

Date: 5 August 2008

TO: All Members of the Council
FOR ATTENDANCE

All Other Members of the Council
TO: FOR INFORMATION

Dear Sir/Madam

Your attendance is requested at an Extraordinary Meeting of the **COUNCIL** to be held in the **GUILDHALL, ABINGDON** on **WEDNESDAY, 13TH AUGUST, 2008** at **7.00 PM**.

Yours faithfully

Terry Stock
Chief Executive

Members are reminded of the provisions contained in the Code of Conduct adopted on 30 September 2007 and Standing Order 34 regarding the declaration of Personal and Prejudicial Interests.

A G E N D A

A large print version of this agenda is available. In addition any background papers referred to may be inspected by prior arrangement. Contact Carole Nicholl, Head of Democratic Services, on telephone number (01235) 547631 / carole.nicholl@whitehorsedc.gov.uk.

Please note that this meeting will be held in a wheelchair accessible venue. If you would like to attend and have any special access requirements, please let the Head of Democratic Services know beforehand and she will do her very best to meet your requirements.

Open to the Public including the Press

Map and Vision

(Pages 6 - 7)

A map showing the location of the venue for this meeting, together with a copy the Council Vision are attached.

1. **Prayers**

2. **Apologies for Absence**

To receive apologies for absence.

3. **Declarations of Interest**

To receive any declarations of Personal or Personal and Prejudicial Interests in respect of items on the agenda for this meeting.

Any Member with a personal interest or a personal and prejudicial interest in accordance with the provisions of the Code of Conduct, in any matter to be considered at a meeting, must declare the existence and nature of that interest as soon as the interest becomes apparent in accordance with the provisions of the Code.

When a Member declares a personal and prejudicial interest he shall also state if he has a dispensation from the Standards Committee entitling him/her to speak, or speak and vote on the matter concerned.

Where any Member has declared a personal and prejudicial interest he shall withdraw from the room while the matter is under consideration unless

- (a) His/her disability to speak, or speak and vote on the matter has been removed by a dispensation granted by the Standards Committee, or
- (b) members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, the Member can also attend the meeting for that purpose. However, the Member must immediately leave the room once he/she has finished; or when the meeting decides he/she has finished whichever is the earlier and in any event the Member must leave the room for the duration of the debate on the item in which he/she has a personal and prejudicial interest.

4. **Urgent Business and Chairman's Announcements**

To receive notification of any matters which the Chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the Chairman.

5. Statements and Petitions from the Public Under Standing Order 32

Any statements and/or petitions from the public under Standing Order 32 will be made or presented at the meeting.

6. Questions from the Public Under Standing Order 32

Any questions from members of the public under Standing Order 32 will be asked at the meeting.

7. Thames Water's Draft Water Resources Management Plan

(Pages 8 - 16)

To receive and consider report 57/08 of the Deputy Director (Planning and Community Strategy).

8. Senior Management Team

(Pages 17 - 22)

To receive and consider report 59/08 of the Monitoring Officer.

9. Petitions Under Standing Order No.13

To receive petitions from Members of the Council under Standing Order No.13 (if any).

10. Questions Under Standing Order No.12

To receive questions from Members of the Council under Standing Order No. 12 as follows:

(1) Question to the Leader, Councillor Tony de Vere, from Councillor Roger Cox:

"What progress has been made on formulating the arrangements for introducing the single shared Senior Management Team for the Vale of White Horse District Council and South Oxfordshire District Council?"

- (2) Question to the Leader, Councillor Tony de Vere, from Councillor Alison Thomson:

Would the Leader consider delaying the implementation of Senior Management Team until the electorate has been given the chance to consider it - since it was not in the Liberal Democrat election manifesto?

- (3) Question to the Deputy Leader, Councillor Jerry Patterson, from Councillor Roger Cox:

What progress has been made with the plans for the development of the Old Gaol?

- (4) Question to Councillor Mary de Vere from Councillor Reg Waite:

"On the 18th July, a Press Release entitled "**Great Western Park gets the go-ahead**" was released on South Oxfordshire District Council's website and in this article you are quoted as saying, "I am very pleased that this **significant** development has now been permitted. It has taken a long time to negotiate a comprehensive package of infrastructure provision, financial contributions and affordable housing, but the end result is a development which will **benefit existing and new residents in the area.**"

Would you explain why this Press Release and your embodying comments were not simultaneously released - or even since - **on the Vale's website** for the benefit of the thousands of residents within the Vale who will be affected?"

11. **Urgent Business**

Any urgent business will be considered at this point in the meeting.

12. **Virements**

(Page 23)

