

Public Document Pack



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PUBLIC

To: Members of Improvement and Scrutiny Committee - Places

Tuesday, 19 September 2023

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - Places** to be held at **10.30 am** on **Wednesday, 27 September 2023** in the Council Chamber, County Hall, Matlock,, the agenda for which is set out below.

Please note that immediately following the meeting, members of the committee will be visiting the Highways Hub.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. Apologies for absence

To receive apologies for absence (if any)

2. Declarations of interest

To receive declarations of interest (if any)

3. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Improvement and Scrutiny Committee – Places held on 26 July 2023

4. Public Questions (30 minute maximum in total) (Pages 5 - 6)

(Questions may be submitted to be answered by the Scrutiny Committee, or Council officers who are attending the meeting as witnesses, on any item that is within the scope of the Committee. Please see the procedure for the submission of questions at the end of this agenda)

5. Collaborative Waste Collection and Disposal (Pages 7 - 24)

6. Traffic Regulation Orders (TROs) Project Report (Pages 25 - 32)

7. Work Programme 2023-24 (Pages 33 - 38)

PUBLIC

MINUTES of a meeting of **IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES** held on Wednesday, 26 July 2023 in the Council Chamber, County Hall, Matlock.

PRESENT

Councillor S Bull (in the Chair)

Councillors J Siddle, A Clarke, N Gourlay, D Greenhalgh, D Murphy, J Nelson and P Niblock.

45/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

46/23 MINUTES

The minutes of the meeting held on 17 May 2023 were confirmed as a correct record.

47/23 PUBLIC QUESTIONS (30 MINUTE MAXIMUM IN TOTAL)

There were no public questions.

48/23 PREPARATION OF A LOCAL TRANSPORT PLAN COVERING THE COUNTY OF DERBYSHIRE

Alan Marsden, Head of Strategic Transport and Sustainable Travel attended the meeting to provide an overview of the process to develop a new joint Local Transport Plan covering the county of Derbyshire under the proposed East Midlands Combined Authority.

In March 2023, Full Council had resolved to approve the final proposal to create the Mayoral East Midlands Combined County Authority (EMCCA). The proposal set out an expectation that on day one, the EMCCA would be established as the transport authority for the area, covering the four upper-tier authorities, and have the power to approve the single, joint Local Transport Plan (LTP).

The Transport Act 2000 (as amended by the Local Transport Act 2008) had placed a duty on the Council to have a LTP in place, and therefore it remained a duty for the Council until the EMMCA creation was enacted. A new LTP would provide an opportunity to sharpen up and refresh the strategic case to support delivery of integrated transport programmes and deliver more ambitious outcomes; including those set out in sub-strategies,

including the Bus Service Improvement Plan, Low Emission Vehicle Infrastructure Strategy and the Local Cycling and Walking Infrastructure Plan.

The Department for Transport (DfT) had recognised that a combination of reduced Council resources and a lack of updated national guidance had led to many LTPs across the country nearing their expiry dates. The Council's was due to expire in 2026. In October 2022, Cabinet reported that the DfT had provided a grant of £178,571.43 to the Council to help support additional capacity to prepare a new LTP. The publication of DfT guidance to support LTP preparation had been delayed, but it was now expected in early 2023 at the latest. The delay in publication of the guidance was now expected to push completion of provisional and final LTPs into late 2024-25. This timescale aligned well with the creation of the EMCCA and to be able to consider any transport commitments made during the election of the mayor.

Following the approval of the proposal to create the EMCCA, the four constituent authorities had put in place a governance structure for the Transport Priority area to further develop the necessary transition arrangements. This structure included a LTP workstream, with officer representation from each authority, recognising that joint working was necessitated now to accommodate the long lead time required to develop a LTP strategy. The LTP workstream was currently engaged in the first stage of plan development in assembling a joint transport evidence base and reviewing alignment of existing local transport policies, including Council Plans and detailed local transport strategies. It was anticipated that the emerging priority transport themes for the new MCCA LTP would be agreed by the end of 2023. These priorities would then be subject to scrutiny through a stakeholder and public engagement exercise in early 2024.

It was therefore anticipated that nuanced transport priorities might be developed for more focused geographies, for example of the two city conurbations of Derby and Nottingham, the north Derbyshire and Nottinghamshire large urban market towns of Chesterfield and Mansfield, and the many market towns and surrounding rural communities across Derbyshire and Nottinghamshire.

To reflect nuances in transport priorities for Derbyshire, the Cabinet Member for Infrastructure and Environment had requested that a set of Derbyshire transport priorities were agreed in the autumn to be embedded within the EMCCA LTP strategy. In October 2022, Cabinet had agreed a set of strategic level themes to guide the further development of Derbyshire transport priorities. These were:

- Sustainable environment;
- Integrated connectivity; and
- Prosperous place

It would be necessary to consider where the Plan could influence carbon emissions and to where change at a national level was required. The Council was currently awaiting a 'Carbon Emissions Tool' and a Carbon Reduction Policy 'Playbook' from Midlands Connect to guide the Quantifiable Carbon Reduction (QCR) work.

On behalf of the Committee, the Chairman thanked Mr Marsden for his most informative and interesting presentation. Members of the Committee requested that he returned to a future meeting when the interim plan had been developed to enable scrutiny members' input prior to the Plan being released for public and stakeholder consultation.

RESOLVED that the Committee notes the process to develop a new joint Local Transport Plan covering the county of Derbyshire under the proposed East Midlands Combined County Authority.

49/23 WORK PROGRAMME 2023-24

The Committee's work programme for the remainder of 2023-24 was presented and Members were invited to suggest possible items for consideration.

As the Control Room located within the Place Department was now fully functional, Members of the Committee suggested that a visit to the facility would be very interesting. The clerk to the Committee would arrange for this visit to take place following the conclusion of the meeting on Wednesday 27 September 2023.

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Procedure for Public Questions at Improvement and Scrutiny Committee meetings

Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of the Improvement and Scrutiny Committees, or witnesses who are attending the meeting of the Committee. The maximum period of time for questions by the public at a Committee meeting shall be 30 minutes in total.

Order of Questions

Questions will be asked in the order they were received in accordance with the Notice of Questions requirements, except that the Chairman may group together similar questions.

Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Director of Legal Services no later than 12noon three working days before the Committee meeting (i.e. 12 noon on a Wednesday when the Committee meets on the following Monday). The notice must give the name and address of the questioner and the name of the person to whom the question is to be put.

Questions may be emailed to democratic.services@derbyshire.gov.uk

Number of Questions

At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation about a single topic.

Scope of Questions

The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Committee has a responsibility, or does not affect Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

Submitting Questions at the Meeting

Questions received by the deadline (see **Notice of Question** section above) will be shared with the respondent with the request for a written response to be provided by 5pm on the last working day before the meeting (i.e. 5pm on Friday before the meeting on Monday). A schedule of questions and responses will be produced and made available 30 minutes prior to the meeting (from Democratic Services Officers in the meeting room).

It will not be necessary for the questions and responses to be read out at the meeting, however, the Chairman will refer to the questions and responses and invite each questioner to put forward a supplementary question.

Supplementary Question

Anyone who has put a question to the meeting may also put one supplementary question without notice to the person who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds detailed in the **Scope of Questions** section above.

Written Answers

The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the person to whom it was to be put, will be dealt with by a written answer.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES

WEDNESDAY, 27 SEPTEMBER 2023

Report of the Executive Director - Place

Collaborative Waste Collection and Disposal

1. Purpose

- 1.1 This report provides an overview of the structure and delivery of waste management services across the County and the potential opportunities for greater collaboration between the districts, boroughs and County Council.

2. Information and Analysis

Overview

- 2.1 Municipal waste management in Derbyshire is delivered through a two-tier system, with responsibility for waste collection held by the eight districts and boroughs, while responsibility for waste disposal is held by the County Council.
- 2.2 The legal framework for local authority waste management is extensive and has evolved over decades as the sustainability of resource and waste management has gained prominence and increasing priority.
- 2.3 The Environment Act 2021 has continued this broad trend, and is introducing significant additional requirements of all local authorities. It also introduces new funding mechanisms and opportunities for local authorities to achieve a step change in performance.
- 2.4 At the same time, the financial resources available to all councils has reduced substantially. Recent acute cost pressures arising from greater

demand for services coupled with high levels of inflation have further compounded the situation, drawing into question the sustainability of the sector as a whole.

- 2.5 It is therefore essential that the Council explores all opportunities to improve performance while mitigating risks to statutory service delivery and the financial sustainability of the County Council, districts and boroughs.
- 2.6 The County Council, districts and boroughs have previously explored the potential to deliver cost efficiencies through closer joint working. While some limited joint working arrangements have been implemented, these have not led to sustained benefits in the longer term.
- 2.7 Work is beginning to identify the scale of all such opportunities and the options available to the County Council, districts and boroughs in the medium term.

Legislative Framework

- 2.8 The County Council has a statutory duty to provide waste disposal services as a Waste Disposal Authority (“WDA”). The eight district and borough councils, as the Waste Collection Authorities (“WCAs”), provide kerbside waste collection services which includes the collection of residual municipal waste the County Council has responsibility for.
- 2.9 Section 48 of the Environmental Protection Act 1990 as amended by the Waste and Emissions Trading Act 2003 requires WCAs to deliver all waste for disposal to places as directed by the WDA. This obligation includes recyclable materials provided the WDA has made arrangements for the material to be recycled.
- 2.10 The County Council has historically elected to apply its power to direct for the purposes of recycling in a very limited way and only with regard to green waste and food waste for which it procured the construction and operation of two In-Vessel Composting (“IVC”) facilities.
- 2.11 Where the WDA has not made such arrangements for recycling the WCAs may make their own arrangements for the material to be recycled. Where WCAs retain for recycling separately collected recyclable waste, the WDA pays them a ‘recycling credit’. The current value of a recycling credit in 2023-24 is £65.61 and is set out in legislation.
- 2.12 Under Regulation 13 of the Waste (England and Wales) Regulations 2011, WCAs are required to make arrangements for the separate

collection of waste paper, metal, plastic and glass. This duty only applies where it is technically, environmentally and economically practicable. This qualification, often referred to as a 'TEEP' test has been applied variously across England and Wales and is commonly used as the justification for co-collecting or 'comingling' dry mixed recycling rather than providing individual collection services for each material stream.

- 2.13 There is no current legal duty on either WDAs or WCAs to separately collect and dispose of garden waste and food waste. Where WCAs do elect to offer a separate garden waste collection service the Controlled Waste (England and Wales) Regulations 2012 permit them to levy a charge on the householder for the costs of collection but not disposal. No such charge is permitted for food waste.
- 2.14 In practice, almost all WCAs in England and Wales collect garden waste separately with a significant proportion charging for the service. There is also variation in the frequency of collection and the period over which collections are offered, with many councils providing a seasonal service. In Derbyshire, Amber Valley and Derbyshire Dales currently apply charges and Erewash are now also pursuing this option.
- 2.15 Separate food waste collections for which no charge may be applied are less common. In Derbyshire only one WCA collects food waste separately (Derbyshire Dales). A further five (Bolsover, Chesterfield, High Peak, North East Derbyshire, and South Derbyshire) comingle food waste with garden waste.
- 2.16 As a consequence of the different decisions taken by WCAs in Derbyshire, there is now a patchwork of different collection arrangements, each with their own contracting arrangements for the processing of recyclable material. These are detailed in Table 1 below.

Table 1: Collection Arrangements

	Glass	Metal	Plastic	Paper / Card	Food	Garden
Amber Valley	Caddy	Comingled				Charged
Bolsover	Comingled			Caddy	Seasonal Comingled - Free	
Chesterfield	Caddy	Comingled			Comingled - Free	
Derbyshire Dales	Caddy	Comingled			Weekly Separate	Charged

Erewash	Comingled		Free*
High Peak	Comingled		Commingled - Free
North East Derbyshire	Comingled (previously separate paper caddy)		Commingled - Free
South Derbyshire	Comingled	Caddy	Commingled – Free

*A proposal to introduce a charge is under consideration

2.17 In order to facilitate the effective planning and coordination of duties within a two tier system, section 32 of the Waste and Emissions Trading Act 2003 requires that waste authorities in two tier systems produce a Joint Municipal Waste Management Strategy (“JMWMS”). In addition to setting out the strategy for managing local authority collected municipal waste and recycling, the JMWMS must set out a statement of the Councils’ policy with regard to waste and achieving the objectives of the JMWMS.

