

PROSIECT GWYRDD JOINT SCRUTINY PANEL

SUBJECT: CALL FOR EVIDENCE PROJECT PLAN

REPORT BY: PROSIECT GWYRDD SCRUTINY OFFICERS

1. PURPOSE OF REPORT

- 1.1 To propose arrangements for the 'Call for Evidence' project included in the Joint Scrutiny Panel's (JSP) Forward Work Programme.

2. LINKS TO STRATEGY

- 2.1 Prosiect Gwrydd is a key part of partner authorities' strategy to secure a solution for the treatment of waste after composting and recycling have been maximised and ensure compliance with landfill divergence targets.

3. BACKGROUND

- 3.1 Members approved the Joint Scrutiny Panel's Forward Work Programme at their last meeting held on 7th October 2011.
- 3.2 The JSP's Forward Work Programme contains a balance of activities to ensure the Panel is discharging its role as a critical friend to the Project. The Forward Work Programme focuses on the pre-decision scrutiny of future key project decisions and a 'Call for Evidence' to engage with key external stakeholders about the potential Health and Environmental concerns associated with energy from waste incineration plants.
- 3.3 A Call for Evidence can be regarded as an open invitation for organisations and individuals to give their views on a subject under review. Calls for Evidence are used frequently in the scrutiny environment as a first 'evidence gathering' stage of a review and can be particularly useful when considering a subjective or controversial issue as it provides a committee with the opportunity to hear a cross section of different and/or opposing views. To ensure that submissions of evidence are focused and relevant to any committee review, Calls for Evidence should define the specific issues of interest or contain specific questions for consultees to address.
- 3.4 Responding to Calls for Evidence can be time consuming for consultees. Therefore, it is important that any work programme includes sufficient time for individuals and organisations to develop comprehensive responses. Likewise, time must also be available for a committee to consider all consultation responses before deciding whether to invite certain stakeholders to discuss their written evidence. If a committee decides to hold an oral evidence session, it can invite witnesses to outline their written evidence and take part in a question and answer session. In order for a committee to reach its conclusions it should ensure that it has heard a balanced evidence base. This requires careful consideration to be given to which witnesses are called to give oral evidence.
- 3.5 The Call for Evidence process requires Members to remain impartial when considering written and oral evidence. This ensures that the participants who invest time in working with the committee have confidence that the process is independent and objective.

4. CALL FOR EVIDENCE – PROJECT PLAN

4.1 The draft project plan for the Call for Evidence is outlined below:

Terms of Reference

4.2 It is important that the Call for Evidence session has clear terms of reference. Members have previously agreed that the project will focus on health and environmental concerns. It is important that the terms of reference are clear and focused to avoid the subject being extended into broader areas of concern.

4.3 The proposed terms of reference are:

To conduct an investigation to evaluate:

- a. *Is there any validated scientific evidence that an energy from waste incineration plant operating within the UK's current statutory framework causes harm to human Health and Environmental damage?*
- b. *If there are example(s) of validated scientific evidence, what are the causes of/effects on human health and the environment?*

The Call for Evidence

4.4 A letter (either in hard copy or email) is sent to invite individuals and organisations to provide written evidence. A deadline of 8 weeks will be given for receipt of responses to ensure all interested parties have sufficient time to develop a response. A draft letter is attached at appendix 1. At the time of writing this report a distribution list is being developed and will be brought to the meeting.

Timetable

4.5 The Forward Work Programme includes a JSP meeting in January to discuss the call for evidence. Two separate meetings will be needed; the first to consider the consultation responses received and agree those individuals or organisations to be invited to give oral evidence. A second meeting will be needed to invite witnesses to discuss their submission of evidence and take part in a question and answer session. It is possible that the first meeting could be held at the end of January and the second at the end of February. If Members approve the attached draft letter the consultation period could begin immediately and finish the week beginning 2nd January.

Budget and Remuneration

4.6 Members are asked to note that the JSP does not have specific resources available to pay expert witnesses or, reimburse travel and subsistence expenses for those willing to attend an oral evidence meeting.

