



meeting **PLANNING COMMITTEE**

date **13 JULY 2004**

from: **Director of Environment**

agenda item number

10

ARRANGEMENTS TO MANAGE THE COUNTY COUNCIL'S WASTE DISPOSAL RESPONSIBILITIES

Purpose of Report

1. To approve arrangements to be introduced at Officer and Member level to ensure that the Council's responsibilities for waste planning and for its contractual responsibilities for waste management are appropriately undertaken to safeguard the probity and integrity of the County Council's position.

Background

2. The County Council is currently engaged in a procurement process to extend its waste management arrangements for a further 30 year period, supported by PFI credits. Cabinet, at its meeting on 23 July 2003, agreed a timetable and process for evaluating bids which include the establishment of a Project Board which comprises the following Members and Officers:

Members: Cabinet Member for Environment
Cabinet Member for Finance & Property
Leader of Conservative Group

Officers: Director of Environment (Chair)
Deputy Director of Environment
Director of Resources' Representative
Executive Head of Democratic and Legal Services

3. The Board is chaired by the Director of Environment. The Director of Environment has delegated authority from the 31 July 2003 Council meeting to take decisions in consultation with members and officers of the project board in relation to the procurement process for the waste strategy up to and including the selection of a preferred bidder. He is charged with overseeing the bid evaluation process and making recommendations in due course to the full County Council on the preferred contractor and details of the new waste management arrangements. That report will be brought to the County Council towards the end of 2004 to allow a new contract to be entered into before the 31 March 2005.

4. In progressing that work, it is essential that the Director of Environment does not make any recommendations to the County Council on planning matters which could be considered prejudicial or biased as a result of his involvement in the waste management contract procurement process. Similarly the Director of Environment should not participate in decisions in relation to the Waste Local Plan Review where such decisions may be connected to or be influenced by the waste management contract procurement process.
5. In the same way it is essential that any elected Member involved in the Project Board does not participate in any planning application decisions coming before the Planning Committee or participate in decisions in relation to the Waste Local Plan Review where such decisions may be connected to or be influenced by the waste management contact procurement process.

Proposals

6. In order to ensure probity during the waste procurement process it is intended that the Director of Environment should not participate in the Waste Local Plan Review or the determination of any planning applications which can be considered as relevant to the procurement process as specified in paragraphs 2 to 5 above. Where such planning matters come forward for consideration and decision by the Council and/or Planning Committee they will be dealt with by the Assistant Director (Environmental Planning) and a protocol will be drawn up within the Environment Department to ensure a clear understanding and separation of roles.
7. In relation to Members, currently only Councillor Terry Butler has a direct role in both the Project Board and the Council's Planning Committee. Therefore, during the procurement process Councillor Terry Butler will not participate in the consideration of any relevant planning applications or decisions in relation to the Waste Local Plan Review as described in paragraphs 2 to 5 above. It is proposed that an alternate Member of Cabinet bring forward proposals for approval.

Statutory & Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service. Where such implications are material they have been brought out in the text of the report.

RECOMMENDATION

9. It is RECOMMENDED that the Committee approve the arrangements set out above in paragraphs 2 to 7 to ensure the proper consideration of the waste procurement process and the County Council's planning responsibilities for waste matters.

Legal Services' Comments:

It is essential that in the run up to entering into contractual arrangements for the waste management contract the separation the roles of officers and Members in

relation to the functions of the County Council as a promoter of the waste management contract as distinct from its statutory role as the regulatory Planning Authority is understood and clear lines of separation are in place. The proposals in this report demonstrate the County Council's awareness of these issues and will ensure the robustness of the decision making process for the “promoter” aspects of the scheme and those decisions which fall to be considered by the County Council acting as a regulatory Planning Authority. [EB 08.07.04]

Director of Resources Financial Comments:

There are no financial implications arising from the contents of this report. [JH 9.7.04]

Background Papers Available for Inspection

None.

Electoral Division(s) Affected

All.

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