2.18 In Autumn 2014, the Derbyshire Waste Partnership (“DWP”) produced the Derbyshire and Derby City JMWMS which updated the 2006 “Looking after Derbyshire’s Waste” vision. The JMWMS sets out the approach to managing household waste sustainably for the communities of Derbyshire and Derby City and short-term priorities for action based on the waste hierarchy, as per Figure 1 below.

Figure 1: JMWMS Waste Hierarchy



2.19 The JMWMS strategic goals are:

- To reduce the amount of waste produced;

- To reuse, recycle and compost as much material as possible; and
- To find the most sustainable solutions to deal with any waste produced.

2.20 These closely align to the 2007 “Waste Strategy for England” targets, which the coalition Government confirmed in 2010. These are:

- Recycle and compost 50% of household waste by 2020,
- Reduce household waste by 45%, and
- Recover 75% of municipal waste by 2020.

2.21 In 2009, Government introduced legislation to allow the creation of Joint Waste Authorities. The powers established under the Local Government and Public Involvement in Health Act 2007 and subsequent Joint Waste Authorities (Proposals) Regulations 2009, allow the formation of Joint Waste Authorities as legal entities capable of directly employing and entering into contracts.

2.22 The intention was to encourage local authorities to group together to deliver more effective and efficient waste collection and disposal services benefiting from economies of scale.

2.23 The measure was ultimately unsuccessful and was later repealed by the Deregulation Act 2015. Alternative models for collaboration and partnering exist including the establishment of Joint Committees, constitutional delegation of functions between authorities and less formal waste partnerships.

2.24 A high-level summary of the broad duties of WDAs and WCAs is set in Table 2 below.

Table 2: Summary of WDA/WCA Functions

	WDA	WCA
Collection of residual waste	No	Yes
Collection of dry recycling	No	Yes
Collection of garden waste	No	Yes
Collection of food waste	No	Yes
Disposal of residual waste	Yes	No
Disposal / processing of recycling	Yes – unless retained by WCA	Yes – unless directed by WDA

Composting	Yes – unless retained by WCA	Yes – unless directed by WDA
Ability to charge for garden waste	Yes – unless retained by WCA	Yes – unless directed by WDA
Duty to pay recycling credits	Yes – if retained by WCA	No
Operation of HWRCs	Yes	No
Duty to create JMWMS	Yes	Yes

Changes to Legislation

- 2.25 In 2018, Government published the Resource and Waste Strategy for England (“RWS”). The 2018 RWS focuses on greater recycling and composting of waste, increasing recycling rates to 65%, and a target of no more than 10% of municipal waste to landfill by 2035. The RWS set out capital funding to be made available to councils to implement separate food waste collections from 2025. The RWS also included policies aimed at increasing recycled plastic in packaging, and support for a circular economy, including extension of packaging producer responsibility.
- 2.26 In the same year, Government also published its Green Future 25 Year Plan to improve the UK natural environment. The plan set out various measures to achieve:
- clean air;
 - clean and plentiful water;
 - thriving plants and wildlife;
 - a reduced risk of harm from environmental hazards, such as flooding and drought;
 - using resources from nature more sustainably and efficiently; and
 - enhanced beauty, heritage and engagement with the natural environment.
- 2.27 These were followed in 2021 by the publication of the Waste Management Plan (“WMP”) for England and the royal ascent of the Environment Act 2021.
- 2.28 The Environment Act 2021 crystallised much of the policy ambition of the RWS and WMP into primary legislation creating a raft of new obligations for WCAs and WDAs, as well as new mechanisms for generating revenue streams to fund the cost of managing packaging waste.

- 2.29 The Act provides the legal framework for three policies collectively referred to as the 'Collection and Packaging Reforms'. These are:
- The Deposit Return Scheme ("DRS")
 - Consistent municipal recycling collections
 - Extended Producer Responsibility ("EPR")
- 2.30 EPR applies a charge to the producers, wholesalers and retailers of packaging and packaged items to cover the cost of collection, recycling and/or disposal of common packaging materials. Government has estimated that the scheme will generate up to £1.2bn of revenue funding for local authorities. EPR also creates an incentive for manufacturers to minimise the amount of packaging used and obligations with regard to labelling of recyclable items.
- 2.31 At the time of writing the application of fees on producers is due to start in October 2025 with reporting obligations for large companies having already commenced in January 2023.
- 2.32 The consistency reforms will require all WCAs to collect a consistent range of dry materials from households and introduce a new duty to provide a separate garden waste collection and weekly separate food waste collection. The Act will also curtail WCAs' ability to charge for garden waste collections.
- 2.33 The materials to be collected separately are:
- Glass;
 - Metal;
 - Plastic;
 - Paper and card;
 - Food waste; and
 - Garden waste.
- 2.34 Non-household organisations that produce waste of a similar composition to households will also be required to recycle the same consistent range of dry materials, and where feasible separate food waste.
- 2.35 Improving material segregation and consistency of waste management methodologies across England is intended to make it easier for households, businesses and public organisations to recycle and, in turn, drive up recycling rates beyond current levels.