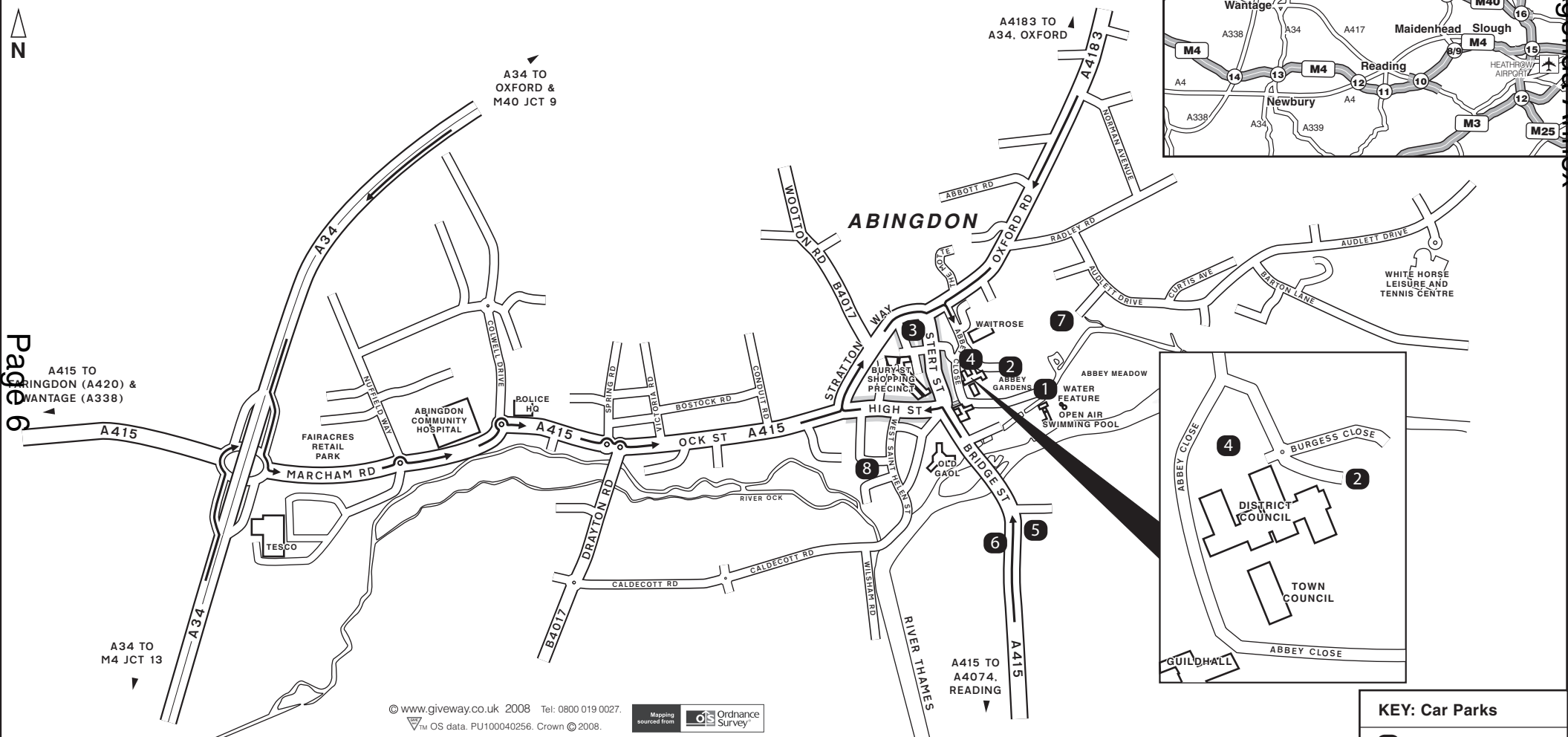
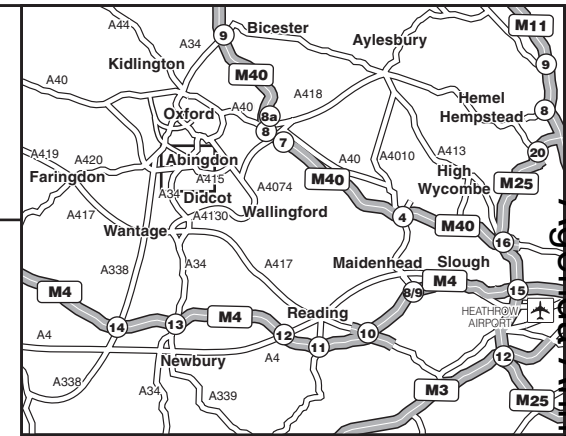
In accordance with the Virement Policy, all virements over £10,000 require authorisation of the Executive and have to be reported to the Council. One such virement is attached for information.

13. **Notices of Motion Under Standing Order No.11**

None

Exempt Information Under Section 100A(4) of the Local Government Act 1972

None



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KEY: Car Parks

1	Abbey Close
2	Cattle Market
3	Charter Multi-storey
4	Civic
5	Rye Farm
6	Hales Meadow
7	Audlett Drive
8	West St Helen Street

By rail – the nearest main line railway stations to Abingdon are either Didcot Parkway (seven miles) or Oxford (eight miles). Radley railway station is located on the main line between Oxford and Didcot and is three miles from Abingdon town centre. For details of train times visit www.nationalrail.co.uk or call 08457 484950

By bus – there are a number of bus routes serving Abingdon town centre. For details of services and timetables, visit Oxfordshire County Council's website at www.oxfordshire.gov.uk. Contact details for bus operators can be found on the travel information pages on our website www.whitehorsedc.gov.uk

Parking – details of car parks charges can be found on our website



The Council's Vision Statement

Our Vision and Aims-

Our Vision is to build and safeguard a fair, open and compassionate community

The Vale of White Horse District Council aims to:

Strengthen local democracy and public involvement through access to information, consultation, and devolution of power so that everyone can take part in our community and contribute to the decisions which affect our lives

Create a safer community and improve the quality of life among Vale residents

Encourage a strong and sustainable economy which benefits all who live in, work in or visit the Vale

Help disadvantaged groups and individuals within the Vale to realise their full potential

Provide and support high quality public services which are effective, efficient and responsive to the needs of people within the Vale

