

Communities Overview and Scrutiny Committee

Wednesday 22 September 2021

Minutes

Attendance

Committee Members

Councillor Jonathan Chilvers (Vice-Chair)
Councillor Richard Baxter-Payne
Councillor Jenny Fradgley
Councillor Dave Humphreys
Councillor Bhagwant Singh Pandher
Councillor Tim Sinclair
Councillor Andrew Wright
Councillor Sarah Feeney
Councillor Jan Matecki

Portfolio Holders

Councillor Andy Crump, Portfolio Holder for Fire & Rescue and Community Safety
Councillor Kam Kaur, Portfolio Holder for Economy & Place
Councillor Heather Timms, Portfolio Holder for Environment, Climate & Culture

Officers

David Ayton-Hill, Assistant Director - Communities
Charles Barlow (Delivery Lead - Localities)
Daniel Cresswell (Team Leader, Project and Programme Management)
Ruth Dixon (Lead Commissioner - Waste Strategy & Contracts)
Isabelle Moorhouse, Democratic Service Officer
Andrew Pau (Strategy and Commissioning Manager (Waste & Environment))
Alison Robinson (Strategy and Commissioning Manager (Economy & Skills))
Mark Ryder, Strategic Director for Communities

Other Members Present

Councillor Jo Barker (for item 2 only)
Councillor Brian Hammersley
Councillor Mandy Tromans

Members of the Public

Dawn Fisher
Mr Robert Hutchings
Councillor Keith Kondakor (Nuneaton & Bedworth Borough) (speaking)
Mr Alan Swift (speaking)

1. General

The Chair informed the committee that the doors to the committee room would remain open during the meeting to circulate air.

(1) Apologies

Councillor Jeff Clarke who was substituted by Councillor Jan Matecki
Councillor Jackie D'Arcy who was substituted by Councillor Sarah Feeney
Councillor Wallace Redford (Portfolio Holder – Transport & Planning)
Scott Tompkins, Assistant Director – Environmental Services

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

(3) Chair's Announcements

None.

(4) Minutes of Previous Meeting

The minutes were approved as a true and accurate record.

2. Public Speaking

Public Speaker one

Mr Alan Swift (member of the public) was accompanied by Robert Hutchings - Chair Burmington Parish Meeting and Dawn Fisher - Treasurer of Burmington Parish Meeting. Mr Swift spoke about a complaint made by Burmington Parish Council against the county council regarding their village's green. Mr Swift made the following statement:

"We are here representing the Parish of Burmington, asking this committee to look into our complaint against Warwickshire County Council. We would like to ask this committee to appoint someone independent to review the details of our complaint and report back to this committee on their findings. Warwickshire County Council believes it can reclassify legally registered village greens in Warwickshire as being part of the Highway. They argue, that once reclassified a legally protected village green is no longer protected. It can then be driven on, parked on, dug up, tarmacked, even completely removed by widening the carriageway. In 2018 the County Council granted permission for a property developer to excavate a new 5m wide tarmacked driveway straight across the middle of our village green. There was no consultation and no notice. The Council state that they can return at any time to do further works on, what remains of our village green, and on any other village green that they decide is a part of the highway. When diggers turned up and started work excavating the village green, we notified the Council that this was a criminal offence. Rather than apologise, the County Council assigned their legal defence team to 'impartially' investigate the issue. It was impossible for this team to support our complaint without incriminating the Council. They did the only thing they could and attempted to bury the complaint and ignored it. It took two attempts by our MP, Nadhim Zahawi, to finally get the Council to respond. We eventually waited over a year to receive a biased response that frivolously dismissed all our evidence. For 3 years the Council's legal team has blocked all attempts by the Parish to speak to anyone impartially, and openly about this issue, refusing all our requests for a meeting. Even our County Councillor was spoken to, inferring she was 'warned off' from helping the Parish. After two years we received a visit from someone from the Communities Directorate. However, they had been instructed by the Council's solicitors to not discuss the issue and the legal