- 2.36 Whilst the Act includes a similar test to 'TEEP' it is expressly forbidden to comingle food or garden waste with any other recyclable waste stream regardless of cost or technical practicability.
- 2.37 At the time of writing, none of Derbyshire's eight WCAs provide collection services that comply with these new requirements.
- 2.38 The express requirement to collect food waste weekly is written into the primary legislation and is likely to make it impractical to maintain existing arrangements for the comingling of food and garden waste.
- 2.39 Implementing a new food waste collection service and potentially changing the arrangements for the collection of dry recycling will be a considerable undertaking, made more challenging by the fact all WCAs and WDAs will be seeking to procure the same or similar equipment and processing capacity contracts within a relatively narrow time window (expected to be two years).
- 2.40 In addition to the collection costs and transition costs, the likely separation of food from garden waste draws into question the ongoing viability of the County Council's two IVC facilities, the contracts for which expire in January 2025. Interim solutions to maintain both facilities in the short term are in development with a decision expected to be brought to cabinet before Christmas. A separate assessment of long-term infrastructure requirements will be required as part of planning for the implementation of separate food waste collections.
- 2.41 Capital to fund the necessary purchase of vehicles and containers amounting to £295m was announced as part of the national budget for 2023/24, however, additional burdens funding for the revenue costs of more collections has not yet been finalised.
- 2.42 Defra has since confirmed that revenue funding for transitional resource costs and ongoing resource costs will be provided, however, estimation of these costs is ongoing at the time of writing. The funding will be subject to a departmental bidding process as part of the next spending review expected in 2025.
- 2.43 The final part of the Collection and Packaging Reforms is the DRS. This scheme particularly targets commonly littered packaging such as plastic bottles and cans by introducing a small deposit which can be redeemed via a scheme administrator.
- 2.44 If successful this reform will remove materials from street cleansing waste streams which typically are not processed for recycling, and lead

to the packaging being recycled by the private sector outside of local authority control.

- 2.45 Apart from the measures set out in the Environment Act 2021. Government is also consulting on the inclusion of Energy from Waste (“EfW”) facilities in the United Kingdom Emissions Trading Scheme (“UKETS”).
- 2.46 UKETS is akin to a tax on carbon emissions which is payable by industrial emitters of carbon dioxide. Participants trade a fixed volume of ‘allowances’ to cover their individual carbon emissions.
- 2.47 EfW facilities have historically been excluded from the scheme, however, the Government is now proposing to scrap that exemption introducing a new liability for all EfWs.
- 2.48 These costs are expected to flow down to local authorities and other waste producers via change in law provisions, new contracts and spot prices adding an estimated £35 per tonne to the cost of using EfWs.
- 2.49 It is anticipated that landfill tax will be adjusted by a similar or greater amount in order to prevent incentivising landfill ahead of energy recovery – the Government’s preferred mode of waste disposal.
- 2.50 It is unclear what behaviour or change Government is intended to drive by this intervention, however, this significant additional cost would likely be in the region of £6.7m for the County Council further underlining the importance of increasing recycling rates.
- 2.51 The programme for delivering packaging reform, originally slated for 2023, has been subject to delays and at the time of writing Government is yet to set firm dates for each component.
- 2.52 Defra has previously stated that consistency would follow after EPR payments commenced. In this way the revenue generated by EPR and disbursed to WCAs and WDAs would offset the additional burdens funding requirement.
- 2.53 In July 2023, Defra announced it was delaying the introduction of EPR by one year meaning the first year in which local authorities costs will be covered will be 2026/27. The current timetable for EPR is set out below:
- January 2024: Notification of materials which will be subject to additional or reduced fees (incentives) in 2026/27

- January 2025: Commencement of reporting on materials used in packaging and separate reporting of materials subject to incentive payments.
- July 2026: Invoices to producers based on 2025 data to cover 2026/27 LA costs.
- By March 2027: LAs receive payment of their 2026/27 costs.

2.54 Announcements from Defra that additional burdens funding for food waste collections will be bid for in the 2025 spending review suggest that the earliest date for introduction of food waste would be part way through the 2025/26 financial year.

Current Partnership Model and Opportunities

2.55 The DWP is comprised of the County Council, the eight districts and boroughs, and Derby City Council and was formed with the following aims:

- To maintain and further develop the constructive and meaningful partnership between waste collection and disposal authorities within Derbyshire.
- To coordinate action to implement the jointly formulated and agreed Joint Municipal Waste Management Strategy for Derbyshire.
- To research examples of best practice and disseminate these within the Partnership.

2.56 The objectives of the Partnership are:

- To provide strategic and operational advice, guidance and management of Municipal Solid Waste (MSW) and Biodegradable Municipal Waste (BMW).
- To reduce waste arisings in the county through education and increasing awareness in the domestic, commercial and industrial sectors.
- To meet and improve upon the Derbyshire Waste Strategy targets set for municipal and / or household waste recycling and composting in the county.
- To continually increase awareness of waste as a resource to all communities and to interact with other stakeholders to promote waste reduction, reuse, recycling and composting and achieve an economically, environmentally and socially sustainable waste programme of gaining value from waste.
- To ensure the residents of Derbyshire are provided with safe, efficient, effective and sustainable waste management services that represent value for money.

- To provide a forum between Derbyshire Councils for the discussion of and response to waste management related issues.
- To provide a structure that will assist member authorities and their partners to formulate, target, prioritise and implement appropriate waste management related strategies and actions.
- To improve the collection, collation, analysis, monitoring and effective use of waste management related data.
- To keep apprised of and establish effective links with other strategies which contribute to or complement the waste management agenda.
- To identify and develop opportunities to secure funding for waste management related projects/actions.
- To provide a mechanism for establishing related strategic and operational partnerships.
- To facilitate the sharing of waste management related resources within Derbyshire.
- To facilitate the engagement of local politicians in waste management issues.
- To ensure the objectives agreed in any County wide and sub-area strategies are deliverable.
- To liaise with, lobby and respond to consultation documents from central and European government, industry and other relevant organisations.
- To ensure that all, relevant, statutory duties are satisfied.

2.57 The DWP is not a decision-making body and does not have delegated powers from any of its constituent members. As such it serves primarily as a forum for sharing information and coordination of operational matters.

2.58 The DWP developed the JMWMS in consultation with a range of stakeholders and interest groups, the strategy was also subject to public consultation – achieving an approval rate of 94% from the public.