Protect and improve our built and natural environment

*Adopted by the Vale of White Horse District Council
16th November 2005*

REPORT OF THE DEPUTY DIRECTOR
(PLANNING AND COMMUNITY STRATEGY)
TO COUNCIL
13 AUGUST 2008

Thames Water's Draft Water Resources Management Plan

1.0 Introduction and Report Summary

- 1.1 This report considers the Draft Water Resources Management Plan which has been prepared by Thames Water Utilities Plc. The Plan includes a proposed new reservoir south of Abingdon.
- 1.2 Responses to the Draft Water Resources Management Plan need to be received by the Secretary of State (Defra) by 27 August 2008.
- 1.3 The contact Officer for this report is Mike Gilbert, Development Control Manager, telephone 01235 547681. Email address mike.gilbert@whitehorsedc.gov.uk

2.0 Recommendations

- (a) *that the report at Appendix 1 be submitted to the Secretary of State (DEFRA) as the Council's response to Thames Water's Draft Water Resources Management Plan; and*
- (b) *that the Secretary of State be urged to hold a public inquiry or hearing to enable a full and proper assessment of the need for the proposed reservoir south of Abingdon.*

3.0 Relationship with the Council's Vision, Strategies and Policies

- 3.1 The report relates to the Council's Vision in that it supports objectives A, C and F. The report does not conflict with any Council Strategy.

4.0 Draft Water Resources Management Plan

- 4.1 Thames Water's Draft Water Resources Management Plan forecasts the need for water over the 25 year period 2010 – 2035 by assessing likely demand and appraising options to increase supply to meet that demand. A key component of Thames Water's programme to increase supply is a new fully bunded reservoir south of Abingdon, which would hold 150,000 Ml of water (1 Ml = 1 million litres), have a water surface area of 7.5 sq km and embankments up to 25 m high, and involve a construction area of 16 sq km. Such a large-scale development would clearly have a dramatic local impact, both during and after construction, so the case for it needs to be compelling before the decision is made to permit its development.
- 4.2 The Draft Water Resources Management Plan runs to about 900 pages in 6 volumes and considers various ways to manage demand and increase supply to ensure there is no deficit in the forecast supply demand balance. The report at Appendix 1

considers the Plan as a whole and assesses the case put forward by Thames Water for the proposed reservoir.

- 4.3 Whilst Thames Water's statutory duty to provide a secure supply of safe and clean water is recognised, Officers have concerns about some of Thames Water's forecasts and assumptions. There are also some ongoing areas of vital research, the results of which could impact significantly on the supply demand balance, and the appraisal of some of the options for increasing supply is not considered robust.
- 4.4 The conclusion is that the forecast deficit in the supply demand balance has been overstated by Thames Water and, as such, Officers believe the case for the reservoir has not been proven in this Water Resources Management Plan.
- 4.5 Responses to the Draft Water Resources Management Plan need to be received by the Secretary of State (Defra) by 27 August 2008. The Secretary of State will consider all responses and decide whether to hold a public inquiry or hearing before the final Plan is published in July 2009. Given the scale and potential impact of the proposed reservoir, Officers believe it is vital that the Secretary of State holds a public inquiry or hearing to ensure Thames Water's case is properly tested. If the reservoir remains in the Plan, Thames Water intends to submit a planning application (or possibly an application for a development consent order under emerging legislation) in early 2010.

RODGER HOOD
DEPUTY DIRECTOR (PLANNING AND COMMUNITY STRATEGY)

Background Papers:

Thames Water's Draft Water Resources Management Plan, May 2008

Government's Water Strategy for England, "Future Water," Defra, February 2008

Thames Water's Draft Water Resources Management Plan

Submission of the Vale of White Horse District Council

Introduction

1. The Council recognises Thames Water's statutory duty to provide a secure supply of safe and clean water for its customers, and that measures outlined in the Draft Water Resources Management Plan to achieve this security of supply need to be supported where they are appropriate and justified by clear evidence and sound analysis.
2. A key component of the preferred supply demand programme in the dWRMP is a new 150,000 MI fully bunded reservoir south of Abingdon, to serve both the London and Swindon and Oxfordshire (SWOX) Water Resource Zones from 2021. However, due to the massive scale of the proposed reservoir (the construction area is 16 sq km), the dramatic impact it would have on the surrounding landscape (the embankments would be up to 25 m high), the significant disturbance to the local population throughout its long construction period (9 years), its high cost (about £1 billion), and the long-term impact of any associated after uses (particularly relating to traffic on local roads), the case for the reservoir needs to be compelling and unequivocal before the irreversible decision to permit its development is made.
3. The Council recognises that since the Stage 1 and Stage 2 consultations on the proposed reservoir carried out in 2006/07, TW is proposing more positive action in the following 3 areas to help reduce demand for water:
 - In 2006/07, leakage accounted for 672 MI/d in London (i.e. 85% of the company total of 790 MI/d). TW plans to carry out an extensive programme of leakage control (principally through replacing 6,500 km of water mains over the planning period) which will reduce the leakage level in London to 408 MI/d by 2020 (i.e. 78% of the company total of 520 MI/d). This goes beyond the traditional economic level of leakage.
 - A 10-year compulsory metering programme is planned to start in 2010, which will result in 78% coverage in London and 89% coverage in Thames Valley by 2020.
 - Water efficiency measures are actively promoted – e.g. household, non-household and school audits, providing information on using water wisely, water butt promotion and installation of cistern displacement devices in toilets.
4. However, the Council believes there are significant areas where the robustness of the dWRMP is open to question and, as a result, the case for the proposed reservoir is currently far from compelling and unequivocal. The Council's concerns relate to some of TW's forecasts and assumptions, the ongoing nature of some vital areas of research the results of which could impact significantly on the supply demand balance, and the lack of a robust appraisal of some of the options for increasing supply.
5. **Taken together, these matters lead the Council to believe that the forecast deficit in the supply demand balance has been overstated by TW and, as a result, the need for a 150,000 MI reservoir south of Abingdon in this WRMP period has not been proven by current evidence. Consequently, there needs to be a more robust**

analysis of alternative supply options, including wastewater reuse and the development of a smaller reservoir on a number of possible sites.