Format of Meetings

4.7 The call for evidence is expected to attract interest from a number of different organisations that may wish to attend the committee's meetings. In accordance with usual requirements, meetings of the JSP are open to members of the public. Penallta House can accommodate a large public gallery within a committee room setting. It is suggested that a committee format would be less formal, welcoming for witnesses and encourage greater debate amongst JSP committee Members.

5. PERSONNEL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

7. CONSULTATION

7.1 There are no consultation responses that have not been reflected in the recommendations of this report.

8. RECOMMENDATION

8.1 Members are asked to:

- a. Approve the process and protocols outlined above for undertaking a Call for Evidence.
- b. Approve the Terms of Reference contained in paragraph 4.3, the draft letter attached at appendix 1 and the committee style format for any oral evidence meeting.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To provide a framework for the Call for Evidence meetings.

10. STATUTORY POWERS

10.1 Local Government Act 2000

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Consultees: Cllr Chris Williams, Chair, Joint Scrutiny Panel
Anthony O'Sullivan – Chief Executive, Caerphilly County Borough Council
Nigel Barnet – Deputy Chief Executive, Caerphilly County Borough Council
Dan Perkins – Head of Legal and Governance, Caerphilly County Borough Council
Gail Williams - Principal Solicitor (Corporate/Deputy Monitoring Officer), Caerphilly County Borough Council
Liz Lucas, Head of Procurement, Caerphilly County Borough Council
Ian Evans, Procurement Manager, Caerphilly County Borough Council
Mark S Williams – Head of Public Services, Caerphilly County Borough Council
Mike Williams – Project Director
Robert Quick – Senior Responsible Officer
Jenna Pritchard – Project Legal Officer
Richard Phillips and Paul Keeping, Operational Manager, City and County of Cardiff
Hazel Ilett, Scrutiny Manager, Monmouthshire County Council
Jeff Wyatt, Operational Manager, Vale of Glamorgan Council
Dave Collins, Scrutiny Officer, Newport City Council

DRAFT LETTER TO REQUEST WRITTEN SUBMISSION OF EVIDENCE TO THE JOINT SCRUTINY PANEL

October 2011

Dear Sir or Madam

PROSIECT GWRYDD JOINT SCRUTINY PANEL: CALL FOR EVIDENCE

Prosiect Gwyrdd is a partnership of local authorities (Cardiff, Caerphilly, Newport, Monmouthshire and Vale of Glamorgan) undertaking a complex procurement to secure a solution for the treatment of waste after composting and recycling are maximised. As part of the project's governance arrangements a Prosiect Gwyrdd Joint Scrutiny Panel was established to oversee the project.

The Joint Scrutiny Panel is undertaking an investigation into the Health and Environmental concerns associated with energy from waste incineration plants. The Panel would be interested in hearing the views of any individuals, groups or organisations who can provide information that is relevant to the investigation. This call for evidence is an open invitation and you are invited to forward this letter to any other individual, group or organisation that maybe interested in submitting their views.

This investigation aims to discover if there are Environmental or Health concerns associated with energy from waste incineration plants. The call for evidence will help inform the Joint Scrutiny Panel's investigation. The Panel will publish its findings and any subsequent conclusions. In providing a response to this call for evidence you are consenting to its disclosure and publication.

Whilst it is expected there could be evidence from across the globe, the Panel are interested in evidence of energy from waste incineration plants operating to the same or similar environmental and legislative requirements in force within the UK. The Joint Scrutiny Panel's terms of reference are given below:

To conduct an investigation to evaluate:

- a. Is there any validated scientific evidence that an energy from waste incineration plant operating within the UK's current statutory framework causes harm to human Health and Environmental damage?*
- b. If there are example(s) of validated scientific evidence, what are the causes of/effects on human health and the environment?*

Once the Joint Scrutiny Committee has considered responses to this call for evidence, they may wish to invite a balanced selection of witnesses to discuss their submission of evidence and take part in a question and answer session.

If you would like to submit evidence, I would be grateful to receive it by Tuesday, 3rd January 2012. Please address any responses to me; Jonathan Jones, Democratic Services Manager, Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed CF82 7PG or email, jonesj16@caerphilly.gov.uk.

If you would like to discuss this call for evidence, you can contact me on 01443 864242.

Yours faithfully

Jonathan Jones
Democratic Services Manager