

**COUNTY COUNCIL –22 March 2017
PUBLIC QUESTIONS**

<p>1. Questioner's name: Martin Large</p>	<p>Respondent's name: Cllr Ray Theodoulou</p>
<p><i>The official minutes from the Extraordinary meeting of the County Council on 18th February 2015 where Labour councillors motioned to cancel the Javelin Park contract state that:</i></p> <p><i>1. "advice from officers was that it would cost between £60 million-£100 million to cancel the contract"</i></p> <p><i>2. [Cllr Theodoulou said Javelin Park] "would provide £150 million worth of savings"</i></p> <p>Are these figures factually accurate, given what the recently uncovered UBB Contract tells us..and if not accurate, can the Labour motion to cancel be debated again?</p>	<p>I am happy to confirm that these figures were accurate at the time, although, with subsequent construction etc, the cost of breaking the contract now may have increased.</p>
<p>2. Questioner's name: Jojo Mehta</p>	<p>Respondent's name: Cllr Mark Hawthorne</p>
<p>To: Cllr Mark Hawthorne</p> <p><i>Noting that at the Extraordinary meeting of the County Council on 18th February 2015 during discussion of the motion to cancel the Javelin Park incinerator contract, the Council was informed that "advice from [Council] officers was that it would cost between £60 million-£100 million to cancel the contract";</i></p> <p><i>noting further that Councillor Ray Theodoulou, opposing the motion, stated that the contract "would provide £150 million worth of savings [3] and ... these were challenging times with savings of £75 million needing to be found by the Council over the next 3 years";</i></p>	<p>We have always been very clear that savings are over the life of the contract. As we also made clear at the time, the costs for cancellation set out in the contract do not include the others costs the council would have to bear, including financing costs, extra waste disposal costs, and re-procurement costs. The Council has acted appropriately and legally.</p>

<p><i>noting further</i> that the Leader of the Council Mark Hawthorne summed up opposition to the motion in this way: "<i>a simple choice between £150 million of savings or cancelling the contract and incurring up to a £100 million in costs</i>";</p> <p><i>noting</i> that analysis of the unredacted Javelin Park contract now shows those figures to have been substantially exaggerated and that any savings would certainly not materialise within 3 years, and</p> <p><i>noting</i> that the motion to cancel was lost;</p> <p><i>given that</i> the officers referred to were familiar with the contract and knew or should have known that the figures they provided were grossly misleading to the Council as a whole (which did not at the time have access to that information), and</p> <p><i>given that</i>, as specified in the background section to the recent Tribunal judgment, this information "was relied on at the meeting by those in favour of continuing with the project",</p> <p>can the Leader of the Council tell me whether the loss of that motion can be challenged and justify his response with specific reference to the Council's constitution?</p>	
<p>3. Questioner's name: Rachel Smith</p>	<p>Respondent's name: Cllr Ray Theodoulou</p>
<p>Given the recent Information Tribunal ruling, and the clear public interest in knowing the deals the authority is doing with taxpayers money, what steps will the Council now take to implement an open contracting policy, with proactive publication of all council contracts?</p>	<p>The Council has agreed to set up a cross-party working group to look into open contracting. I am sure that any findings will be closely examined by the whole council.</p>