2.59 The key strategic aims of the JMWMS are:

- Reduced waste
- Increased reuse and recycling/composting of waste
- Reduced waste to landfill and recovering value from waste that is left over for disposal
- Increased public understanding and engagement in waste and recycling leading to high levels of customer satisfaction
- An accessible, efficient, effective and value for money service
- Improved resource efficiency

- Reduced carbon/climate change impacts
 - Protection of natural resources
 - The management of non-household waste
 - Local self-sufficiency in the management of waste.
- 2.60 In 2017, the DWP commissioned the Waste and Resource Action Program (“WRAP”) to undertake an options appraisal for the delivery waste and recycling services across Derbyshire. The research and production of the final report was conducted from June 2017 to June 2018 by Eunomia.
- 2.61 The options modelling exercise was conducted in two phases. Phase 1 evaluated a range of future kerbside collection options focussing on changing the dry recycling collection methodology and rolling out separate food waste collections countywide, maintaining the current residual waste policies in each authority.
- 2.62 In Phase 2, one option from Phase 1 was modelled alongside a number of sensitivities:
- higher food waste yields,
 - fortnightly 180 litre residual bins (where larger bins are currently in use),
 - three-weekly residual waste collections,
 - charged garden waste collections (where these are not yet in place), and
 - alternative shift patterns.
- 2.63 In addition, the report investigated a number of partnership options, in particular cost sharing between the WCAs and WDA.
- 2.64 The report identified a number of potential opportunities to delivery efficiencies through closer partnership working. These opportunities include:
- shared infrastructure;
 - collection service harmonisation;
 - shared staff functions;
 - shared governance/management;
 - joint procurement; and
 - cost sharing.
- 2.65 At the time the report was prepared, some joint working arrangements were being implemented to varying degrees in DWP, for example the

joint procurement and management of the Bolsover District Council and North East Derbyshire District Council collection contracts.

2.66 This initiative reported significant savings between 2010 and 2013 (see Table 3), however, since that time many of the joint working arrangements have been reversed and the delivery of kerbside recycling taken in-house following the collapse of Ward Recycling.

Table 3: Joint Working Savings

Year	Action	Saving
2010	Joint kerbside recycling contract	£500,000
2010	Depot rationalisation and sharing	£110,000
2011	Strategic alliance formed	£1,746,000
2013	Joint fleet management	£80,000
2013	Reviewed BDC's waste collection rounds. Introduced seasonal green bin collections, resources redirected to enhance other services	£50,000
Total		£2,486,000

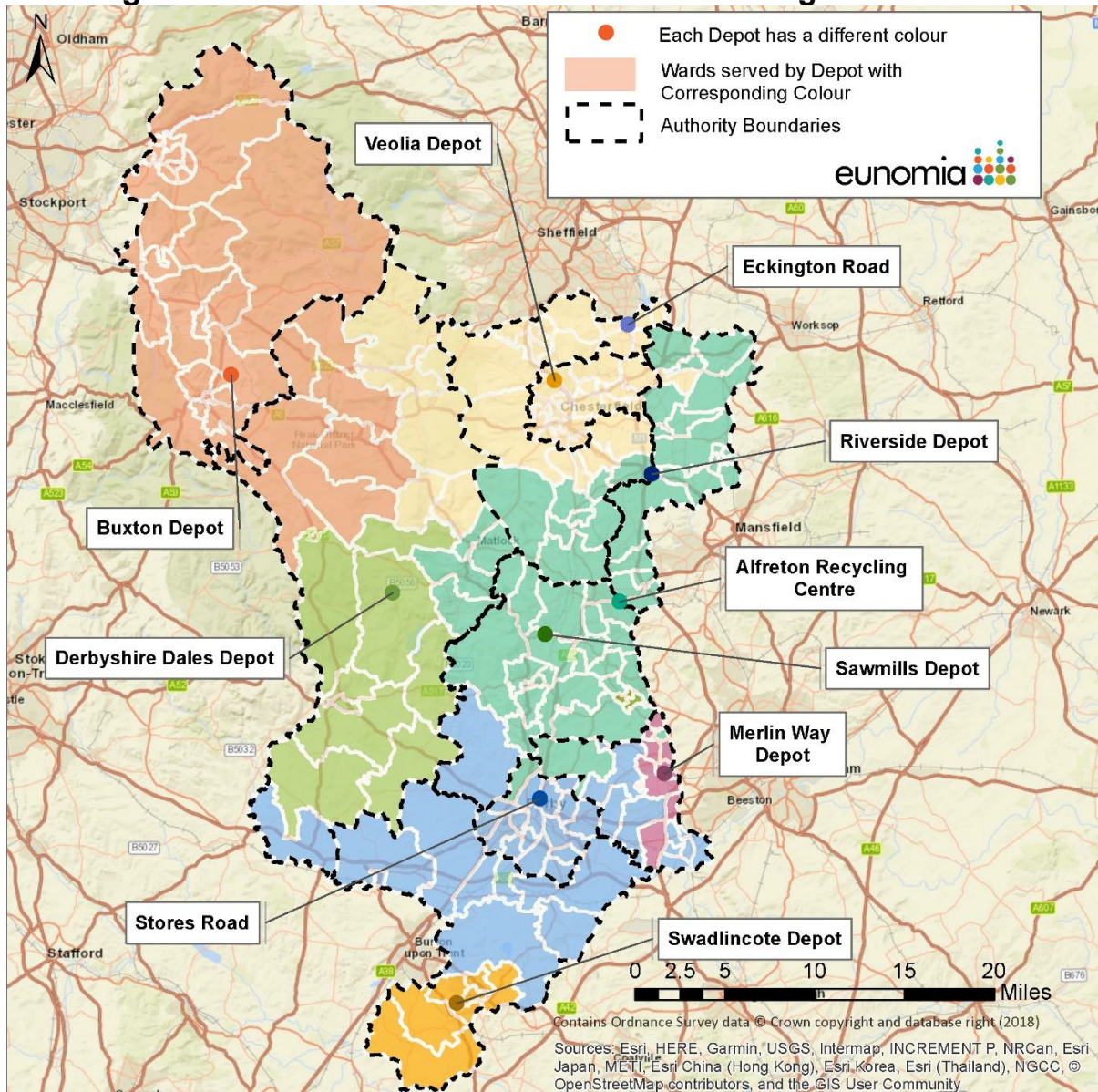
2.67 It should be noted that the failure of the joint kerbside recycling contract led to a significant additional cost in excess of £1m to the County Council as WDA. This example should illustrate both the importance of risk management in contracting, but also the role of the County Council in effectively underwriting counterparty risk in contracts held by the WCAs.

2.68 As part of the same research exercise Eunomia undertook logistical analysis to explore the potential for efficiency savings associated with cross-border working for a countywide food waste collection service.