6. The Council's scepticism of TW's case is supported by the dramatic variations in TW's forecast of the supply demand deficit over the period of its promotion of the proposed reservoir. For example, in 1990 TW said the combined demand for London and SWOX would be 2,767 Ml/d in 2016. The dWRMP, however, says the forecast combined demand (plus headroom) for London and SWOX is now 2,606 Ml/d in 2030 (Table 52 on page 188). In other words, in 1990 TW said demand will be 161 Ml/d more by 2016 than they are now saying it will be by 2030. This needs to be considered within the context of the yield of the proposed reservoir, which would provide 307 Ml/d. A principal question, therefore, has to be:

Why does Thames Water continue to claim the need for a reservoir of the same size and in the same location as proposed in 1990 when forecast demand is now so much lower?

Credibility of Thames Water's Forecasts and Assumptions

Many of TW's forecasts and assumptions serve to increase the forecast supply demand deficit. However, the credibility of some of their forecasts and assumptions needs to be interrogated. If they cannot be substantiated, the forecast supply demand deficit (and hence the need for the reservoir) would be reduced, potentially significantly.

1. Per Capita Consumption (PCC)

The Government's Water Strategy for England, "Future Water," was published in February 2008. It expresses confidence in achieving average household per capita consumption (PCC) of 130 l/p/d by 2030, and possibly even 120 l/p/d. In addition, the South East England Development Agency's Regional Economic Strategy seeks to reduce PCC in the South-East, and has set a target of 135 l/p/d by 2016. However, TW says that achieving 130 l/p/d in existing properties is unlikely (page 79), and the dWRMP assumes "rapidly increasing demand" due to both increasing PCC and population growth (page 189). Information supplied by the Environment Agency shows that TW is one of only a few companies in the South-East which is forecasting a significant increase in PCC after 2020. This stance by TW is considered wholly unacceptable, particularly as all of TW's area has been identified as "seriously water stressed" by the Government, and it is in such areas that all aspects of water demand management (e.g. metering and water efficiency measures) need to be particularly effective, with PCC reduced accordingly. The EA says it will be challenging all water companies which do not plan to meet the PCC targets expressed in Future Water.

In addition, TW has taken no account of its own recent evidence (2007) of reduced PCC resulting from the frequency of use of most indoor components (e.g. washing machines, baths/showers, toilet flushing) being lower and the ownership and frequency of use of outdoor components (e.g. garden watering) being "much lower" than previous surveys (page 77). Instead, TW has continued to use data from 2003, which shows higher levels of ownership and frequency of use, and has assumed PCC will increase year on year "primarily driven by ownership of power showers and outdoor water use" (page 78). The EA says that TW's forecasts for outdoor water use are high.

The difference between the Government's target for PCC of 130 l/p/d and TW's assumed level of PCC of 165 l/p/d at 2030 for the forecast total population of 9.723 million equates

to 340 Ml/d. This needs to be considered within the context of the yield of the proposed reservoir, which is 307 Ml/d.

2. Population Forecasts

TW has increased the official population figures by 392,000 to take into account clandestine (uncounted) and short-term migrant populations (page 68). This equates to a demand of about 51 Ml/d. In addition, TW use “most likely” population forecasts, combining official sources and an expert consultant’s view of the most likely scenarios for population growth (page 68). This results in TW’s “most likely” population forecast being similar to the Office of National Statistics’ trend-based projections, but above the policy-based projections (i.e. combining planned house-building and a view on average household size) by about 3% by 2030 (i.e. 291,000, which equates to a demand of about 38 Ml/d). The EA has expressed reservations about TW’s method of population forecasting.

3. Demographic Projections

TW’s demographic projections include a combination of higher “most likely” population figures and lower policy-based household figures, which results in higher average household occupancy rates than the trend-based projections (Appendices page 20). TW’s own survey carried out in 2007 confirms that actual occupancy rates overall and for each property type are lower than their own estimates (page 77). Nevertheless, TW uses the higher estimated occupancy rates as a factor in determining unmeasured household consumption. This raises uncertainties about forecast unmeasured household demand.

4. Compulsory Metering

A 10-year progressive compulsory metering programme is planned commencing in 2010, which will provide “full coverage” by 2020. This is to be welcomed as it will help to reduce demand, particularly if appropriate tariffs are also introduced. However, whilst “full coverage” in Thames Valley is assumed to be 89%, in London it is only 78% due to the high number of flats, and a meter penetration of only 50% for flats in inner London is assumed (Table 48 on page 184 and page 142). This low rate of meter penetration for flats suggests that insufficient consideration has been given to the options of internal meters/Automatic Meter Reading and assessed charges/bulk meter readings (pages 142 – 143 and 147 – 149). It also runs counter to the Government’s statement that in seriously water stressed areas “near universal metering” is needed by 2030. The EA says that TW needs to justify why it cannot achieve 90% meter penetration by 2020 at the latest.

5. Meters

The assumption is made that meters under-register actual water used by 3.24% for domestic properties and 4.89% for non-domestic properties (Appendices page 16). However, it is acknowledged that meters can both under and over-register (Appendices page 185), and it is not clear whether TW’s calculations make any allowance for meters over-registering.

