regarding tax and legalities that would need to be further explored.

One option was for the Council to purchase land outright from landowners. This would then allow the authority to contract a builder to deliver a suitable mix of units, subject to planning permission. Using a newly established trading arm, the Council could then market these properties privately, generating the standard 15-20% profit that development companies tend to see. It should be considered that all developments taken forward that require an affordable provision in line with Council policy (currently

25 units and above, or 1 hectare) would need to provide the affordable element and separate negotiations with our preferred Registered Provider partners to purchase the affordable element of a site would be required.

There are significant risks associated with investing the capital required to complete a development. Various resources would need to be bought in to manage the development process, as AVDC did not have the in-house expertise. The volatility of the housing market was also a factor. Market fluctuations could result in a reduced, zero or even negative level of profit. As such, this approach would need to be carefully managed to assess the associated risks before anything was taken forward, preferably through engaging an external consultant to establish the risks and potential profit margins.

A second option was to offer small plots of land owned by AVDC to house builders in exchange for properties on the site once built in lieu of an upfront cash payment. For example, AVDC could own a plot of land valued at £500,000. This land could be offered for sale, with the details in the tender inviting offers of built properties in lieu of a cash payment. A small-scale builder could offer AVDC two properties of an agreed size, once built out. On the private market, these properties could fetch in excess of £250,000.

The advantage of the second approach was that it was relatively low-risk, in comparison to in-house development. The house builder takes on the associated risks, and AVDC was left with capital value at least equal to the original land value. This was coupled with the option of renting the built properties on the private market (using the aforementioned trading arm) to generate an income. The house builder was also likely to find this approach amenable, as they did not have to have finances available upfront, which had a positive effect on cash-flow.

The significant barrier associated with this approach was the limited supply of land owned currently by AVDC. An option was therefore for AVDC to use a trading arm to purchase small, suitable plots of land and subsequently use the trading arm to negotiate with house builders for built properties. The trading arm could then manage the private letting of these properties, to generate an income.

A further option for consideration is to examine the feasibility of using Compulsory Purchase Orders (CPOs) to break land banks owned by house builders and other land owners. This option would require complex legal work to secure the land for development, which could prove costly to the Council. However, it was recommended that further work be undertaken by officers to investigate this option, with a report being brought back to the committee at a later date.

Members requested further information and were informed as follows:-

- (i) that, as mentioned in the Committee report, further investigations would need to be done on the efficacy of the Council using CPO powers to break land banks.
- (ii) that the Council continued to robustly challenge developers and the District Valuer to ensure that the maximum level of affordable housing was provided with new developments.
- (iii) that the usual mix of affordable housing provided with developments was 75% for rental and 25% for shared ownership.
- (iv) that the Council had been successful in obtaining some funding for Member training on affordable housing, and for obtaining second opinions relating to the financial viability of affordability housing with some developments.

- (v) that while it was predicted that the number of affordable homes delivered would reduce over the next 2 years, if further development sites were approved in the District then the figures would be re-calculated.
- (vi) that AVDC was speaking to other Councils who were currently acting as developers to ensure that it was aware of the issues they were encountering, and of best practices.
- (vii) that there was no restriction on the Council again becoming a housing stock owner, although further investigations needed to be done on how this might best be achieved.

Members also commented that they would like to receive information to a future meeting on other Councils that were currently acting as developers, and on the feasibility and viability of AVDC acting as a property developer.

RESOLVED –

- (1) That the development options available to AVDC continued to be examined in greater detail.
- (2) That further research efforts be made on the feasibility and viability of AVDC setting up a trading arm for the purposes of purchasing suitable development land and managing the lettings on privately-owned properties.
- (3) That further investigation be made into whether the purchasing of land for development by the Council, including Compulsory Purchase Orders, was a suitable approach to supplementing AVDC's land supply for housing development.

4. UPDATE ON FLOODING AT THE WILLOWS, AYLESBURY AND OTHER PLACES ACROSS AYLESBURY VALE IN FEBRUARY 2014

During late December 2013 and early January 2014, heavy rain showers had led to a series of 'major flooding events' in the South East. Further rains through January and February resulted in a number of instances of major flooding along the entire length of the Thames as England and Wales experienced the wettest winter since 1766. The River Great Ouse also breached its banks but due to a combination of good maintenance and the rainfall being further south no properties were affected.