2.69 Whilst no cost modelling was undertaken as part of this exercise, the analysis demonstrated the potential for sharing infrastructure across the County as a starting point for discussions on joint working.

2.70 Potential savings could, for example, be realised from a lower number of collection vehicles compared to authorities only operating within their own authority boundary. In addition, if this concept were applied to the other waste collection services as well, then a reduction in the number of operational depots could result in further savings, although the wider activities carried out at depots such as street cleansing would also have to be considered.

Figure 2: Results of Joint Food Waste Modelling



- 2.71 Closer joint working between the two tiers of local government in Derbyshire also has the potential to driver greater value for money in recycling and organic processing contracts.
- 2.72 As illustrated in Table 4, the County Council currently makes arrangements for around 45,000 tonnes of organic waste treatment through its own IVC assets and contracts for composting.
- 2.73 The WCAs individually contract for dry-mixed recycling in various segregated streams, and for food waste and garden waste (in the case of Amber Valley and Derbyshire Dales).

2.74 This means 12 separate contracts each requiring procurement and ongoing contract management. Small contracts of this kind are also inherently less attractive to the market which typically seeks larger anchor contracts to support investment in developing the necessary infrastructure.

2.75 Consolidating these contracts into a smaller number of higher value contracts could benefit the County and WCAs by:

- Increasing competition for contracts and driving down costs
- Providing greater resilience enable better sharing of risk between the public and private sector
- Reducing procurement costs
- Reducing contract management costs
- Supporting the development of new infrastructure

Table 4: Waste Volumes

	WDA Contracts			WCA Contracts		
	Residual Waste	Garden Waste	Mixed Food & Garden	Garden Waste	Food Waste	Dry Mixed Recycling
Amber Valley	31,550	4,699				12,194
Bolsover	20,164		5,474			7,224
Chesterfield	23,035		8,440			9,049
Derbyshire Dales	13,946	2,894		2,586	1,284	6,142
Erewash	26,343	7,790				9,958
High Peak	19,944		8,003			7,761
North East Derbyshire	23,981		8,070			9,064
South Derbyshire	24,375			10,500	179	7,969
Sub-total	183,338	15,383	29,987	13,086	1,463	69,360
Total	228,707			83,909		

Next Steps

2.76 Previous exploration of joint working opportunities between the districts, boroughs and the County Council have identified clear areas of potential benefit but have not lead to the delivery of sustained improvements to date.

2.77 This work was disrupted by the onset of Covid-19 and the consequent disruption to frontline services, and the need to prioritise operational delivery ahead of long-term strategy.

2.78 Officers of the County Council are beginning to work with WCAs to explore possible opportunities for delivering shared benefits through collaboration and will report back to Cabinet once an agreed scope of enquiry has been determined.

3 Consultation

3.1 The content of this report is for information only and is not subject to any duty to consult.

3.2 Officers of the County Council will continue to engage with colleagues within the districts and boroughs as set out in the body of this report.

4 Alternative Options Considered

4.1 No recommendations are being made at this stage and there has not been a robust evaluation and analysis of options available to policy makers. Options will be presented at a future date.

5 Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6 Background Papers

6.1 Derbyshire Waste Partnership Collection Modelling Summary Report – September 2018.

7 Appendices

7.1 Appendix 1 – Implications.

8 Recommendations

That the Committee:

- a) Notes the content of this report.
- b) Provides any comment it may have at this time on the matters discussed herein.

9 Reason for Recommendations

- 9.1 These recommendations are made to support the Committee in providing oversight and scrutiny of the arrangements for managing the County's waste.

Report Author: Daniel Ayrton

Contact details: Daniel.Ayrton@derbyshire.gov.uk

Implications

1. Financial

- 1.1 Currently, there are no financial implications associated with this report. When options are brought forward, financial implications will be assessed in accordance with each option.

2. Legal

- 2.1 The legislative framework within which the County Council and the district/borough councils respectively operate is set out in the main body of the report.

3. Human Resources

- 3.1 None.

4. Information Technology

- 4.1 None.

5. Equalities Impact

- 5.1 This report provides an update on works that are currently at an exploratory stage. An evaluation and assessment of possible adverse or potential positive equalities impact will form part of the next stage once a scope of works has been established.

6. Corporate objectives and priorities for change

- 6.1 This proposal will help deliver the following Council Plan priorities: Resilient, Healthy and Safe Communities; High Performing, Value for Money, and Resident-Focused Services; A Prosperous and Green Derbyshire.

7. Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.



FOR PUBLICATION
DERBYSHIRE COUNTY COUNCIL
IMPROVEMENT AND SCRUTINY COMMITTEE –
PLACES

DATE
(27/09/2023)

Report of the Executive Director - Place
traffic regulation order project

1. Purpose of the report

1.1 This Project Progress Report provides an overview of:

- How Derbyshire County Council (DCC) currently process Traffic Regulation Orders (TROs)
- The delivery of TRO schemes over the past five-year period
- The existing TRO processing backlog
- Progress of the project to reduce the TRO backlog
- Projected project completion timescales
- Objectives of the project going forward, and the risks associated to delivery of the project goals.

2. Information and Analysis

2.1 Project Objectives

- Reduce TRO Backlog to manageable levels – manageable levels are set at 13 TRO's being processed or awaiting processing; this is based on the average number of TRO's completed over the last four-year period
- Process TRO's within reasonable timeframe – reasonable timeframe is within 18 months.
- Share information with Derbyshire Highways Programme to inform shaping of the new service to account for additional resources required.

- Gain Capitalised funding for TRO processing and construction by 24/25
- Make efficiency improvements to the TRO process

2.2 Background - Traffic Regulation Orders, Types and Processes

TRO's are legal documents that restrict or prohibit the use of the highway network, in line with The Road Traffic Regulation Act 1984.

They help us to manage the highway network for all road users, including pedestrians, and they aim to improve road safety and access to facilities.

Examples of schemes that require a TRO include:

- Speed limits
- On-street parking restrictions
- Weight limits
- One-way streets and banned turns
- Prohibition of Driving

Improvement schemes can have an 'all in' cost of thousands, to tens of thousands, of pounds depending on the size, complexity and level of physical works required.