6. Leakage Savings

The imperfect understanding of the location and amount of leakage will improve significantly in the future as more customers are metered, and confidence in the robustness of leakage reduction targets in London will increase in the future through the implementation of the Victorian Mains Replacement programme. However, TW’s assumptions on the extent of leakage savings are based on current data (page 182), and no allowance is made for the expected reduction in the uncertainty of reducing leakage. Accordingly, taking into account 3,500 km of water mains is programmed to be replaced

in London between 2010 and 2020 and recognising the diminishing rate of return as the areas of worst leakage will be replaced first, the forecast leakage saving of 165 MI/d in 2020 (Table 5 on page 28) is considered modest compared to the actual increase in leakage saving of 49 MI/d (to give a total saving of 72 MI/d) achieved in the single year 2005/06 – 2006/07 (Table 31 on page 121).

7. Water Efficiency Measures

TW's proposed measures for improved water efficiency would yield about 30 MI/d (Table 19 on Appendices page 78). Whilst this saving is welcomed, the measures themselves are considered vague and unchallenging. There is a clear need to target high consumption customers with awareness raising campaigns.

8. Target Headroom

Target Headroom is an additional allowance made to account for the risk of not meeting demand due to specified future uncertainties. In 2030, Target Headroom accounts for 200 MI/d, which is 7.67% of the total demand + headroom of 2606 MI/d (Table 52 on page 188 and Tables WRP4-FP in Volume 4). This needs to be considered within the context of the yield of the proposed reservoir, which is 307 MI/d.

TW's Target Headroom calculations include uncertainty allowances for:

- Variations in demographic projections (i.e. +/-14% in London and +/-16.8% in Thames Valley in 2035, Appendices page 177), even though the “most likely” scenario for population forecasts and the additions made for clandestine and short-term migrants mean that a large amount of uncertainty has already been removed from the calculations;
- Variations in PCC, even though TW's forecast PCC for existing properties is already well above Government targets, TW's own recent evidence shows lower levels of ownership and frequency of use of the indoor and outdoor components of PCC compared to 2003 (page 77), the EA says that TW's forecasts for outdoor water use are high, and the outdoor components of PCC will be less in London compared to elsewhere due to the high number of flats without gardens and the lower level of car ownership;
- Variations in both measured and unmeasured non-household consumption (i.e. +/-11.67% and +/-25% respectively, Appendices page 178), despite no explanation of the appropriateness of these figures;
- The availability of time-limited groundwater abstraction licences at Bexley and Deptford (page 101, Appendices page 187), despite EA guidance that such licences should not be included;
- The effects of climate change, particularly relating to water supply, which is by far the largest component of Target Headroom. For London, this is shown to increase from 30 MI/d in 2007 to 132 MI/d in 2024 and then to decrease only to 119 MI/d by 2034 (Figure 40 on Appendices page 191), despite the likelihood that scientific uncertainty about the impact of climate change will reduce over time.

Areas of New/Continuing Research

The following areas of new/continuing research (either individually or cumulatively) have the potential to reduce significantly the forecast supply demand deficit (and hence the need for the reservoir). However, due to the ongoing nature of the research, they have not been taken fully into account by TW. The Council considers that, due to the massive

consequences the proposed reservoir would have on its area, the outcome of these areas of ongoing research need to be awaited and taken fully into account before any decision is made to include the reservoir within the WRMP.

1. Lower Thames Operating Agreement

The LTOA is due to be reviewed by TW and the EA in 2010 – 2015. The review will assess the 2 principal issues of demand savings and target flows (“which require proper scientific investigation and study,” page 43), and will determine how much water can be abstracted from the Lower Thames above Teddington Weir. However, well before the review (which will encompass both principal issues), TW’s calculations include a significant reduction in supply due to reduced demand savings (i.e. the savings arising from the effectiveness of demand management measures) (page 45).

2. Wastewater Reuse

TW is carrying out a 5-year research and development study at Deephams sewage treatment works of various technologies relating to wastewater reuse (pages 57 – 60). A trial plant has been built at Deephams to investigate the possible use of “state-of-the-art” technologies such as reverse osmosis membranes. However, as the study is incomplete TW has included a fully operational plant at Deephams only as a Contingency Option (page 216), and has rejected the option of providing wastewater reuse plants anywhere else in London or SWOX (Table 36 on Appendices pages 105 – 108).

3. Aquifer Storage and Recovery

Research is continuing into the feasibility and potential yield of innovative groundwater options such as Aquifer Storage and Recovery (ASR). There are currently no ASR schemes in use by TW, so their potential yield is uncertain (Appendices page 103).

4. SWA – SWOX Transfer

There is a supply demand surplus in the Slough/Wycombe/Aylesbury (SWA) Water Resource Zone throughout the plan period (Table 38 on page 113). TW plans “to examine the potential development of a SWA – SWOX Transfer” (page 216). In the meantime, however, this is only included as a Contingency Option in the dWRMP.

5. Metering

In 2008, the Government will be publishing a review to advise how metering and charging should progress beyond the commitments made by water companies in seriously water stressed areas (e.g. the South-East). This review should encourage TW to extend their meter penetration level for flats in inner London beyond 50% (page 142). In addition, TW is currently carrying out research into the most effective form of tariffs (e.g. rising block or seasonal tariffs), with a view to introducing appropriate tariffs (i.e. equitable and protecting vulnerable groups) from 2015/16 (pages 145 – 147). The EA questions why appropriate tariffs cannot be introduced earlier.

