

# Public Document Pack

## COUNCIL

Monday, 13TH APRIL, 2015

Supplementary Documents

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**Agenda  
No.**

**Item**

7      **CABINET (Pages 1 - 4)**

**For further information, please contact Iram Malik**

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## Cabinet Minutes

Date: 13 April 2015

Time: 4.30 - 4.56 pm

**PRESENT:** Councillor R J Scott (Executive Leader of the Council - in the Chair)

Councillor Mrs J A Adey	- Cabinet Member for Community
Councillor A R Green	- Cabinet Member for Economic Development & Regeneration
Councillor M Hussain JP	- Cabinet Member for HR, ICT & Customer Services
Councillor N B Marshall	- Cabinet Member for Planning and Sustainability
Councillor H L McCarthy	- Deputy Leader and Cabinet Member for Strategy
Councillor Mrs J E Teesdale	- Cabinet Member for Environment

### By Invitation

Councillor Z Ahmed	- Deputy Cabinet Member for Community (Housing)
Councillor I Bates	- Leader of the Labour Group
Councillor Mrs L M Clarke OBE	- Chairman of the Council
Councillor R Gaffney	- Chairman of the Improvement & Review Commission
Councillor D A Johncock	- Deputy Cabinet Member for Planning & Sustainability
Councillor B R Pollock JP	- Leader of the Liberal Democrat Group
Councillor P R Turner	- Deputy Cabinet Member for Finance

**Also present:** Councillors D H G Barnes, B E Pearce and J A Savage

### 99 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Foster (Cabinet Member for Finance) and A Turner (Leader of the Independent Group).

### 100 MINUTES

**RESOLVED:** That the minutes of the meeting of the Cabinet held on 2 March 2015 be approved as a true record and signed by the Chairman.

### 101 DECLARATIONS OF INTEREST

There were no declarations of interest.

### EXCLUSION OF PRESS AND PUBLIC

**RESOLVED:** That the Press and Public be excluded from the meeting during consideration of the following items as they contain exempt information as defined in Regulation 4(2)(b) of the Local

Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, more particularly as follows:

**Minute 102 – Joint Waste Contract with Serco Limited**

Information relating to the financial or business affairs of any particular person (including the authority holding that information (Paragraph 3, Part 1 of schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure because the third party in question is likely to be inhibited from participating in further discussions or negotiations with the Council if the report were to be disclosed)

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 5, Part 1 of schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure, because the third party in question is likely to be inhibited from participating in further discussions or negotiations with the Council if the report were to be disclosed)

**Minute 103 – Red Kite Community Housing**

Information relating to the financial or business affairs of any particular person (including the authority holding that information (Paragraph 3, Part 1 of schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure because the third party in question is likely to be inhibited from participating in further discussions or negotiations with the Council if the report were to be disclosed)

**102 JOINT WASTE CONTRACT WITH SERCO LIMITED**

The report before Cabinet sought delegated authority to enter into negotiations with Serco to facilitate the transfer of the service under the existing contract to the new provider Serco Environmental Services Limited.

The following decisions were made to transfer the existing waste service contract to the new provider. The options open to the Council and relative risks had been set out in the report.

**RESOLVED:** That (i) the proposed set of principles relating to the novation of the Joint Waste Contract, as described in the report, be approved as the basis for negotiations with Serco;

(ii) Noting that Cabinet wishes to ensure all additional costs pertaining to the transfer of service be recouped, that the Head of Environment,

in consultation with the Leader, Cabinet Member for Environment, Cabinet Member for Finance, Chief Executive, Head of Finance and Commercial and the District Solicitor and Monitoring Officer be authorised to:

- a. complete the negotiations with Serco on the proposed Deed of Variation and Deed of Novation and to take any necessary actions to finalise and enter into the said Deeds and any ancillary or incidental documents or agreements; and
  - b. take any other actions necessary to facilitate the transfer of the services under the existing contract to the new company, Serco Environmental Services Limited;
- (iii) any necessary exemption to the Standing Orders relating to contracts, or any such other exemption as may be necessary and is within the power of Cabinet to grant, in respect of the novation and any subsequent change in control of the Joint Waste Contract , be granted.

### 103 RED KITE COMMUNITY HOUSING

Cabinet had before it a report that detailed the settlement agreement terms that would resolve all the outstanding contractual issues that had arisen following the transfer of the Council's former housing stock to Red Kite Community Housing in December 2011. Cabinet approval was sought to vary the transfer agreement to allow Red Kite Community Housing to deliver increased numbers of Affordable Housing in the District.

The following recommendation was made to resolve contractual arrangements that had arisen following the transfer of the Council's former housing stock in 2011.

**Recommended:** That the Settlement Terms with Red Kite Community Housing (RKCH) as set out in the detailed report and summarised in paragraph 18 of the report, thereby settling all outstanding issues arising from the transfer be approved and the finalisation of the Deed of Variation be delegated to the Head of Environment, Head of Finance and Commercial, Head of Democratic, Legal and Policy Services in consultation with the Cabinet Members for Community, Finance and the Leader.

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Chairman

#### **The following officers were in attendance at the meeting:**

Karen Satterford	- Chief Executive
Ian Hunt	- Democratic Services Manager
Catherine MacKenzie	- Principal Democratic Services Officer

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