

Draft minutes subject to approval at the next meeting of the Executive

Executive – 19 July 2007

Present: Councillor Henley (Chairman).
Councillors Brooks, Mullins Mrs Smith and Alan Wedderkopp.

Officers: Mrs P James (Chief Executive) Ms J Wishlade (Strategic Director), Mr J J Thornberry (Strategic Director), Mr R I Taylor (Chief Solicitor) Mr B Carpenter (Waste Services Manager), Mr P Carter (Financial Services Manager) and Mr G P Dyke (Democratic Services Manager).

(The meeting commenced at 2.00 pm.)

This meeting ran concurrently with meetings of the Executives and Cabinets of Mendip District, Sedgemoor District, South Somerset District, Somerset County, and West Somerset District Councils, as the partners in the Somerset Waste Partnership. All meetings considered the same recommendations for the Governance Arrangements and the Award of Refuse and Recycling Collection Contract.

72. Apologies

Councillors Coles, Horsley, R Lees and Prior-Sankey

73. Declarations of Interest

Councillors Henley and Brooks declared personal interests in relation to this item as members of Somerset County Council. Mr B Carpenter (Waste Services Manager) declared a personal interest as he was an officer reporting on an issue (Waste Partnership) which would affect his future employment.

74. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during item 7 on the agenda as this would involve the disclosure of financial and business information defined as exempt by paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 (as amended).

75. Somerset Waste Partnership Presentations

Detailed presentations were received from the Directors Implementation Group, on behalf of the Waste Partnership, on the proposed governance arrangements for the Somerset Waste Board and on the award of the recycling and refuse collection contract.

Following presentations, the partner authorities returned to their separate meetings to discuss the recommendations on the following items.

76. Governance Arrangements for the Somerset Waste Board

Submitted report, previously circulated which dealt with all aspects of the future governance arrangements for the Somerset Waste Board. It highlighted the effects of previous decisions of the Executive in relation to the preparation of an associated Inter Authority Agreement and Constitution and reaffirmed decisions in respect of the creation of a Joint Committee and the divesting of waste responsibilities to it.

Consideration was also given to the appointment of two elected Members to represent the Council on the Somerset Waste Board and the approval of a "Commencement Date" on which the Somerset Waste Board would be established.

RESOLVED that:

1. the adoption of the Inter Authority Agreement and Constitution detailing the contractual, financial and operational arrangements between all the Partner Authorities and the administrative arrangements for the Somerset Waste Board respectively, and attached as Appendices A and B to the report be agreed;
2. the decision, that together with (Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset District Council, and West Somerset District Council) and pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, to establish a Joint Committee to be called the Somerset Waste Board be reaffirmed;
3. the decision, that pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, to arrange for the statutory functions in respect of the recycling and collection of waste to be discharged by the Somerset Waste Board be reaffirmed;
4. 31 August 2007 or the date on which the contract is signed, whichever is the sooner, be agreed as the "Commencement Date" on which the Inter Authority Agreement and Constitution will come into force and on which the Somerset Waste Board will be established ;
5. Councillors Mullins and Brooks be appointed as the two Elected Members to represent the Council on the Somerset Waste Board, (one of whom must be the Portfolio Holder for Waste in accordance with the Constitution).
6. the Chief Executive be authorised to execute the Inter Authority Agreement on behalf of the Council.

As agreed in Minute 74 above the next item was taken in private session.

77. Recycling and Refuse Collection for the Somerset Waste Board – Award of Contract

Considered the outcome of negotiations between the “Negotiation Team” (which had been nominated by the Directors Implementation Group (DIG) and authorised by the Executive) representing the partner authorities and representatives of ECT, the “Preferred Bidder” (appointed by the Executive).

The Negotiation Team, comprised of officers from the partner authorities and external consultant advisers had highlighted the major outcomes of the negotiations with ECT in “The Negotiations Report”, a copy of which was circulated with the agenda.

RESOLVED that

1. the “The Negotiation Report” be agreed;
2. the recommendation of “The Negotiation Report” be agreed and the contract for Recycling and Refuse Collection for the Somerset Waste Board be awarded to ECT. The contract initially to be for a period of seven years, commencing on 14th October 2007;
3. Somerset County Council, acting as the Administering Authority, be authorised to sign the contract with ECT on behalf of the Partner Authorities. In accordance with the “Alcatel Judgement” in relation to Public Services Contract Regulations this should not be before ten days had elapsed from the date of this report;
4. Council be recommended to agree a Supplementary Estimate from the General Fund reserves of £80,000 to fund the one off costs of the trials of the new methods of plastic and card kerbside collections.
5. SITA, who had been retained as the “Reserve Bidder” during the period of involvement in the negotiation be formally notified of the decision to award the contract to ECT, and thanked for their procurement process.

The meeting adjourned at 3.30p.m. All the partner authorities then met in joint session to report their decisions.

78. Decisions

All 6 Councils reported that they had agreed the necessary resolutions to:

- i) Establish a joint committee to be known as the Somerset Waste Board;
- ii) Delegate their waste management functions to it;
- iii) Delegate authority to portfolio holders and/or officers to complete the Constitution and Inter Authority Agreement;
- iv) Appoint 2 members to represent their Councils on the Somerset Waste Board;
- v) Award the county wide recycling and waste collection contract to ECT subject to finalisation of the terms and conditions of the contract.

On behalf of the meeting the Chairman, Councillor Woolcombe-Adams thanked all concerned for their hard work in bringing this momentous agreement to fruition, and particularly those who had been involved in the Waste Partnership since its inception in 1992.

(The meeting ended at 4.10p.m.)