6. Climate Change Projections

In 2008, the Government will be publishing a new set of climate change projections. This will enable up-to-date assessments of operational risks from climate change, which is particularly significant as the highest component of Target Headroom by far is the uncertainty of the effects of climate change.

Inadequacies of the Supply Options Appraisal

The following water supply options (either individually or cumulatively) have the potential to reduce significantly the forecast supply demand deficit (and hence the need for the reservoir). However, the Council considers they have not been appraised robustly by TW. In addition, the EA says there is not enough discussion between the water companies on the merits of various supply options. Due to the massive consequences the proposed reservoir would have on the local area, a robust appraisal of all supply options is essential before any decision is made to include the reservoir within the WRMP.

1. Bulk Transfer

The dWRMP considers the existing and potential bulk transfer of water from TW to other water companies – i.e. Three Valleys Water, Essex and Suffolk Water, Southern Water, and Sutton and East Surrey Water (pages 92 and 96). The proposed Reservoir is described as having the potential “to provide a bulk supply to a neighbouring company should their supply demand balance require it” (page 190). However, without explanation, TW says: “No opportunities were forthcoming to introduce supplies into TW” (Appendices page 204).

The options of bulk transfer of water into TW from other water companies in the South-East or from the River Severn via a new reservoir in the Lower Severn Valley (e.g. at Longdon Marsh) have not been fully appraised. The lack of a robust analysis of the option of a bulk transfer from the Lower Severn Valley has also been recognised by GARD (Group Against Reservoir Development).

2. SWA – SWOX Transfer

Regarding inter-zonal transfers within TW, a SWA – SWOX transfer with a potential yield of 10 Ml/d has not been properly considered as an option. It is only included as a Contingency Option (page 216).

3. Wastewater Reuse

Essex and Suffolk Water has operated a successful indirect wastewater reuse plant (i.e. the introduction of treated wastewater into the drinking water system following its mixing with natural river water) at Langford in Essex for about 5 years using lamellar separation technology. In addition, Southern Water is planning a number of wastewater reuse schemes, which are considered a viable alternative to increasing reservoir capacity.

TW is currently investigating the possible use of “state-of-the-art” reuse technologies such as reverse osmosis membranes (pages 57 – 60). However, as the research is ongoing, indirect wastewater reuse is considered as an option on only one site in London (Deephams), and is not considered at all as an option in SWOX (Table 36 on Appendices pages 105 – 108). A wastewater reuse plant at Deephams could yield up to 100 Ml/d, and similar yields could be forthcoming at the other sewage treatment works around London (i.e. Mogden, Beckton, Crossness and Windsor), with the potential for smaller yields at the sewage treatment works in SWOX (i.e. Banbury, Oxford, Swindon). It is not clear why this option cannot be progressed in the short term using lamellar separation technology, rather than just forming part of TW’s “contingency strategy” whilst such “state-of-the-art” and costly technologies as reverse osmosis membranes are investigated. The lack of a robust analysis of this option has also been recognised by GARD.

In addition, the option of direct wastewater reuse (i.e. the introduction of treated wastewater directly into the drinking water system without the use of natural river water in between) appears to be rejected as an option simply because it is “considered publicly

unacceptable on health concern grounds.” Table 36 on Appendices pages 105 – 108 and Table 62 on Appendices page 132 are not clear on the merits of this option.

The EA is “strongly encouraging” water companies to consider wastewater reuse as part of their options for meeting future water demand.

Conclusion

1. The Council’s firm conclusion is that the forecast deficit in the supply demand balance has been overstated by TW and, as such, the case for the proposed reservoir in this WRMP has not been proven. The Council questions some of TW’s forecasts and assumptions (particularly relating to PCC), believes that the outcome of areas of ongoing research need to be awaited and taken fully into account, and considers that some of the supply options have not been robustly appraised. The case for the proposed reservoir needs to be compelling and unequivocal before such a large-scale development, with its dramatic impact on the local environment, is given the go-ahead. The dWRMP does not provide such a compelling and unequivocal case.

REPORT OF THE MONITORING OFFICER
TO THE COUNCIL
13 AUGUST 2008

Joint Senior Management Team – Appointment of shared Head of Paid Service

Introduction and Report Summary

- 1.1 This report considers the law relating to the procedures for appointing and removing a shared Head of Paid Service, as opposed to the substantive powers to share staff which were considered at the meeting in July. At that meeting, Members resolved to recruit a shared Senior Management Team with South Oxfordshire District Council. This report recommends changes to the Council's constitution that are needed to implement the decision made in July. These changes make provision for the recruitment, suspension and dismissal of the Head of Paid Service. This process includes certain stages that are required by law and certain stages that are discretionary.
- 1.2 The recommendation for the recruitment of the shared Head of Paid Service will be made by the Joint Staffing Committee. Every Executive Member will be given the opportunity to consider the recommendation and be able to object to it if deemed appropriate ¹. A final decision on appointing the shared Head of Paid Service will be made by the full Council having considered any objections and provided that the Monitoring Officer is satisfied the appointment is lawful. If this Council is to be the appointee's employer, the decision will be a formal employment appointment, as well as an agreement to second the appointee to SODC for approximately 50% of his working time; if SODC is to be the appointee's employer, this Council's decision will be to agree the secondment arrangements whereby this Council receives the benefit of approximately 50% of the working time of the shared Head of Paid Service.
- 1.3 At the same time as it recommends the recruitment of the most suitable candidate for shared Head of Paid Service, the Joint Staffing Committee will also recommend the dismissal of the unsuccessful candidate. A final decision on dismissing the unsuccessful incumbent Head of Paid Service will be made by the full Council provided that the Monitoring Officer is satisfied the process is lawful. If this Council is the unsuccessful candidate's existing employer, the decision will be a formal termination of employment; if SODC is the unsuccessful candidate's existing employer, there will be no substantive decision by this Council.
- 1.4 Summary of formal process**
- Joint Staffing Committee, as agreed in July (the decision maker must be a politically balanced body by law);
 - Executive Members be notified ¹;
 - Full Council, (as agreed in July and as required by law) ².
- 1.5. The contact officer for this report is Tim Treuherz, Head of Legal Services and Monitoring Officer), **Email: tim.treuherz@whitehorsedc.gov.uk**.

