
SPECIAL MEETING OF THE COMMUNITIES SCRUTINY COMMITTEE 07.02.2014

PRESENT:-

Committee Members:-

Councillor Eric M. Jones (Chair);
Councillor Angela Russell (Vice-chair).

Councillors:- Stephen Churchman, Louise Hughes, Linda Morgan, Dilwyn Morgan, Caerwyn Roberts, Gethin Glyn Williams, Eurig Wyn, Gruffydd Williams and Robert J. Wright.

Officers:- Dilwyn Williams (Corporate Director), Iwan Evans (Legal and Executive Service Manager), Aled Davies (Head of Regulatory Department), Steffan Jones (Senior Waste and Commissioning Manager), William E. Jones (Senior Finance Manager), Steffan Owen (North Wales Residual Waste Project Manager), Debbie Anne Williams Jones (Democratic Service Manager) and Ioan Hughes (Member Support and Scrutiny Officer).

Cabinet Member:- Councillor John Wyn Williams (Cabinet Member - Planning)

APOLOGIES: Councillors Craig ab Iago, Annwen Hughes, Tudor Owen, Nigel Pickavance, Mike Stevens, Mandy Williams-Davies.

Councillor W. Gareth Roberts (Cabinet Member - Environment)

Welcome:- A warm welcome was extended to a student from Bangor University who would be spending a day per week on work experience with the Council for a period of ten weeks.

Retirement:- At the end of the meeting, the chair referred to the retirement of the Member Support and Scrutiny Officer, Ioan Hughes, and he noted that this would be the final meeting of the Communities Scrutiny Committee that he would be attending. He was thanked for his service and wished well in his retirement.

1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

2. THE DRAFT PLANNING BILL (WALES) AND POSITIVE PLANNING: PROPOSALS TO REFORM THE PLANNING SYSTEM IN WALES.

(a) The Cabinet Member – Planning noted that the Housing and Regeneration Minister had four specific targets, namely:-

1. Establish a simpler planning system that would be easier for the public to deal with;
2. Establish a planning system that would be consistent across Wales. (In relation to this, the Cabinet Member noted that the Gwynedd Council system had received considerable attention because of the positive changes made);
3. Establish a national body that would deal with applications for major developments as well as assist the councils individually;
4. Strengthen the process relevant to the work done at the pre-planning application stage.

(b) Furthermore, the Cabinet Member noted that the Minister was eager for local planning authorities to merge so that more expertise was available and to provide a robust service. However, the planning committees would remain separate and the Cabinet Member noted

that such a procedure had already been highlighted in the collaboration between Gwynedd and Anglesey on the establishment of the Joint Local Development Plan.

(c) It was explained that there was a need to respond to the Consultation Document by 26 February 2014. This would be done in the name of the Cabinet Member and before observations would be submitted a discussion would be held with the Cabinet and it was noted that the observations of this Scrutiny Committee would also be considered by the Cabinet Member. In addition, members could respond as individuals should they wish to do so.

(ch) The Head of Regulatory Department elaborated on this through the medium of a PowerPoint presentation and it was noted that this was an exciting period for the planning system in Wales and that this was a golden opportunity to make the system more effective to support national, local and community objectives.

(d) The Head of Department highlighted the following main points:-

- That considerable attention had been given to the system in Gwynedd Council during the research work, mainly due to the recent changes undertaken by the Authority;
- That the Minister considered performance monitoring as a matter of utmost importance in order to ensure good and consistent services;
- That it was proposed to seek to establish powers to transfer the duties of Local Authorities that did not perform to an acceptable level, to the Government in Cardiff;
- That the Consultation Document underlined the need to change culture and change attitudes;
- That changing culture was challenging, and although this would take time, the Minister wished to see the change happening sooner rather than later;
- That the matters under consideration related to those who came into contact with the planning system in any way, as well as those who were a part of the system, such as local authority officers and councillors;
- That the Minister was eager to instruct Local Authorities to prepare joint local development plans, and that Gwynedd was doing this already in collaboration with Anglesey.

