

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the PERFORMANCE & RESOURCES OVERVIEW COMMITTEE held on 17 SEPTEMBER 2014

PRESENT: Councillor A D Garnett - Chairman
 " C H Spruytenburg - Vice Chairman

Councillors: S P Berry
 J L Gladwin
 D W Phillips

APOLOGIES FOR ABSENCE were received from Councillors J S Ryman, D Spate, N Stewert, M Vivis, C J Wertheim and A P Williams

ALSO IN ATTENDANCE: CDC Councillors I Darby, P E C Martin, M Stannard and J Warder. Wycombe DC Councillor J Teesdale, Cabinet Member for Environment, Ian Westgate, Corporate Director for Wycombe DC, Caroline Hughes, Head of Environment for Wycombe DC, Shona Toms and Matthew Mo from Bevan Brittan.

25 MINUTES OF PREVIOUS MEETING

The Minutes of the Performance & Resources Overview Committee held on 12 August 2014 copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 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.

Note: The relevant paragraph number from Part 1 of Schedule 12A is indicated at the end of the Minute heading.

28 SUPPLEMENTARY INFORMATION - JOINT WASTE COLLECTION CONTRACT - CONSIDERATION OF CONTRACTOR'S NOTICE OF CHANGE

At a meeting of the Performance and Resources Committee held on 12 August, 2014 a report was received which updated members on the current Joint Waste Collection Contract and specific consideration was requested in relation to the Contractor's Notice of Change.

Following full and detailed consideration of the item the Committee requested that a further special meeting of the Performance and Resources Overview Committee be held to consider further legal and contract information as requested.

The Legal Services Manager presented a further detailed report which outlined the key points relating to the various stages of the procurement process. The Committee also explored the progress of Serco meeting key performance targets and how this was being monitored and managed.

Matthew Mo representing Bevan Brittan provided the Committee with an outline of the implications of the EU procurement process particularly in respect of the impact of a recent European Directive.

The Committee considered the content of a side letter which had been provided to Serco, prior to contract signature, setting out the procedure that would be followed to address the outstanding issues. The full content of the confidential report and appendices were debated.

In coming to a view, the Committee considered the options of accepting the change notice, rejecting it or modifications to it, and the implications. The Committee advised that the notice should be rejected because of the clear position the Councils had adopted in the dialogue stage of the procurement, the risks of procurement challenge and the cost implications to local Council Tax payers (or impact on other service areas).

RECOMMENDED:-

- i) That Cabinet be advised that the Committee's view is that the increased annual payment sought in Serco's Contractor Notice of Change should be rejected for the reasons outlined during the meeting.**

The meeting ended at 8.05pm