Recommendations

2.1 *Members are recommended to instruct the Monitoring Officer to amend the Council's constitution to provide -*

- a. *That the Monitoring Officer be appointed as the proper officer for the purpose of the appointment of all of the shared chief officers;*
- b. *That the Joint Staffing Committee established on July 16th shall make the recommendation on the appointment of a new shared Head of Paid Service, and dismissal of an existing incumbent Head of Paid Service including severance terms, having considered the advice of the consultants;*
- c. *That any future recommendation for the appointment (or suspension or dismissal) of the Head of Paid Service shall be made by the Joint Staffing Committee;*
- d. *That a final decision on the appointment of a shared Head of Paid Service shall be made by the full Council subject to:*
 - *there being no material or well-founded objections from Members of the Executive, and*
 - *if, in the opinion of the Monitoring Officer, the appointment can be made without any contravention of the relevant legislation and having considered all material factors.*
- e. *That a report on any other matter relating to a shared Head of Paid Service may be considered or indeed emanate by the Joint Staffing Committee, notwithstanding that this Council will not always be the employing authority.*
- f. *That the existing provisions for the recruitment (and suspension and dismissal) of the Head of Paid Service in the Constitution be amended in accordance with this report (amendments to be circulated separately);*

Members are also asked to -

- g. *Note that the Monitoring Officer is already empowered to make minor and consequential constitutional amendments and that some such amendments will be necessary for the purpose of amending the Constitution to allow the appointment of the Shared Senior Management Team;*
- h. *Note that the Monitoring Officer certifies that these amendments are urgent in order to give effect to the resolutions of July 16th;*
- i. *Note the need for further changes to the Council's constitution in due course;*
- j. *Note the need for an agreement under s113 of the Local Government Act 1972, concerning the placing of one authority's staff at the disposal of another authority (i.e. secondment), to reflect the recommendations in this report and note that officers will draft such an agreement as soon as possible.*

3.0 Relationship with the Council's Vision, Strategies and Policies

- 3.1 This report relates to the Council's Vision in that it supports the objective to provide and support high quality public services which are effective, efficient and responsive to the needs of people within the Vale.
- 3.2 The report sets out procedures to ensure the appointment process is carried out lawfully.

4.0 The law - what the law says about procedures for the appointment of the Head of Paid Service

- 4.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, specify certain functions that cannot be the responsibility of a Council's Executive and certain functions that may be, but need not be, the responsibility of the Executive. The power to designate the Head of Paid Service is not to be the responsibility of an authority's Executive². Similarly, more general powers to appoint staff are not to be the responsibility of an authority's Executive³. The initial recommendation for the appointment of the Head of Paid Service is, therefore, to be a decision taken by a body that is politically balanced. Of course for most staff, such decisions are taken under delegated powers.
- 4.2 The Local Authorities (Standing Orders) Regulations 1993 and 2001 set out certain matters that must be in an authority's standing orders. These matters include procedures for the appointment of the Head of Paid Service, and other chief officers.

Involvement of the Executive

- 4.3 Although the appointment of the Head of Paid Service is not an executive function, the procedure for the appointment of senior officers is something of a hybrid procedure, because the Standing Orders Regulations provide that the body making the recommendation of an individual must notify the 'proper officer' (see 4.4) who must notify every Executive Member of the name of the recommended candidate. Every Executive Member must be given the opportunity to object within a specified time. The 'proper officer' and the leader must then notify the decision making body (in this case the full Council), that no objection has been received. Alternatively, if any objections have been received, the Council must then be satisfied that any objection received from the Executive leader within that period is not material or is not well-founded.
- 4.4 An authority is expected to designate a 'Proper Officer' to administer the appointment process in line with the Authority's wishes⁴. Any officer can be designated. In this situation, with all members of the Senior Management Team having personal interests in the shared SMT project, it would be sensible for the 'Proper Officer' to be a non-SMT officer. It is recommended that the Head of Legal Services and Monitoring Officer would be the most appropriate 'Proper Officer'.

The final decision on the appointment of the Head of Paid Service

- 4.5 The initial recommendation will be made by the Joint Staffing Committee having considered the advice of the consultants.
- 4.6 Every Executive Member must be notified of the recommendation and given the opportunity to object ¹.
- 4.7 The final decision on the appointment of Head of Paid Service can be taken by the full Council, once any objections from Members of the Executive are considered. The final decision by full Council would be in accordance with statutory regulations ², and was resolved by the Council in July.
- 4.8 Finally, the appointment may only be made if in the opinion of the Monitoring Officer the appointment can be made without any contravention of the relevant legislation and having considered all material factors.

Joint arrangements

- 4.9 There are certain so – called “local choice” functions which, under the Local Authorities (Functions and Responsibilities) Regulations may be, but need not be, the responsibility of the Executive. These are discussed in Section 5 below.