On 7 February 2014, 79 properties on the Willows Estate in Aylesbury were flooded internally due to the Stoke Brook being overwhelmed. Only two households (totalling 5 people) were evacuated to an overnight rest centre arranged by AVDC for one night. Local Media coverage was extensive, with AVDC, BCC and the Environment Agency all questioned over their actions and policies.

Floods also occurred in various other places across the Vale, including on Lower Road in Stoke Mandeville, and at Bishopstone near Aylesbury. The River Great Ouse at Buckingham did not reach the levels reached prior to Christmas in 2013, nor November/December 2012. Although on standby, there was no need for a full community response.

Buckinghamshire County Council, as the statutory Local Lead Flood Authority (LLFA) had produced three 'Section 19 Investigation Reports' for areas affected in the Aylesbury Vale area. However, the Committee report focussed mostly on the event which impacted most significantly on residents on the Willows Estate.

The Willows Estate was on a known flood plain clearly identified on Environment Agency flood maps. Residents and members appeared surprised by the extent of the flooding with no issues raised by mortgage companies or the insurance industry until the current event (their approach is also based on historical records). The Willows Estate was prone to flash flooding as it was near the source with a relatively small catchment. This means that there was minimal response time to erect protection, unlike Buckingham (6-8 hours) and Marlow (4-6 days).

Concerns had been raised that AVDC's response to the Willows' area flooding had been too slow, and that agencies seemed unprepared for surface water flooding in a location without history. A brief time log of events on the day was:-

- From 05.00 – Councillor Lambert had been door knocking in the area.
- 5.00 – the AVDC standby duty officer had received calls requesting sandbags, although this was not flagged at the time as a 'major incident'.
- From 06.00 – Bucks Fire and Rescue started their log.
(At this point Bucks County Council also were unaware of the extent of the situation).
- No request was made to AVDC to deploy a Local Authority Liaison Officer to attend Forward Control Point as per multi agency protocols. Consequently, communication between local authorities and the Estate was reliant on communications from ward councillors.
- AVDC provided in excess of £7000 of gel bags to protect homes. This was not brought to the notice of AVDC senior management until after 08:00.
- 11.25 – AVDC decision to open a rest centre with a volunteer rota.
- 13.40 onwards – evacuees started arriving at the Guttman Centre.
(AVDC sent evacuees directly to a rest centre rather than a place of safety for onward movement)
- Bucks Fire and Rescue were on site to assist and rescue residents including from stranded vehicles. Pumping out of properties was not possible until the outside water levels had dropped.

After what appeared to be a slow start AVDC's response had been good, which was evidenced by a letter of thanks and appreciation from the Thames Valley Police Deputy Chief Constable for the contribution made by AVDC officers who had supported the operation.

AVDC, as one of few authorities in the Thames Valley who did not have a policy to provide sandbags, was criticised for not providing sandbags to private properties. While there was no statutory requirement on local authorities to do so, evidence suggests that these were often ineffective in such situations, i.e. following the floods in 2007, the government commissioned a review by Sir Michael Pitt which identified the weakness of relying upon sandbags for property protection in favour of either community or property level flood protection.

The conclusions of the Section 19 report on the Willows were summarised in Appendix 4, with Appendix 5 setting out the recommendations from that report, together with a commentary from the identified lead agencies regarding progress in following up those recommendations.

AVDC officers had determined that a flood alleviation feasibility study should be commissioned to address a number of the recommendations in the section 19 report,. After meetings with other flood management partner agencies to determine the scope of such a study, the estimated cost of the study was £24,000. It would be possible for the costs for this study to be claimed back from flood-affected households agreeing to

contribute a proportion of their Repair and Renewal Grant (although invoices for the study have to be paid first before the grant payments can be claimed) and any claims on this grant funding need to be made by 31 March 2015.

AVDC had offered to forward finance one-third of the costs of the study and had very recently heard back from BCC and EA that they would also provide matching one-third forward funding contributions, which would now allow the feasibility study to be commissioned. To date, 48 out of the 80 affected households at the Willows had agreed for the Repair and Renewal Grant monies to be claimed on their behalf towards the study.

It was financially beneficial to the authorities to be able to use the Repair and Renewal Grant funding stream to pay for this study and, more importantly, to contribute to the cost of any capital works that the study recommends as being necessary to reduce flood risk in this area. Any capital works would need to be completed and invoiced by March 2015 to enable a claim against this grant stream. AVDC, along with a number of other Councils across the country where properties had been affected by the winter flooding, had asked the Government for a 6 months extension to extend the deadline for work until September 2015.