protection of the village green, making the visit a waste of time. We just want someone impartial to talk to us openly and frankly about this issue. The basic issue is that, if Burmington Village Green is a legally registered village green, and that it isn't a part of the Highway, then the Council has no power whatsoever to do anything on the land. In fact, to do any works on the land is a criminal offence. Some of our evidence supplied by the Parish to this committee includes a signed statement by the County Council's own County Surveyor, stating that no part of Burmington Village Green can be a part of the Highway. Also attached, is a declaration by the clerk of Shipston Rural Council which has been legally witnessed by a Justice of the Peace stating that no part of Burmington village green is Highway. This legal declaration has been stamped and approved by Warwickshire County Council. We would like this committee to look into the issue of carrying out works on legally registered village greens in Warwickshire".

The Chair thanked Mr Swift for attending the meeting and noted that there was not an immediate opportunity for the committee or council to respond to the statement. He stated that members were free to contact the parish council after the meeting.

Public Speaker two

Keith Kondakor (Councillor at Nuneaton & Bedworth Borough Council) spoke firstly on item 4 (O&S - Bermuda Connectivity) and made the following statement:

"The Bermuda bridge project has been a long running saga over about five years now. It has taken a vast amount of money, most of which is now effectively burned, and the project isn't effectively stoppable now, but it can be improved. We have a climate change emergency, and we have residents will be badly affected by the scheme; about £1.5 million noise compensation in the project as well. One good thing back in February the portfolio holder at the time agreed to extend the cycle route along part elect Bermuda Road and I hope the officers will agree that that is actually happening. Other things we need to do is sort out the bus service because obviously if we want a modal shift, we need to provide bus service along this new route, not actually have it as a big a rat run having negative impacts. We really really need this route have a 7 tonne or similar weight limit because you're going to pay one and a half million pound noise compensation for driving lorries past people's homes and if we can minimise that noise by actually saying this is actually a residential or lightly used route and is not a B road a seven and a half tonne weight limit will actually help that, or a 7.5 weight limit would mitigate some of the harm to lorries things going through the west of Nuneaton than lorries using this as a rat run. We need to be looking at an average speed camera along the route, it's quite a long route through a residential housing area and we really need to be a nice 30mph if not 20mph limit; the technologies here now that we can put cameras each end of the route and use it to trial some of our average speed routes limit stuff. I think that would reduce the cost in terms of noise compensation, it would actually make the route safer for all the people who currently have a nice safe quite route. I think it be a positive benefit to start reducing speeds, we aren't getting to a low traffic neighbourhood which would be great, but we are at least making sure that we haven't got cars going through 40mph through this residential area as result of the county council. This is a massive mistake, this project, but we should go ahead and try to mitigate the problems as much as possible, look at noise, look at speeding definitely get cycle connectivity as good as possible and then work with stagecoach to actually make sure it will get bus connectivity. We should never do this project again with the climate change emergency and we'll be more careful before starting such a project.

3. Questions to Portfolio Holder

None.

(1) Economic Development Update

In response to Councillor Tim Sinclair, David Ayton-Hill (Assistant Director- Communities) agreed that the update was longer than normal because the report format changed and there was more economic growth and business activity ongoing in Warwickshire. The report mentioned supply chain and labour shortage problems. North Warwickshire had a lot of distribution companies that faced a labour supply shortage and South Warwickshire had a lot of tourism and hospitality businesses who were struggling with this issue too.

In response to Councillor Sarah Feeney, David Ayton-Hill noted that there had been an uptake in acquisitions by overseas companies in Leamington's gaming industry because of the exchange rate. He stated that as Leamington had a well-known gaming development industry, international companies would want to invest in skills already there so it would be a positive investment. Alison Robinson (Strategy and Commissioning Manager (Economy & Skills)) concurred with David Ayton-Hill and added that the digital and creative sector had been successful with large companies buying each other up; therefore, this was being monitored.