TRO's follow a statutory process and are a legal document. Communities are often surprised at the length of time it can take to progress a scheme. It is the Authority's responsibility to make sure a fair process is undertaken in determining a TRO, and key to that process is robust consultation.

TRO consultations, combined with statutory processes can mean a typical and often simple TRO can take between 12 and 18 months to deliver. Complex or contentious TROs can take longer.

A typical TRO process includes the following:

- Feasibility and priority assessment consideration
- Proposed scheme design
- **Informal consultation** (21 days minimum for comments to be received)
- Consideration of all comments received
- Amendments and preparation for statutory processes
- **Statutory consultation** (22 days minimum for comments to be received)
- Consideration of all comments received
- Draft all relevant legal documentation ready for formal advertising of the scheme in the media and on the DCC website.
- Consideration of objections (and attempts to resolve them)
- Detailed report or TRO Committed (if unresolved objections)
- Making of the TRO including sealing
- **Implementation** of the TRO (making physical changes on site)

Informal consultation - Derbyshire follows national best practice by carrying out 'pre consultation' on TROs, where appropriate. This process, referred to as informal consultation, can involve initial consultation with formal stakeholders, letter drops to affected businesses/residents or community events where the initial thoughts on the

impact of the TRO can be discussed. Pre consultations are often good at ensuring the scheme proposed is appropriate whilst gathering the views of the locals and gauging the level of support for a scheme. Issues can be addressed in advance of the statutory, formal, process.

Due to the TRO process being reliant on feedback at each stage of consultation, the number and nature of correspondence received at each stage will depend on how the scheme is likely to progress. For example, if a scheme results in numerous complex objections the TRO process will take longer and cost more money due to resource required to consider and respond to the comments.

Consultation is key to achieve community buy-in and for local input to the design process. It can lead us to modify, redesign or even abandon our proposals.

Statutory consultation - DCC are legally obliged to consult with certain stakeholders. Statutory consultees will normally include, but are not limited to:

- Police, Fire and Ambulance Services
- Road Haulage Association, Freight Transport Association
- Public Transport Providers (if affected by proposals)

The formal consultation stage of a TRO is open for all to comment on. The proposed scheme will be advertised in the local press, uploaded to the DCC website and can be made available to view in locally situated public council buildings when necessary. Schemes draw many views from the community. In the case of TRO's there is an advertisement period in which representations can be formally lodged. All comments must be duly considered before a TRO can be made operational and the scheme implemented on site. If significant changes are required following formal consultation, the amendments will need to be re-consulted upon and a further minimum of 22 days given for further comments.

Implementation and enforcement - Once the legal process is complete the scheme can be built using a chosen contractor, either in-house via DCC Construction Services or via one of our delivery partners. The lines and signs of a scheme must comply with the relevant regulations and the Order.

Once a scheme is complete, enforcement is carried out by DCC Parking Services under their powers stated in the Traffic Management Act 2004, or by the Police who have the obligation and power to enforce all moving traffic offences, i.e., speed limits, banned turns, weight limits & prohibition of driving restrictions.

It is important to note that several locations may be included in one Order, i.e., a town wide parking scheme encompassing multiple roads would be covered by one Order (but this would be a much greater task taking more time and resources); DCC TRO's currently awaiting/being processed involve an average number of 7 no. roads/streets.

2.3 Project Progress - December 21 to August 22

Average yearly (2018-2021) TRO processing rate is 13.5 per annum, or 1.1 per month, prior to gaining Dedicated Specialist Agency Resource.

A Dedicated Specialist Resource was brought into the team from September 22 to assist in the processing of the TRO's as a result of the increasing backlog. This constituted 3 no. full time TRO agency specialists as secondees, reducing to 2 no. from May 23. As a result, this has increased the output of TRO's by 56% to date.

In December 2022 there was a processing backlog of 135 no. outstanding TRO Projects, varying in size, type and complexity, some more than two years waiting to be processed.

By redeploying the existing workforce (diverting existing staff from other Traffic and Safety duties), by July 22, the backlog was reduced to 119 no. and, as a result of completing or amalgamating TRO's into combined schemes, by the end of August 22 the back-log was at **89** no. While this reduced the number of schemes in the back-log and made it simpler to process, it created some larger schemes that take longer to process.

2.4 Current position

The TRO Project Backlog currently (August 23) stands at 108 no., an increase of 19 no. over the 12-month period. This is not representative of the overall progress of the project as the individual projects are being progressed though the 18-month process and back-log reduction results are yet to be realised.

In the 12-month period (October 22 – September 23), there have been 52 no. incoming new TRO Projects.

In the same 12-month period, there have been 31 no. TRO Projects completed.

NB. 2 no. schemes have been combined with existing schemes.

2.5 Reporting and Communication

The project information is collected within the Traffic Regulation Orders Spreadsheet kept electronically on the Councils EDRM system and is updated on a regular basis.

Project reporting going forward will be via monthly updates (distribution to be agreed). Further scheme specific information will be available on request.

2.6 Costs

Prior to the start of this project, all TRO processing and installation costs were financed from the Traffic & Safety Revenue budgets and Small Signing and Lining Capital allocation.

In order to provide the additional staffing required to address the back-log, £228,000 Public Service Agreement (PSA) road safety money was made available to engage Specialist Agency Staff – this PSA funding for Agency Staff will be exhausted by January 24.

A request for 24/25 Revenue Funding of £300,000 has been made in conjunction with the Derbyshire Highways project £17M Capital bid, a portion of which will be for TRO projects.

Additional monies if made available would not be realised until the new financial year meaning that existing resources may have to be reduced in number to allow some continuity of service. This will affect delivery timescales.

Recent announcement of the September 23 Emergency Cost Control Measures may impact future spending plans on this project.

2.7 Timescales

At the current processing rates (with the Specialist Agency Resource), backlog reduction targets to manageable baseline levels of TRO's could be achieved by January 25. If Agency Staff are released from September 23, targets would not be realised until circa May 29 (this is also dependent upon the number of incoming TRO's).

Manageable levels of ongoing TRO's that the service can accommodate is based on previous DCC TRO delivery 2018-2021.