<p>4. Questioner's name: Gerald Hartley</p>	<p>Respondent's name: Cllr Ray Theodoulou</p>
<p>In answer to my question on February 15th asking whether Cllr Theodoulou would commit to fully supporting the waste collection authorities to convert residual waste to recycle, he said, "the County Council encouraged collection agencies to do more through discussions within the Joint Waste Committee.</p> <p>Can he explain how Stroud DC, which is not a member of the JWC, sends the least amount of waste per capita to landfill of all the County's WCA's and will he prompt the JWC to take lessons from Stroud to save us all a fortune in gate fees?</p>	<p>You can view details of the membership of the committee on the county council's website.</p>
<p>5. Questioner's name: Gerald Hartley</p>	<p>Respondent's name: Cllr Ray Theodoulou</p>
<p>Does Cllr Theodoulou understand that if all Glos WCA's matched Stroud's performance, there would only be 70,000 tonnes pa for delivery to landfill now and to the MBI in future and can he confirm that the economic viability of the CC's EfW contract would then be in question and depend on the value of electricity produced from burning 120,000 tonnes pa of commercial and industrial waste.</p>	<p>I welcome Stroud's improved collections – which is something the County Council has been calling for for some time, and which we have, in respect of food waste collections, provided money to support. I would await full-year figures before drawing too many conclusions.</p> <p>I would, however, note that Stroud is the last district in Gloucestershire to adopt this approach to collection. In other words, other WCAs already take the same approach as Stroud, in many cases without achieving the same reductions in waste. This is particularly the case with more urban areas.</p> <p>Even with Stroud's improved rates, we forecast over 142,000 tonnes of residual waste will be produced in Gloucestershire this year. As we have stated consistently, if the county cannot deliver significant levels of recycling, the plant risks being too small.</p>

6. Questioner's name: Gerald Hartley	Respondent's name: Cllr Ray Theodoulou
<p>Given the Tribunal's judgement on the CC's appeal against the Information Commissioner's decision that the business case and contract be publicly available with few exceptions, will the County Council be seeking financial redress from its legal advisors and/or UBB; or will the cost be written off to afford redress to UBB for the CC's failure to secure a redacted version of the contract on its own website.</p>	<p>The costs of the appeal were previously provided for within the budget approved by Council.</p>
7. Questioner's name: Gerald Hartley	Respondent's name: Cllr Ray Theodoulou
<p>Can Cllr Theodoulou explain why, when the CC received a FoI request to release the contract and business case, the CC chose to ignore Schedule 23 of the contract which listed the elements to be kept confidential, in favour of redacting even more of it.</p>	<p>As the council explained to the tribunal, this was not accepted as an exhaustive list.</p>
8. Questioner's name: Gerald Hartley	Respondent's name: Cllr Ray Theodoulou
<p>Can Cllr Theodoulou state the cabinet's official view of the Local Government Transparency Code and can he explain their ignoring of its specific advice in relation to the EfW contract.</p>	<p>Please see the answer to question 3</p>
9. Questioner's name: David Willingham	Respondent's name: Cllr Vernon Smith
<p>To: Cllr Vernon Smith</p> <p>In June 2016, a constituent attempted to report to GCC a problem with the electricity supply pillar for the speed camera close to St Peter's Church on Tewkesbury Road, Cheltenham. Their concern was that due to the pillar falling over and mains wiring being visible, there was a risk that live mains was exposed just inside the pillar.</p>	<p>The Electrical Supply Pillar associated with the Speed Camera was investigated by Gloucestershire County Council and Western Power from an early stage And posed no risk to the public. The pillar was inspected, the cables exposed posed no risk of electrical shock and the leaning feeder pillar was fenced off from an early stage to ensure the public did not enter the area.</p>

<p>Their reports to GCC were initially not acted upon, after further contact with GCC they were then misdirected by GCC to the Police, still concerned at the lack of action by GCC they escalated the issue to councillors and the PCC, whose representations still resulted in no action by GCC, and it was only when the Gloucestershire Echo were told of the issue and photographed it in December 2016 that repairs were eventually made.</p> <p>Does the Cabinet Member share my concerns about the way this issue was mishandled and the unnecessary risk to the public caused by the excessive delay in making it safe</p>	
<p>10. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Nigel Robbins</p>
<p>Will the Audit and Governance Committee consider including a review of the concerns this raises, such as tracking asset ownership, the lack of an identified maintenance budget for the equipment, and the communications problems between subcontractors, into the work programme of that Committee in the forthcoming municipal year?</p>	<p>That will be for the Committee to determine after the May elections.</p>
<p>11. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>In August 2016, following representations from Cheltenham's Hackney Carriage trade, GCC were requested to move an incorrectly located "Queue Here" sign associated with the Taxi Rank on the Promenade, Cheltenham. In February 2017, with one month's notice, GCC were again asked to relocate this sign, to avoid it causing confusion and possible conflict during Cheltenham Race Week. On the evening of 14th March 2017, during Cheltenham Race Week, this incorrectly located sign was still in situ, and was witnessed causing problems and confusion to visitors</p>	<p>The sign was relocated to the new location, in accordance with communication with both Councillor Willingham and the CBC licensing authority, on 11th March 2017.</p>