In response to Councillor Jenny Fradgley, David Ayton-Hill stated that the council provided access to finance for businesses in several ways and used different financing tools to do it. Several grants from central government were provided through the council to help businesses adapt following Covid-19. Grants are non-repayable investments to businesses to keep the business going and growing. The WRIF (Warwickshire Recovery Investment Fund) money was primarily borrowed money and businesses who use this money are expected to return the investment and will be scrutinised more if they wish to have this funding.

Mark Ryder (Strategic Director – Communities) added that the WRIF investment had its own risk element as it was unlikely that all businesses would succeed but this fund would allow businesses to grow.

In response to Councillor Feeney, Alison Robinson confirmed that 13 responses for the transition fund for colleges and sixth forms was a good amount.

Councillor Jan Matecki praised the report contents and the investment work done in Warwickshire.

In response to Councillor Dave Humphreys, David Ayton-Hill stated that the BMW plant in Coleshill was recently re-invested in, which implied that the site would be a base for electric vehicle development.

In response to Councillor Sinclair, David Ayton-Hill stated that regular updates on the WRIF could come to committee and seven companies were being worked with regarding WRIF investment.

Following a supplementary from Councillor Sinclair, Mark Ryder stated that the Member Oversight Panel of the WRIF was regularly informed but an update could be provided to the committee at a later meeting.

In response to the Chair, David Ayton-Hill stated that the environment and climate change will be considered with all investments, and investments in business pursuing new low carbon

technologies were being encouraged.

4. O&S - Bermuda Connectivity

Daniel Cresswell (Team Leader, Project and Programme Management) informed the committee that site development was progressing on St George's Way as the gabion walls towards Network Rail's boundary work was completed. A specialist engineer was being sought regarding the gas barrier work and design; the barrier in place at the time of the meeting was working well. Development of the bridge was being discussed with Network Management in terms of road and lane closures. £10.359 million was funded towards the scheme and they were within budget at the time of the meeting, and they should finish at the end of 2022. In response to a question submitted by email from Councillor Clare Golby (division member for the project), Daniel Cresswell confirmed that the Bermuda Road and Heath Road junction was considered when remodelling the benefits. Japanese knotweed was being removed on site and the contractor was revising the work programme due to earlier project delays, but the bridleway will be completed in spring 2022.

In response to Councillor Matecki, Daniel Cresswell stated that they were confident that they will complete the project within budget as material prices are the contractor's risk.

In response to Councillor Richard Baxter-Payne, Daniel Cresswell agreed to obtain a breakdown of spending costs. Following a supplementary from Councillor Baxter-Payne, Daniel Cresswell stated that the business case was regularly reviewed so the latest model should be accurate.

In response to the Chair, Daniel Cresswell confirmed that the cycle lane was not in the work programme yet because it was still being designed and reviewed against the budget; the design should be complete in the next few months, and a decision taken by the project board whether the current budget will allow for these extra works.

Following a question from Councillor Sinclair, Daniel Cresswell stated that from the construction side, everything is assessed during construction and transport-planning remodel the scheme, and asses what was initially designed. Developments are reported back to the Major Schemes Board. In response to Mark Ryder, the Committee requested that a report of the scheme came back to the committee post-implementation so the expected and actual successes could be reviewed. David Ayton-Hill suggested reviewing old schemes first, Councillor Sinclair suggested there be an annual report for the OSC to scrutinise schemes already implemented.

In response to several questions from Councillor Baxter-Payne, Daniel Cresswell stated that traffic congestion was considered after the project was completed instead of during construction. Any environmental reviews during construction would more likely be done by the local planning authority. Daniel Cresswell agreed to investigate looking at air quality and environmental implications from traffic caused by the development.

Councillor Fradgley praised this idea and suggested that this could be part of the annual report. Councillor Kam Kaur (Portfolio Holder -Economy & Place) suggested looking and how other local authorities dealt with this issue first due to the amount of officer time a report like this would take. Mark Ryder suggested a scoring suggestion could be used with this, but this idea would need to be explored.

A debate followed about environmental impacts during scheme developments and how useful this information would be.

Resolved:

The Overview and Scrutiny Committee note and comment on this report and they will receive post-implementation evaluations of major schemes after every major development.

