

PROSIECT GWYRDD JOINT SCRUTINY PANEL

**MINUTES OF THE MEETING HELD AT GATEWAY BUILDING, YSTRAD MYNACH ON
MONDAY 7TH NOVEMBER 2011 AT 2.00PM**

Present:

Councillor C. J. Williams - Chairman (Vale of Glamorgan Council)

Councillors:

Councillors M. G. Parker (Caerphilly County Borough Council)

Councillor R. McKerlich and S. Wakefield (Cardiff County Council)

Councillor Ms. V. Smith and S. Howarth (Monmouthshire County Council)

Councillors B. Bright and S. Jones (Newport City Council)

Together with:

D. Perkins, J. Jones, M.S. Williams and C. Forbes-Thompson (Caerphilly County Borough Council), P. Keeping (Cardiff County Council), D. Collins (Newport City Council), J. Wyatt (Vale of Glamorgan Council)

Prosiect Gwyrdd Officers:

M. Williams (Project Director), I. Lloyd-Davies (Communications Officer) and J Pritchard (Legal Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from, R. Quick (Vale of Glamorgan), H. Ilett (Monmouthshire County Council), Councillors D.V. Poole (Caerphilly County Borough Council) and Councillor Mrs. M. Kelly-Owen (Vale of Glamorgan Council).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 7 OCTOBER 2011

It was agreed that the minutes of the meeting held on 7th October 2011 be approved as a correct record.

4. CALL FOR EVIDENCE PROJECT PLAN

Mr Jones gave an overview of the report setting out the process for a call for evidence and suggested terms of reference. Members noted the targeted distribution list of organisations circulated at the meeting and the draft letter to be sent to the targeted organisations. The report suggests that organisations are given sufficient time to respond and recommends an 8 week response deadline. He explained that a press release will also seek general responses from organisations and interested parties, to enable those not on the targeted list the opportunity to respond.

Once the response period is completed a report will be compiled for the JSP to discuss and agree a shortlist of organisations to invite to give oral evidence. It is suggested that the panel invite a balanced group of organisations of between 4 to 6 invitees and a committee style format for the meeting is used.

There is no budget allocated and contributors would be asked to give evidence at their own cost, this is in line with practice at the Assembly Commission. Members questioned whether this is fair and inclusive and:

Resolved that: Funding is sought to cover reasonable expenses with a ceiling of £150 per claimant and that all Prosiect Gwyrdd partner authorities contribute up to a maximum of £500.

Mr Jones stated that should the recommendations be approved letters can be sent out by week ended 11th November 2011.

Members recommended that a PA system with a loop system be available to ensure that everyone would be able to clearly hear the proceedings. It was also suggested that video conferencing be available for those unable to attend to give evidence.

A Member sought clarification from the Legal Advisor on whether a Member can sit on the JSP when they have pre-determined views against the type of technology being considered by Prosiect Gwyrdd. The Member concerned stated that he would be prepared to resign should the JSP wish. They were advised that although it would be preferable to sit on the JSP with an open mind they couldn't be excluded, as scrutiny does not have quasi-judicial functions.

Members discussed the need to have an understanding of the type of EfW plants before hearing evidence from interested parties. It was proposed that a visit is arranged to plants run by the two remaining bidders before the meeting to hear oral evidence. The JSP were advised that it should be made clear to the bidders that the JSP are investigating health and environmental concerns of Energy from Waste incineration .

Action: Seek agreement from the two remaining bidders to undertake a site visit to one of their energy from waste plants.

The following recommendations were agreed for the reasons set out in the officers report:

- 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.

5. **JOINT WORKING AGREEMENT WORKSHOP – JWA2**

Ms J Pritchard lead the workshop element of the meeting to seek Members views on the Joint Working Agreement 2 (JWA2). She stated that this must to be developed to take the project forward to the next stage and is seeking Members input at this early stage.

The presentation outlined the following points:

- Why we need a JWA2.
- Project Agreement.
- Drafting Alternatives.
- Principles Agreement.
- Principles agreed within JWA2.

- Contract Governance.
- Governance Structure.
- Key Risks to Project.
- Proposed Scrutiny of JWA2.

Members gave the following feedback:

- The JWA2 should take into account any organisational changes that could occur in Local Government structures over a 25-year period. The JWA2 should be written in terms of the local authority or successor local authorities.
- Ensure that the risks to the lead authority and partners are taken into account. To include areas such as insolvency of successful bidder, changes in legislation requirements and possible future compensation claims.
- Further detailed explanation of the guaranteed minimum tonnage (GMT) and scenarios of different tonnages.
- Further information on individual Councils recycling rates, population figures and residual waste figures.
- Preference was given to model 2 under Contract Governance.
- A request for worked examples of voting options to be discussed at a future meeting.
- Environmental monitoring should be included in role of scrutiny post contract award.

6. **NEXT MEETING**

Mr Jones advised that the next meeting will discuss shortlisting and a date will be circulated as soon as possible.

Meeting Closed at 16:10pm