<p>to the town. Could the Cabinet Member for Highways please explain why despite repeated requests from both CBC Officers and councillors, including one with a clearly defined and necessary deadline of 13th March 2017, neither GCC nor its subcontractors have been able to relocate, cover or remove the incorrectly sited "Queue Here" sign associated with this Taxi Rank?</p>	
<p>12. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>I have been verbally advised by Officers from the County Council that highway surface remodelling works would be performed this municipal year to try to alleviate the nuisance caused by standing water that gathers on Alstone Lane and makes it difficult for some residents to leave their property following rainfall without the risk of being soaked by passing vehicles. Could the Cabinet Member please advise whether this work has been scheduled, and if so whether it will be completed in this municipal year?</p>	<p>Design work has been completed to reprofile the carriageway and move surface water to a nearby drain. Works have been commissioned and will be programmed as soon as resources are available.</p>
<p>13. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>At the last meeting of the County Council, numerous residents from St Peter's ward in Cheltenham raised issues about the proposed implementation of the Cheltenham Westend Parking Zone. Could the Cabinet Member please explain why decisions about this TRO that affected so many people in Cheltenham were not the subject of a public meeting of the Traffic Regulation committee?</p>	<p>The answer to this question is covered on page 65 of the TRO report for the parking zone, which is available on the Council's website.</p> <p>In summary, it was considered that, due to the extensive involvement at the consultation stage of elected members for both the County and Borough Councils, senior officers of both councils and interested parties such as the Cheltenham Development Task Force, and the Chamber of Commerce; and since the scheme is designed to realise Local Transport Plan policy commitments that were subject to a Cabinet Decision, and approved by the full Council, following thorough consultation with key partners and the public; further consideration by the Traffic Regulation Committee was unlikely to improve understanding of the key issues relating to the scheme, and was therefore unnecessary.</p>

14. Questioner's name: David Willingham	Respondent's name: Cllr Vernon Smith
<p>Could the Cabinet Member for Highways please advise how cycling user groups have or will be properly consulted about the proposals to implement a TTRO closing the lower part of the crawler lane on the A435 Cirencester Road, a proposal that is currently highly dangerous because lacks safe cycling provision?</p>	<p>The consultation carried out in January 2017 included the statutory consultees of the Cheltenham and Tewkesbury Cycle Campaign. In addition, the proposals were considered by the Road Safety Hub who will consider the impact on all user groups including cyclists.</p> <p>I have responded more substantially on this issue in my reply to question 17.</p>
15. Questioner's name: David Willingham	Respondent's name: Cllr Vernon Smith
<p>To: Cllr Vernon Smith</p> <p>Does the Cabinet Member for Highways agree with me that the most likely outcome of a collision involving a cyclist ascending the A435 Cirencester Road being hit from behind by a motor vehicle travelling at the current speed limit of 60mph, is going to be a dead cyclist; and that the County Council's failure to incorporate safe cycling facilities into the proposed TTRO on this popular cycling route from Cheltenham into the Cotswolds will significantly increase the risk of such a fatal collision occurring?</p>	<p>There is no indication of a particular danger on this road- but of course we are always keen to minimise risks where possible.</p>
16. Questioner's name: David Willingham	Respondent's name: Cllr Vernon Smith
<p>Could the Cabinet Member for Highways please explain why Highways Officers ignored emailed requests from councillors from both the County Council and Cheltenham Borough Council, to be invited to any site visit that would be held to consider the TTRO proposals for the A435 Cirencester Road crawler lane, and proceeded to hold a site visit without inviting councillors who, following consultation by GCC, had expressed their concerns about the safety of the proposed scheme?</p>	<p>I understand there hasn't been an appropriate opportunity to do so.</p>