5. Social Fund

Charles Barlow (Delivery Lead-Localities) informed the committee that in February 2021 the council approved proposals for social/community endowment fund to act as a catalyst to build stronger communities. Several key questions around what outcomes are desired, what the voluntary community and social enterprise sectors need by way of additional investment and support ensuring that any proposals genuinely engage with grass roots and anything proposed engenders sustainability. To help inform proposals an analysis of the Council's existing funding streams to the voluntary community and social enterprise sector was carried out and it revealed a gap around certain types of financial, digital, cultural and health inclusion. Inequalities within communities were highlighted during the pandemic; therefore, a focus on promoting inclusion aligns with central government's contain outbreak management fund. The fund proposed will address several priorities of the Covid-19 recovery plan, support current and future Council PI outcomes, and be clearly aligned to the council's community powered Warwickshire work stream. Different funding streams were investigated before as grants and loans but the Local Communities and Enterprise pillar of the WRIF was the best solution. For years the voluntary community sector flagged a need for additional capital investment for community buildings which needed investment. Applications from areas with higher Covid-19 infection rates and levels of deprivation will be prioritised for funding but no area would be excluded from applying. The report will go to Cabinet in October 2021 and propose £1 million split 60/40 revenue and capital. Money that will be awarded to each successful application will be between £25,000-£50,000 and £50,000-£100,000; most will be awarded the lower amount. The fund will focus on financial, digital, health, social, and cultural inclusion to be launched at the beginning of November 2021 and in compliance with the contain outbreak management fund. All awards will be made by March 2022 and there will be a recommendation to commission the operation to a third-party supplier.

In response to Councillor Feeney, Charles Barlow noted that the resolution was broad to cover the five types of inclusion and review the inequality in areas that will be given funding. The scoring system would affect how much money is provided. Following a supplementary from Councillor Feeney, Charles Barlow, stated that partners will be used to promote the fund and help people put in applications for the fund. Specialist agencies will be used to help too with grass route groups. Councillor Heather Timms clarified that this was a strand of work of the Social Value Policy which was approved in September's Cabinet meeting. All strand of work together would make more sense to help communities affected by Covid-19.

In response to Councillor Feeney, Charles Barlow clarified that one organisation will be commissioned to run the fund.

Following a question from the Chair, Charles Barlow confirmed that government funding for the scheme had already been received and this funding would be given to areas most affected by Covid-19. Following a supplementary from the Chair, Charles Barlow stated that unsuccessful applications may be eligible for other council funding streams and the organisation running the fund will work to find the harder to reach areas.

In response to Councillor Humphreys, Charles Barlow stated that the money needed to be spent by March 2022 and there will be a competitive process window. They were hoping to have £1 million worth of applications so all money provided could be distributed.

The Committee requested that a report be brought back to the committee on the success of the fund.

Resolved:

That the Committee notes and comments on the proposals for the Warwickshire Social Impact Fund to help inform final proposals being submitted to Cabinet on 14 October 2021 and request the successes of the fund be reported back to the Committee.

6. Waste Management Review

Due to the public speaker speaking on two separate topics, Councillor Keith Kondakor was eligible to speak for another 3 minutes as part of public speaking. The second part was held here as officers were not in the room at the beginning of the meeting.

Councillor Keith Kondakor made the following statement on the Waste Management Review:

