

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Special Meeting of the CABINET held on 23 SEPTEMBER 2014

**PRESENT:** Councillor Mrs I A Darby - Leader  
                  "          M Stannard - Deputy Leader

Councillors: P E C Martin  
                  F S Wilson

**APOLOGIES FOR ABSENCE** were received from Councillors G K Harris and P J Hudson

**ALSO IN ATTENDANCE:** Councillors J Gladwin, A Hardie, P Jones and J Warder.

#### 25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 26 **CURRENT ISSUES**

There were no current issues reported.

#### 27 **NEIGHBOURHOOD PLANNING - REVISION TO THE SCHEME OF DELEGATION**

A report was received by Cabinet requesting consideration of the need for additional delegated powers to cover the circumstances where the council does not agree with a neighbourhood plan examiner's report recommendation(s). Members were also asked to clarify the existing powers of delegation in relation to consulting members on the recommendations contained in the examiner's report and the subsequent officer recommended response; and to request delegated authority in relation to the Council's duty to consider the appropriate referendum area for a neighbourhood plan referendum. Cabinet approval was sought for one comprehensive set of neighbourhood planning delegated powers and to highlight the proposed by Government in their current review of planning and related controls.

Members were informed that the consultation document proposed the introduction of a time limit of 10 weeks (70 days) between the submission of an application to declare a neighbourhood area and the decision of the Council on whether to designate the area. It was noted that although this time frame was achievable it was tight and a more acceptable timeframe may be 80 days.

#### **RESOLVED:**

- i) **That the revised delegations to officers as described in the officers report and as set out in full in Appendix 2, be approved; and**

- ii) That the suggested responses to the Government Consultation on speeding up the neighbourhood planning process and that subject to any comments made at Cabinet the response to the Government be delegated to the Head of Sustainable Development be noted.

## 28 EXCLUSION OF THE PUBLIC

### RESOLVED –

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## 29 JOINT WASTE COLLECTION CONTRACT - CONSIDERATION OF CONTRACTOR'S NOTICE OF CHANGE

Cabinet considered a report which outlined that a Contractor Notice of Change had been received, in relation to the current contract for waste collection. A joint waste, recycling and street cleansing contract was jointly procured with Wycombe District Council in March 2013. The report set out the background to the Contractor Notice of Change, the options available and the potential implications of each option.

The Cabinet also had regard to the views of the Council's Performance and Resources Committee held on 17 September and Wycombe District Council.

The Performance and Resources Overview Committee had considered a detailed report, also made available to the Cabinet, and discussed in particular the procurement aspects and the side letter. They expressed the view that the increased annual payment sought in the Notice of Change should be rejected for the reasons outlined at the meeting.

Members noted that, Wycombe District Council had considered a similar report on the proposals during September.

The following decision was made as the joint waste collection contract (the "Contract") was one of the most high profile activities carried out by the Councils. A robust procurement process delivered a revised service at significant savings. It was now necessary to respond to the Contractor Notice of Change issued under the Contract in a way that maintained and developed the most effective and efficient service achievable.

The Cabinet Member for the Environment, Cllr Peter Martin, in proposing the course of action to be adopted, thanked both the Performance and Resources Overview Committee and Wycombe District Council for their detailed consideration and advice on the matter.

## **RESOLVED**

**That in light of all the information contained in the report Cabinet accepted that changes would be required to relevant Method Statements to reflect the current position in relation to the sorting of collected paper / card and arrangements for vehicle servicing, as this differed from the Method Statements submitted by Serco as part of their final tender which were currently included in the Contract.**

**However, the Cabinet did not agree to any increase in the annual payment to Serco in respect of the additional costs claimed, for the following reasons:**

- (i) The procuring Councils made very clear the commercial risk position during the dialogue stage of the procurement that the UPM / paper element was a bidder risk and clarifications were issued to all bidders on more than one occasion to remind them of this and emphasised this feature in the commercial make-up of the project;**
- (ii) Although the Contractor Notice of Change does not change the scope of the Authorities' Requirements, paying a higher annual sum would improve the economic balance in favour of the Contractor and would carry a degree of risk of procurement challenge (depending on how material those changes were considered to be); and**
- (iii) The general economic impact of the proposed Contractor Notice of Change was material to the Councils as, in order to fund the annual cost increase sought, it would require a rise in Council Tax in the region of 2% or equivalent savings being made elsewhere.**

**The meeting ended at 5.24pm**