5 The Council’s Constitution

- 5.1 The regulations described above are reflected in the Council’s constitution. Article 8 describes the role of the Personnel Committee.
- 5.2 Part 3 of the Constitution (Responsibility for Functions) provides that the Personnel Committee has these responsibilities-
- All matters relating to the Council's responsibilities as an employer;
 - Power to determine appeals made by employees of the Council in relation to their employment, including appeals under the Disciplinary and Grievance Procedures;
 - Power to appoint staff.
- 5.3 Part 3 also allocates responsibility for certain so – called “local choice” functions. These are functions which, under the Local Authorities (Functions and Responsibilities) Regulations may be, but need not be the responsibility of the Executive. The Council’s constitution delegates to the Personnel Committee the function of making agreements with other local authorities for the placing of staff at the disposal of those other authorities. Such an agreement will be the legal instrument under which the Shared Senior Management Team will operate.
- 5.4 The Standing Orders Regulations are reflected in the Council’s own Officer Employment Procedure Rules which require every recommendation for the appointment of the Head of Paid Service to be made by Personnel, Regulatory and Appeals Committee (now the Personnel Committee) and confirmed by the Council, subject to the procedure for allowing Executive Members to object.

- 5.5 The view is taken that the Council, having delegated certain functions to its committees, (the function of entering into joint arrangements and recruiting staff) can as 'delegator' expressly take those decisions back and make them itself without requiring an amendment to the constitution.
- 5.6 There are strong grounds in support of this point of view. In respect of the principle of joint arrangements, taking the decision at Council was more democratic and allowed wider debate than would otherwise have been the case. That decision stands.
- 5.7 Similarly, there are also arguments that the provisions in the constitution for the appointment of senior officers were only ever intended to enable Vale Members to appoint Vale officers and that the constitution can be superseded. These arguments are not as strong when applied to the recruitment of chief officers, including the Head of Paid Service, given the specific requirement to have certain standing orders for the appointment of staff, embodied in the Vale's Officer Employment Procedure Rules.
- 5.8 At the meeting on the 16th July, Members resolved to establish joint arrangements with South Oxfordshire District Council to carry out the 'non – Executive' recruitment functions for a shared senior management team. Clearly the Council's Constitution does not currently reflect the involvement of the Joint Staffing Committee approved at the July Council. Members are advised that a range of constitutional amendments are, therefore, necessary to implement the July resolutions.
- 5.9 Under the proposed new procedures -
- Any initial recommendation for the appointment (or dismissal) of the Head of Paid Service will be made by the Joint Staffing Committee;
 - Every Executive Member will be given notice by the 'Proper Officer' of the recommendation to Council and the opportunity to object;
 - A final decision to appoint any Head of Paid Service will be taken by full Council
 - There being no material or well-founded objections from the Executive, and
 - if in the opinion of the Monitoring Officer the appointment can be made without any contravention of the relevant legislation and having considered all material factors.
 - A report on any other matter relating to a shared Head of Paid Service may be considered by the Joint Staffing Committee notwithstanding that this Council will not always be the employing authority.
 - The existing provisions for the recruitment (and suspension and dismissal) of the Head of Paid Service in the Constitution should be amended in accordance with this report (amendments to be circulated separately).
- 5.10 Members are also asked to note that the Monitoring Officer is already empowered to make minor and consequential constitutional amendments and that some such amendments will be necessary for the purpose of amending the Constitution to allow the appointment of the Shared Senior Management Team.

- 5.11 Recommendations to Council for further substantive amendments, including provision for the appointment of the other shared senior officers will need to be drawn up in due course. These will be brought back to Council for decision.
- 5.12 An agreement under s113 of the Local Government Act 1972, concerning the placing of one authority's staff at the disposal of another authority (i.e. secondment), will be necessary as a matter of urgency to reflect the recommendations in this report.
- 5.13 The Monitoring Officer certifies that these amendments are urgent in order to give effect to the resolutions of July 16th. This means that they can be taken at one Council meeting.
- 5.14 A revised text of the constitution (of Article 8, Part 3 and of the Officer Employment Procedure Rules) will be circulated separately.

TIM TREUHERZ
HEAD OF LEGAL SERVICES AND MONITORING OFFICER

Background Papers: File AD/GEN/119

Statutory references:

- ¹ Local Authorities (Standing Orders) (England) Regulations 2001 (No. 3384) Part II para 5(2)(b)
- ² Local Authorities (Standing Orders) (England) Regulations 2001 (No. 3384) Part II para 4 (1)
- ³ Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853) Schedule 1 para I.14
- ⁴ Local Authorities (Standing Orders) (England) Regulations 2001 (No. 3384) Part II para 1; 5(2)(a), et seq.

Note for Council

Key to Type

- 1 Within a subjective within a cost centre
- 2 Within a Cost Centre but across subjective headings
- 3 Within the cost centres of a service area
- 4 Across service areas
- 5 Over £10,000

Virement request approved by Executive on 1 August 2008

No.	Date	Account From	Cost Centre Code	Cost Centre Name	Account To	Cost Centre Code	Cost Centre Name	Virement Total £	Virement Percentage	Reason	Preventative Action	Type	
1	24/04/2008	9102	RS73	Revenues & Benefits Client Team	9102	CH11	Organisational Change	22,080	12.3%	The income budget for recharging certain ICT support work to Capita was originally included under the Revenues & Benefits Client cost centre rather than Organisational Change (OC). OC have requested the income budget be moved to offset their costs.	None	5	
Total Virements								22,080					
Summary													
Total Type 1								-					
Total Type 2								-					
Total Type 3								-					
Total Type 4								-					
Total Type 5								22,080					
Total								22,080					