"I'll be involved in waste and recycling campaign for 16 years and stop the waste incinerator being doubled in size in Coventry. We have seven waste authorities in Coventry and Warwickshire and their waste altogether produces 50 million pounds. We really need to have a massive change in waste, this new waste strategy is going the opportunity to have deposit schemes, to use resources better to recycle more plastic, to reduce the amount of waste created, and I really ask as part of this process we urgently get the 7 councils talking together talking about maybe forming a Joint Waste Authority at least at the levels of education because if we spending £50 million pounds on processing all this waste and recycling we need to tell the public how to use the facilities and by doing that education we end up actually saving money because our new shiny waste sorting plant in Coventry can then get plastics out to sell to the market. If we do all this hardware and we do or the collection of our education the service will not be well used and will not get the service, the transition we need. The English waste strategy could be a massive change, it could be a damp squid, it depends what happened in terms of deposit schemes, recycling food waste, food waste minimisation. I really ask we bang heads together across Coventry and Warwickshire. We are all going to use the same recycling plant, we should ideally all have a combined collection service hopefully run in the public domain. I believe that way, the collectors are incentivised to do the best job for recycling rather than trying to save money for Biffa or the Olia and I'm really optimistic that we can make a big change in Warwickshire like they did in Somerset about 15 years ago when they formed a waste partnership there that was actually a company; I do think we need to grasp this £50 million on waste. When we launch this new waste strategy in terms of on the ground, we can do the collections and the deposit schemes, we need some serious education to make this a massive success because we have a climate emergency, and we have a resources emergency. We all know what happened to the price of petrol/oil/gas, we need to get all our resources going round a circular economy. I see education and a joint waste authority of some kind as a win-win and we need to keep as much of it in the public domain as possible and base an education".

Andrew Pau (Strategy & Commissioning Manager – Waste and Environment) and Ruth Dixon (Lead Commissioner - Waste Strategy & Contracts) presented a PowerPoint presentation to the committee and raised the following points:

- A new national waste strategy was introduced by central government in December 2018, and it was undergoing consultation and refinement

- The waste collection authorities and county (disposal authority) council formed together to make the Warwickshire Waste Partnership (WWP)
- Responses to the consultations were responded to by officers and members of the WWP
- The strategy will be implemented with the Environment Bill, by the 30th October it will be known if it will be law or sent back to the House of Commons by the House of Lords
- Two consultations came out in March 2021 on the Deposit Return Scheme (DRS) and Extended Producer Responsibility (EPR) and consistent collections came out a month later
- The DRS is just for drinks bottles and cans, it may include glass bottles but not plastic milk cartons, tetra pack or other drink containers. It could be limited to drinks containers under 500ml or apply to all.
- DRS will include paying a deposit for the container which is returned when the container is returned to a shop. The WWP supported this but were concerned of the impact on low-income families who bought bottles larger than 500ml. They wanted more information on how this would stop littering
- EPR means the brand owner or consumer has pre-paid money for the packaging to be recyclable. The money would go into local authorities as they will manage the material and get full net costs because of this. The brand would pay for any litter created by their product packaging and be charged based on how recyclable their packaging is. Coffee cups and plastic film would be included in this. The WWP strongly supported this but it should be clear who gets which funding and why.
- Consistent collections will be a drive to have the whole of England have a similar waste collection and make lesser collected materials be collected e.g. plastic film and tetra pack. This was proposed to start in 2023. There were consultations around green, food and residual waste and making fewer journeys to collect this waste. The WWP agreed to weekly food waste collection in principle but it would be difficult in rural and university student areas. The new Materials Recovery Facility (MRF) will be equipped to deal with plastic film. The WWP stated that co-mingled recycling collections should be allowed because of the new MRF being able to process this, green waste and residual waste collection frequency should be a local decision.
- The local waste partnership strategy will be worked on and discussed by the WWP along with household recycling centres

In response to Councillor Jan Matecki, Ruth Dixon confirmed that black plastic trays could not be collected for recycling in all areas, but these trays were being changed to dark blue so automatic machines could pick them out to be recycled. The EPR scheme will penalise anyone using unrecyclable material and consumers would pay the price for this; therefore, they would not buy that producer's product due to the price increase.

In response to Councillor Sinclair, Ruth Dixon stated that as long as the barcode was scan-able then damaged and multiple items could be claimed back on.

Following a supplementary from Councillor Sinclair, Ruth Dixon stated that the definition of plastic film was still up in the air but the WWP wanted it to cover all packaging including chip and bread bags. Material like crisp packets may be included but they were not explicitly mentioned and if these packets cannot be recycled then they will be changed.