AVDC's Operational Depot at Pembroke Road had been the largest commercial business affected by the flooding within Aylesbury Vale. A brook at Pembroke Road overtopped the banks and surcharged through the surface water drains and the rainwater harvesting system. Despite sandbagging/gel bagging there was still significant water egress into transfer/storage areas. As this was a daytime event, staff managed to stop the floodwater from accessing our building – the maximum height of the water was approximately 30mm below the level needed to breach the refurbished offices. Had this been out of hours, our new offices would have been totally flooded with dirty water.

AVDC's emergency procedures had been reviewed since the flooding and investigation and a number of changes had been made to practices:-

(i) Emergency procedures:

- Procedures had been clarification amongst other Category1 responders that when a 'significant' flooding event took place, that a request for an AVDC LALO (liaison officer) to attend the fire service Forward Liaison point (Other Category1 responders have also reviewed their plans).
- Procedures had been clarified allowing for evacuation to any 'place of safety' rather than the Guttman Centre for events occurring during the day.
- Work had commenced with the British Red Cross to co-ordinate volunteer support at 'places of safety' and 'victim support' information point at the scene of the incident.
- The role of Duty Manager needed to be further defined.
- Further training would be carried out for Duty Managers and Duty Directors in November 2014.

BCC had also been asked to develop a Buckinghamshire wide 'Tactical Plan for Riverine Flooding' excluding the river Ouse to incorporate lessons learned into key activities for areas where flooding was unexpected.

- (ii) Pembroke Road** – the Council was looking to make this site more resilient from a Business Continuity perspective. Environment Agency approval would be needed as Stocklake was a main river and the site was on a flood plain and Stocklake AVDC's proposal was to raise the level of the yard that was subject

to flooding and to provide more side bunding to protect the buildings and stored dry recycling. There was a need to keep materials and buildings dry but also allow access and egress of vehicles at all times as it was an operating transfer station.

- (iii) **Riparian Maintenance Responsibilities** – the current maintenance regime had been updated to give more regular inspections of the Stoke Brook where AVDC was the landowner. This was being done cooperatively to cover the full length of the Brook by working with the Environment Agency and with monthly inspection. When an incident of fly-tipping was reported between inspections then AVDC would arrange for it to be cleared.
- (iv) **Sandbags policy** – Since February 2014, AVDC had agreed with the County Council to streamline the process for sandbag requests. Sandbags would only be provided in exceptional circumstances, such as properties in imminent risk of flooding or protecting critical/vital infrastructure. Sandbags, if provided, would be filled, stored and distributed by Transport for Bucks on behalf of AVDC who would reimburse the costs.

Councillor Lambert (in his role as the County Councillor whose Ward covered the Willows area), Sir Beville Stanier (Cabinet Member for Environment and Health) and Council Officers responded to questions from Members of the Committee as follows:-

- (a) that a topographical study of the Willows would also be carried out. Topographical studies had been done by HS2 as part of the preparations for that scheme and endeavours would be made to get copies of this information.
- (b) that it was planned to set up a Steering Group with representatives from the various agencies to ensure that all the Section 19 recommendations were actioned. In addition, local residents at the Willows were also being assisted to set up a Flood Action Group.
- (c) that flytipping in the local brook and waterways had likely increased the flooding threat to the Willows.
- (d) that the feasibility study would look at issues such as the size of culverts, and whether they were kept clear of debris and/or vegetation.

An engineer from the Council was now visiting this area once a month to ensure that the Council was discharging its responsibility as a riparian owner (on one side of the brook).
- (e) that soakaways were an effective way of providing the necessary capacity to receive run-off from stormwater, although this would not have worked in this instance at the Willows as the ground had been totally saturated.
- (f) that County Councillors had recently received emergency planning training, including on responding to flooding.
- (g) that a flood map for the Willows had been done but, unfortunately, this had been after the housing development had been built.

Members also commented that the lessons learnt from the flooding at the Willows, e.g. building on a flood plain, should be fed into the development of the new Vale of Aylesbury Local Plan.

RESOLVED –

- (1) That the actions taken by AVDC in response to the flooding on the Willows Estate, Aylesbury in February 2014 be noted.