The Head of Department emphasised that the role that the Government set-out for itself in the planning process was being highlighted. He noted that this could be considered as a procedure of centralising local powers. He noted that this could be considered appropriate with some types of applications because a national overview was required; however, there was a question as to whether or not such an arrangement should be so broad.

Furthermore, the Head of Department referred to matters of relevance to development control and noted the following main points:-

- That emphasis was being placed on providing pre-application advice;
- That attention was being given to the importance of local engagement on major developments, but that the responsibility for this would fall on the developer;
- That suggestions were being made regarding how observations would be submitted by various bodies, and the Head of Department noted that he considered this as a matter to be welcomed;
- That Gwynedd Council had already implemented many of the changes being suggested;
- That altering and building on the existing system of preparing local development plans was needed, rather than creating a completely different system;
- That consideration needed to be given to the actual value of all proposed tiers within the planning system;

- That an opportunity to modernise the system was being proposed and also that further suggestions could be presented in response to the Consultation Document.
- That it was intended to get the new Planning Act in place during 2015.

dd) Members were given an opportunity to ask questions and provide observations and the following main points were made:-

- That there was concern that rights were being centralised in terms of major developments with local authorities losing the right to have any input;
- The changes could undermine local democracy as well as rights to make decisions on planning applications locally;
- That no clear thresholds had been set thus far in relation to developments of national significance;
- That concern should be expressed because some powers would remain in London rather than being transferred to Cardiff;
- It would be acceptable for suggestions to be made by the Government but that flexibility was required so that decisions could be taken locally;
- That the attention given to the Welsh language in Gwynedd and across Wales should not be disregarded when considering planning applications;
- That the Census, which showed a marked reduction in the number of Welsh speakers, should be used as an important planning factor;
- Although a merger would be unreasonable, efforts should be made to collaborate more with the Snowdonia National Park Authority;
- That the Government already had powers to call-in applications;
- That there was a need to advertise planning applications for specific developments even if the methods of advertising changed. The committee expressed support to the principle of signpost advertising rather than publishing full details.

(e) In response to observations made by members it was noted:-

1. It could make practical sense for some rights to be centralised in Cardiff; however, a situation could be created where much of the work would continue to be done locally with the fee and the decision-making rights being transferred to Cardiff;
2. Many would welcome a situation where the rights that remained in London would be transferred to Cardiff and that everything else would remain unchanged;
3. That the Minister would not make proposals that would extend beyond the boundaries of legislation when drawing up the Planning Bill;
4. The need to give due status to the Welsh language would be noted in the observations of the Cabinet Member, however, details regarding the language as a planning consideration would be highlighted from a policy perspective;
5. The local authority paid the costs of advertising planning applications and that there was a need to consider alternative methods of doing so;
6. That the Cabinet Member could see the arguments in favour of establishing a Planning Inspectorate for Wales rather than continuing with an England and Wales Inspectorate.

RESOLVED to submit the observations made by emphasising that the Census, which shows a marked reduction in the number of Welsh speakers, should be used as evidence to seek to secure recognised status to the Welsh language as a planning factor in the new legislation.

3. RESIDUAL WASTE DISPOSAL AGREEMENT

The Second Agreement between the Five Councils

(a) The report of the Cabinet Member - Environment was submitted by the Corporate Director, Dilwyn Owen Williams.

(a) Members were guided in detail through the report and it was noted that the waste strategy that had been adopted by the Council in 2010 included joint-implementation with another 4 authorities in north Wales to establish a facility to deal with waste that could not be recycled or composted (residual waste).

The intention of the first agreement between the authorities was to reach a point where there would be a need for the Partnership's authorities to agree on the appointment of a company to construct and run a facility to deal with residual waste. This point had now been reached, therefore there was a need to establish a second agreement to manage the relationship between the authorities for the 25 year period when the contract would be operational.