In response to Councillor Sinclair, Ruth Dixon stated that most local authorities were not collecting food waste separately yet so they were informing the public on the consultation to make them aware of what other changes will occur and this will promote more recycling.

Councillor Feeney agreed that the process should be as easy as possible, and all dry recyclables go in one bin. In response to Councillor Feeney, Ruth Dixon stated that the MRF would be able to take all recyclables and produce the best quality of recyclables. It was still unconfirmed whether recyclables could be together or needed to be separate, but plans would be put in place if separated. Following in supplementary from Councillor Feeney, Andrew Pau stated that the WWP would push for mixed recyclables to go to the new MRF even if central government stipulates restrictions on this as Warwickshire will have the facility to deal with mixed recyclables.

In response to Councillor Fradgley, Ruth Dixon noted that it was difficult to recycle thermosetting plastics but there will be a balance between the lightweight ones e.g. expanded polystyrene and something heavier but more readily recyclable. Local authorities would get EPR funding regardless of the material's recyclability. Following a supplementary from Councillor Fradgley, Andrew Pau stated that if food waste was collected separately then this resource would be utilised better with evolving technologies; this will continue until at least 2024. He added that the county already had aerobic digestion technology and these facilities will be secured for separate food collections; this waste will be used to produce energy to put onto the grid and become fertiliser.

Councillor Matecki noted that Germany already had a DRS in place. In response to Councillor Matecki's and the Chair's questions on the MRF, Andrew Pau stated that all of Warwickshire's districts/boroughs would use the MRF, but he could not confirm if it would pick up black plastic. However, Warwickshire's MRF would be more flexible than other MRFs so it could adapt to different waste types/volumes.

Following a supplementary from the Chair, Andrew Pau stated that legislation development could lead to a short-term lack of action, but Warwickshire were doing well at staying ahead of the curve because of its new MRF. Ruth Dixon added that home composting and recycling centres were being promoted in their monthly newsletter that members of the public have signed up for. Andrew Pau noted that recycling and reusing waste was part of a campaign Warwickshire had been promoting.

In response to the Chair, Andrew Pau stated that there was a link between reducing waste disposal and saving money for the public, but it was difficult to prove the exact impact and value of waste reduction campaigns work.

In response to Councillor Fradgley, Andrew Pau informed the committee that there was legislation in place restricting the amount of peat in compost for consumer consumption. Warwickshire County Council primarily used peat-free compost and any compost produced from our waste went to good use, sometimes on restoration sites.

Resolved

The Committee notes and comments upon the update on the Recycling and Waste Strategy and the consultation activity set out in this report.

7. Quarter 1 Council Plan 2020-2025 Quarterly Progress Report (April 2021 to June 2021)

David Ayton-Hill presented a power point presentation and informed the committee on the following points:

- The Communities OSC had 11 KBM (key business measures), two could not be reported on as they were annual updates.
- Out of the nine reported 5 were on track

- KSIs (killed or seriously injured) were lower than predicted for the second year running
- Recorded crime reduced because of the pandemic, it was expected to rise when restrictions ease
- There were more new businesses than expected because of the economic work done
- Unemployment was higher than pre-pandemic (7.8% instead of 3.3%)
- There was a significant overspend on the forecast budget because of Covid-19. There would be an underspend otherwise
- All this information was accessible from Power-BI

In response to Councillor Sinclair, David Ayton-Hill stated that they were still seeing what post-pandemic looked like but with the new performance indicator framework they were starting to see new trends now.

Resolved

That the Overview and Scrutiny Committee: (i) Considers and comments on the progress of the delivery of the Council Plan 2020 - 2025 for the period as contained in the report.

8. Communities OSC Work Programme

Items to be added to the work programme:

- An update on the WRIF
- An annual report of major scheme developments providing an overview of the scheme's successes and failings (including environmental implications during construction)
- (post implementation) a report on the Bermuda Connectivity project on its successes and failings (including environmental implications during construction)
- A report on the successes of the Social Fund

9. Urgent Items

None.

The meeting rose at 16:07



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Chair