- (2) That the changes made to emergency procedures since February 2014 be supported, including the decision by the Council to provide sandbags in exceptional circumstances to properties in imminent risk of flooding.
- (3) That the Committee would like to receive a further flooding update report to a future meeting, tracking the progress made in actioning the Section 19 recommendations and on other flood prevention initiatives and work taking place in Aylesbury Vale.

5. RESPONDING TO THE REQUIREMENTS OF THE WASTE FRAMEWORK DIRECTIVE AND 'TEEP'

The Environment and Living Scrutiny Committee had previously expressed an interest in the wider work of the Recycling and Waste Team and had looked at the Joint Waste Partnership Strategy at the last meeting.

The Committee received a report, as well as a confidential appendix, relating to new Waste Regulations coming into effect from 1 January 2015, and to demonstrate that AVDC's waste collection methodology would meet the requirements of the Law. The report had been submitted to Cabinet on 7 October 2014 and the contents had been noted and agreed.

Local authorities would soon be under a duty to separately collect four types of recyclable material from households to ensure that they met the obligations of the Waste Regulations 2011 (England and Wales). These requirements flowed from 2008 European legislation, namely, the Waste Framework Directive. Regulation 13 stated that with effect from 1 January, 2015, all waste collection authorities would be required to collect paper, metals, plastics and glass separately, where doing so was :-

- necessary to ensure that waste recovery operations were in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and
- technically, environmentally and economically practicable (TEEP).

Local authorities were required to ensure that they were compliant with the law and to be aware that they might be exposed to the possibility of judicial review or regulatory enforcement if compliance was not met. The Environment Agency was responsible for enforcing compliance with the Regulations in England. Cabinet received a report that examined the decision making process underpinning the waste collection methodology and the compliance of AVDC's current waste collection model with the requirements of the law.

The first part of the assessment against the requirements of the Waste Framework Directive had examined AVDC's existing waste collection model and the evidence underpinning the decision to implement a fully co-mingled recycling collection service in 2012. The financial and environmental performance of the waste collection service before and after the changes implemented through the waste transformation project in 2012 had been analysed.

The second part of the assessment had drawn the initial findings from part one to assess compliance of the service with the law and had considered the environmental and financial cost of alternative collection methods. This had been done using established methods of cost modelling and using the Greenhouse Gas Calculator

(WRATE). It had considered the impacts of a current performance scenario and possible performance achievable through alternative collection methods.

Financial and environmental impacts had been brought together by means of a cost-benefit analysis, under which environmental impacts had been monetised to allow financial and environmental impacts to be compared on the same basis.

It had been concluded that the co-mingled recycling collection service currently operated by AVDC was compliant with the Waste Framework Directive. It was not considered necessary for AVDC to implement a kerbside sort (separate) recycling service because the quantity of recycling collected via the co-mingled collection significantly outperformed that of kerbside sort collections and achieved a better diversion of waste to landfill. The quality of the recycling collected via co-mingled collection was high, even when taking rejects or contamination into account.

It was not considered technically, environmentally and economically practicable to implement a kerbside sort recycling service because the cost modelling of different collection methods showed that a kerbside sort recycling service would cost the authority significantly more per annum than the existing co-mingled service to implement. The environmental performance per £100K spent on the co-mingled collection resulted in the same net reduction of CO₂ when compared to a kerbside sort.

Members requested further information and were informed that AVDC believed they were compliant with the requirements of the Waste Framework Directive and 'TEEP'.

RESOLVED –

- (1) That the contents of the report be noted.
- (2) That the Scrutiny Committee was satisfied, similar to Cabinet, that the Authority was meeting the requirements of the Waste Framework Directive and therefore the Waste Regulations 2011 (England and Wales) for the reasons detailed in the report submitted.

6. SCRUTINY WORK PROGRAMME

The Committee considered their work programme for the period up until March 2015. As previously discussed by the Committee the work programme included a Recommendations Tracker, to assist the Committee in monitoring recommendations and the implementation of actions agreed at previous meetings, and to help in questioning decision makers.

Members commented:-

- that the item on Green Deal be deferred to March-April 2015.
- that a pre-meeting for all Members of the Scrutiny Committee would be held at 6.00pm on 9 December 2014, immediately prior to the scrutiny meeting.

RESOLVED –

That the work programme be agreed, as discussed at the meeting.