<p>17. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>In correspondence to councillors about the lack of any safe cycling provision in the current TTRO proposals for the A435 Cirencester Road crawler lane, Officers have stated that modifications to incorporate safe cycling provision would cost £30,000, but they are not willing or able to spend this amount to protect one of the most vulnerable groups of road user. Given that 17 years ago, the cost to society of a fatal traffic collision was estimated to be over £1M, which would give a BCR of over 33 if the inclusion of safe cycling provision prevented a single fatal collision, could the Cabinet Member for highways please explain why the County Council doesn't think that the life of a cyclist is worth £30,000?</p>	<p>I am sorry to hear about the difficulties that you have had in raising your concerns with the council. Please accept my apologies for them. I want us to look again more closely at what we can do to protect cyclists during this scheme, and I will ask Nigel Riglar, our Commissioning Director for Infrastructure to meet with you to discuss what alterations we can make.</p>
<p>18. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>Will the Cabinet Member for Highways instruct his Officers to reconsider the current TTRO proposals for the A435 Cirencester Road crawler lane and ensure that they are modified to include safe cycling provisions in them?</p>	<p>The TRO process is complete, but I think we can address some of the concerns here effectively through less formal action.</p>
<p>19. Questioner's name: David Willingham</p>	<p>Respondent's name: Cllr Vernon Smith</p>
<p>To: Cllr Vernon Smith</p> <p>Could the Cabinet Member for Highways please advise what co-ordination is in place between the County Council's Parking Services and its contractors responsible for clearing highway drains, to facilitate temporary parking restrictions being put in place to allow blocked drains to be cleared, if repeated attempts at this important flood prevention activity cannot be completed by other means due to parked vehicles always being present?</p>	<p>As part of our programmed cyclical gully emptying several attempts are made, at differing times of day, to access gullies which are covered by parked vehicles on the initial visit. Where continuing difficulties exist then further measures are arranged, either with local residents, through local councillors or with the provision of parking cones to facilitate access. In the urban areas we also work closely with CBC and Glos City to try to co-ordinate, where feasible, with their street cleansing schedule.</p>

20. Questioner's name: Ian Richens	Respondent's name: Cllr Ray Theodoulou
<p>Please can Cllr Theodoulou explain how he can claim in the Council's press release that the Tribunal upheld the Council's Waste contract appeal when HH Judge Shanks has stated the following in the Decision Statement:</p> <p>Para 73</p> <p>Mr Mawdsley's evidence was.... So far reaching as to be unconvincing.</p> <p>Para 217</p> <p>The overall result is that, with some notable exceptions which we have set out in the Schedule to the substituted decision above, we have reached the view that Annex 4 and the redacted provisions in the Contract ought to have been disclosed by the Council in April 2015.</p> <p>Para 219</p> <p>Notwithstanding that we have rejected the Council and UBB's case to a great extent we wish to thank Mr Mawdsley and Mr Peiro.</p> <p>To my simple mind the conclusion is a resounding rejection of the Council's attempt to keep the Contract details secret and the whole effort of the appeal was a huge waste of Public funds</p>	<p>The judgement upholds our appeal, and usefully clarifies the sections of the contract we can publish, and those sections which still need to remain redacted. It also makes clear that certain commercially sensitive elements of the contract are right to remain redacted.</p>

21. Questioner's name: Mr and Mrs M J Griffiths	Respondent's name: Cllr Ray Theodoulou/ Nigel Riglar
<p>Will this Council confirm that a full Health Impact Assessment will be undertaken of the surrounding area and continually monitoring the surrounds every 5 years over the lifetime of the incinerator in order to secure a good standard of amenity for all existing occupants of land and buildings to avoid an unacceptable level of cumulative air pollution on health, the natural environment or general amenity, from the facility and the adjoining motorway junction and motorway, as per NPPF Para 120, The Waste Management Plan for England, and the Gloucestershire Waste Core Strategy?</p>	<p>The Environment Agency is responsible for the licensing of the Javelin Park site and will ensure that it is appropriately monitored very much more frequently than every five years.</p>