(c) Members were invited to scrutinise the matter before the Cabinet would consider it and during the discussion the following main points were highlighted:-

- Local workers would work in a central point that would be run as a residual waste transfer site;
- Residual waste would be transported from the transfer site to the location of the residual waste treatment facility;
- The contract of transferring the waste to the facility would be substantial and would be in the hands of the project. No decision had been made regarding the contractor that would be responsible for transporting the waste;
- The main costs would be associated with running the establishment itself and in relation to employing local workers, the establishment would be beyond the boundaries of Gwynedd;
- Considering the need for the project to meet the costs of establishing a transfer site for Conwy, it should be borne in mind that the project was a joint-project with each Council being in a different position and obtaining assistance in different ways;
- An example of the above was the fact that distance meant that the costs of transferring the waste would be high in Gwynedd; however, the fee per tonnage did not vary between Councils;
- That enquiries had been made regarding obtaining planning permission for the facility and that the site had been designated for heavy industry. In addition, information was received that the application was quite likely to succeed on appeal, if required;
- That the central Government was likely to pursue this type of provision;
- At the end of the contract that would extend over 25 years, the site could be decommissioned with the partners sharing the cost. The arrangements would vary should the site continue to be operational;
- The cost of decommissioning the site was expected to be between £1 million and £1.5 million;
- That the facility had the capacity to deal with an increase in residual waste;
- That there was a need to weigh up risks, but that a significant overturn was needed before the amount of waste would reduce;
- That the facility had been designed to last for 60 years and that the Council could extend the contract at the end of the initial 25 years should it wish to do so;
- That thorough work had been done in terms of the best methods of waste disposal and of recycling and of encouraging the residents of Gwynedd to recycle waste;
- That steps had been taken to ensure standards that would exceed the requirements of the Health Protection Agency;
- That the company needed to acquire an Environmental Licence from Natural Resources Wales before implementing the facility;

- Use would be made of the remains following the process of incinerating residual waste and this would contribute approximately 7% towards the recycling level of authorities;
- No hazardous waste would be disposed of in the facility.

RESOLVED to recommend that the Cabinet accepts the second agreement between the authorities so that the collaboration project can be continued.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item because of the likely disclosure of exempt information as defined in paragraphs 14 and 18 A, Part 4, Schedule 12A of the Local Government Act 1972. This report deals with the results of a tender process and the consequential appointment of a contractor. Matters of commercial sensitivity such as prices and terms resulting from the competitive process are addressed in the report. Such information as presented in the report relates to the business of the bidders and is commercially sensitive. It is also subject to constraints relating to confidentiality.

Although there is a public interest in gaining an understanding of public expenditure and contracts in areas such as waste management this needs to be balanced against the public interest in the authority maintaining the confidence of bidders to compete for contracts without fear that commercially sensitive information which could be of direct value to competitors in the waste market will be made public. Failure to provide such assurance can undermine the confidence of bidders in the process and therefore reduce competition. It is also relevant that the award process in the procurement has not been concluded. For these reasons the public interest lies with excluding the press and public.

5. RESIDUAL WASTE DISPOSAL AGREEMENT

Selecting a Contractor to Deliver the Service

(a) The report of the Cabinet Member - Environment was submitted by the Corporate Director, Dilwyn Williams.

(b) It was confirmed that a standard procedure had been followed in order to reach the current position.

(ch) When it was decided to whittle-down the number of companies that would be invited to submit final tenders to two, one company had withdrawn from the process. It was emphasised that the Joint-committee had given serious and thorough consideration as to whether or not the process would be pursued with only one company. It was decided that the best option was to continue and to invite a final tender from one company.

(d) Members were invited to scrutinise the situation before the matter was considered by the Cabinet.

(dd) Members expressed concern because only one company remained in the process to submit a final tender.

RESOLVED:-

a) That this Scrutiny Committee expresses its support to the Partnership, which includes five Local Authorities in north Wales, and that it has faith in the work being done by the Partnership in relation to commissioning a contractor to deal with the residual waste of the councils.

b) That this Scrutiny Committee expresses its discomfort due to the fact that only one company was invited to submit a final tender, but that it accepts that this must be moved forward on the basis of the Joint-committee's recommendation.

It was noted that Councillors Louise Hughes and Gruffydd Williams had voted against the decision.

The meeting commenced at 10am and concluded at 12.35pm.