3. Alternative Options Considered

3.1 This report is to provide an update on the current project status.

4. Implications

4.1 See **Appendix 1**.

4.2 As TRO's are processed, schemes awaiting Orders will be put forward for construction and benefits identified at the scheme identification stage will be realised to the Customer in due course.

4.3 If TRO's are not processed, schemes that require TRO's to be in place for implementation will not be completed and issues identified (road safety, developer requests, journey time reliability etc.) will not be addressed. Reputational damage may be incurred as a result of failure to deliver on promises made and due to the refusal by the Authority to engage in new TRO schemes.

5. Consultation

5.1 There are a minimum of two stages of consultation to the TRO process, an informal consultation and a formal/statutory consultation (see **2.2 Background - Traffic Regulation Orders, Types and Processes**). Further

consultations can take place during the process dependent upon the type of project/responses received.

6. Background Papers (set out here where documents are kept in respect of this report)

6.1 None

7. Recommendation(s) (set out here what is being asked of the Committee)

That the Committee notes:

- a) How Derbyshire County Council currently process Traffic Regulation Orders
- b) The delivery of TRO schemes over the past five-year period
- c) The existing TRO processing backlog
- d) Progress of the project to reduce the TRO backlog
- e) Projected project completion timescales
- f) Objectives of the project going forward, and the risks associated to delivery of the project goals.

8. Reasons for Recommendation(s)

To advise the Committee of the TRO process and plans in place for reduction of the TRO's Backlog.

Report Author: Max Adams

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Appendix 1

Implications

Financial

1.1 Traffic and Safety Team are currently Revenue funded and apportion some of this budget to the delivery of TRO's. In addition to this, funds were made available from PSA reserve to engage additional staffing resource to address the TRO back-log.

Legal

2.1 It is a statutory duty of the Highways Authority to provide a safe and reliable network for the travelling public.

2.2 There are clear legal processes that need to be followed while processing TRO's.

2.3 Without the correct TRO's being in place, enforcement of restrictions is not possible.

Human Resources

3.1 There are implications to staffing and delivery in relation to the delivery of TRO's.

Information Technology

4.1 There is specialist IT equipment related to the delivery of TRO's.

Equalities Impact

5.1 There are implications of this project to the Council equality goals - TRO's are linked to On-Street Parking Restrictions and Prohibition of Driving Orders which can affect accessibility.

Corporate objectives and priorities for change

6.1 TRO's support the Councils corporate objectives for:

- Resilient, healthy and safe communities
- High performing, value for money and resident focused services
- Effective early help for individuals and communities
- A prosperous and green Derbyshire

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES

WEDNESDAY, 27 SEPTEMBER 2023

Report of the Director - Legal and Democratic Services

Work Programme 2023-24

1. Purpose

- 1.1 To review the Committee's work programme and invite committee members to suggest possible agenda items for the municipal year 2023-24.

2. Information and Analysis

- 2.1 It is considered good practice that each Scrutiny Committee develops and agrees an annual work programme. The identification of relevant topics and their allocation to a specific meeting date, focuses the work of the Committee and promotes transparency.
- 2.2 Scrutiny work programmes are best viewed as flexible documents. The timescales are indicative of when each issue will be considered by the Committee. Throughout the year timings may change and new issues may emerge. For example, new items may be identified from the Council's Forward Plan.
- 2.3 The work programme for 2023-24 is given at Appendix two and Members are invited to propose additional items to be considered for inclusion.
- 2.4 When identifying issues for the work programme Members are advised to consider:

- Whether the issue falls within the remit of the Committee
- How the issue aligns with the Council Plan priorities
- Whether the issue is in the public interest
- If there has been a change to National Policy and how this will affect people in Derbyshire
- If there are any performance, financial or safety concerns about a particular service or function
- How consideration by the Scrutiny Committee will add value.

3. Consultation

- 3.1 Scrutiny work programmes are developed in consultation with Committee members. They are also informed by discussions with Executive Directors, who offer guidance about the timing of the Committee's involvement, to ensure that scrutiny work coincides with the availability of performance data, specific milestones, and appropriate stages of policy development.

4. Alternative Options Considered

- 4.1 The option of not having a work programme was rejected as it is considered important that topics are allocated to specific meeting dates in order to focus the work of the Committee and promote transparency.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None

7. Appendices

- 7.1 Appendix 1 – Implications
- 7.2 Appendix 2 –Work Programme 2023-24

8. Recommendation(s)

That the Committee:

a) Notes the 2023-24 work programme and considers any proposed revisions.

9. Reasons for Recommendation(s)

9.1 To focus the work of the Committee and promote transparency.

Report Author: Alec Dubberley **Contact details:** alec.dubberley@derbyshire.gov.uk

Implications

Financial

1.1 None Identified for this report

Legal

2.1 None Identified for this report

Human Resources

3.1 None Identified for this report

Information Technology

4.1 None Identified for this report

Equalities Impact

5.1 None Identified for this report

Corporate objectives and priorities for change

6.1 Resilient, healthy and safe communities.

6.2 High performing, value for money and resident focused services.

6.3 Effective early help for individuals and communities.

6.4 A prosperous and Green Derbyshire

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None Identified for this report

Places I & S Committee
2023-24 Work Programme

Wednesday 22 November 2023			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Section 106, 38 and 278 agreements	<i>Development Control</i>	To look at agreements with developers in relation to the process and outcomes and the use of the earmarked monies.	Cllr Carolyn Renwick
Bus Improvement Strategy	Chris Hegarty Deborah Oddy	What are the key components of the Bus Improvement Strategy in years 2 and 3?	Cllr Carolyn Renwick
Wednesday 28 February 2024			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Devolution Deal	Emma Alexander	The implications for Derbyshire services following approval of the Devolution Deal at Full Council in March. <i>Or pinpoint specific areas to look at.</i>	Cllr Barry Lewis
Wednesday 15 May 2024			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Local Transport Plan	Alan Marsden	A follow up to provide an update and to consider the next steps.	Cllr Carolyn Renwick

Note: Civil Parking enforcement charges and pothole patching and repairs are also items to be added to the work programme when confirmation of suitable dates have been agreed with officers.