

**MINUTES OF THE MEETING OF THE CABINET
HELD ON 30 OCTOBER 2013 AT 2.00 PM
AT ASHCOMBE SUITE, COUNTY HALL, KINGSTON UPON THAMES,
SURREY KT1 2DN.**

These minutes are subject to confirmation by the Cabinet at its next meeting.

Members:

*Mr David Hodge (Chairman)	*Mr John Furey
*Mr Peter Martin (Vice-Chairman)	*Mr Michael Gosling
*Mrs Mary Angell	*Mrs Linda Kemeny
*Mrs Helyn Clack	*Ms Denise Le Gal
*Mr Mel Few	*Mr Tony Samuels

Cabinet Associates:

*Mr Steve Cosser	Mrs Kay Hammond
Mrs Clare Curran	Miss Marisa Heath

* = Present

PART ONE
IN PUBLIC

192/13 APOLOGIES FOR ABSENCE [Item 1]

Apologies were received from Clare Curran, Kay Hammond and Marisa Heath.

193/13 DECLARATIONS OF INTEREST [Item 2]

There were none.

194/13 AMENDMENT TO WASTE CONTRACT TO DELIVER THE WASTE STRATEGY [Item 3]

The Cabinet considered a matter relating to the amendment to the Waste Contract to deliver the Waste Strategy. This item was considered under the special urgency procedure, having obtained the agreement from the Chairman of the Environment and Transport Select Committee, that the decision could not reasonably be deferred and that the proposed decision was reasonable in the circumstances.

The Leader of the Council introduced the item and explained why the decision on the amendment to the Waste Contract was brought back to Cabinet for decision.

He referred to the delegation agreed at the Cabinet meeting on 23 July 2013, which had been intended to cover a period when it was not possible for Cabinet to meet and said that the required information was not available then but it was now, which was why Cabinet was meeting today. He said that the Value for Money implications included both financial and non-financial factors and were supported by external specialist advisors.

The Cabinet Member for Business Services asked why the Council was waiving the requirement for the Head of Procurement to approve the recommendation and was informed that this had been dealt with in the report to Cabinet on 23 July 2013. She also drew Cabinet's attention to the Value for Money implications set out in paragraphs 47 – 50 of the submitted report, which stated that Deloitte anticipated formally confirming, in the near future, that there was no material difference between option 1 and 2 from a financial Value for Money perspective.

The Cabinet Member for Assets and Regeneration Programmes referred to the risks. The Leader said all options that were available to the Council had significant risks and Cabinet needed to approve the option that provided the greatest overall benefits.

The Deputy Leader said that the decision to amend the contract had been agreed on 23 July 2013 and that today's meeting was to confirm the mechanism to enable the Council to enter into contractual commitments needed to deliver the Waste Strategy. He referred to paragraph 23 of the submitted report which set out the current tonnage of waste and the recycling targets.

He also highlighted two typos: (1) paragraph 31 – insert 'life' after 'the provision of a plant with a 25 year...' and (2) paragraph 42 – insert 'more' after 'Development of the Eco Park allows Surrey to be'

Finally, it was suggested that it would be helpful to have an additional recommendation which would require the Strategic Director for Environment and Infrastructure, Chief Finance Officer and Head of Legal and Democratic Services, in consultation with the Leader and the Cabinet Member for Transport, Highways and Environment to monitor progress and report back to Cabinet in the event of material changes to the risks and assumptions set out in the report presented to this meeting.

Prior to considering the recommendations, the Cabinet went into private session to enable consideration of the confidential annexe relating to the amendment to the Waste Contract to deliver the Waste Strategy.

195/13 EXCLUSION OF THE PUBLIC [Item 4]

RESOLVED that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act.

PART TWO – IN PRIVATE

THE FOLLOWING ITEMS OF BUSINESS WERE CONSIDERED IN PRIVATE BY THE CABINET. SET OUT BELOW IS A PUBLIC SUMMARY OF THE DECISIONS TAKEN.

196/13 AMENDMENT TO WASTE CONTRACT TO DELIVER THE WASTE STRATEGY [Item 5]

The report on this annex (item 5) had been circulated in Part 2 of the agenda as it contained information exempt from Access to Information requirements by virtue of paragraphs 3 and 5 – information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Cabinet asked officers a series of detailed questions about the confidential annexe relating to the amendment to the waste contract, which included the advice of the Chief Finance Officer on the financial and Value for Money implications for the three options and also the risk and sensitivity analysis. The annex also included advice from the Head of Legal and Democratic Services.

After discussing the confidential information, the meeting moved back into part 1 for consideration of the recommendations.

The Deputy Leader summarised the key points of the debate:

- That Cabinet had taken the decision on 23 July 2013 to vary the waste contract and to delegate authorisation to the Strategic Director for Environment and Infrastructure, in consultation with the Leader of the Council and the Cabinet Member for Transport, Highways and Environment, and advised by the Head of Legal and Democratic Services and Chief Finance Officer, to agree any subsequent changes to the proposed variation to the Waste Contract to deliver the waste Strategy, including the Eco Park. Therefore, this decision could have been taken without it coming back to a Cabinet meeting but, given the time that had elapsed and the importance of the decision, it was decided to bring it back to a Cabinet meeting to confirm the mechanism for varying the contract in an open and transparent way.
- The financials had varied a little but the qualitative benefits were persuasive. It was important to sign the contract, as a matter of urgency so that costs and terms agreed with contractors could be secured.
- The risks were clearly set out, for example due to outstanding variations to regulatory consents but that not proceeding was a greater risk.

The Leader of the Council summed up the debate and confirmed that option 1 represented value for money for the public purse and the Surrey taxpayer. It would contribute to the Council's ambitious recycling target and have economic benefits for the County.

Finally, he said that by adding a second recommendation, it would enable Cabinet to monitor its progress and review any material changes that would affect the basis for the decision.

Therefore, it was:

RESOLVED:

- (1) That the Waste Contract be varied to reflect the changes necessary to deliver the Council's Waste Strategy, including the Eco Park.
- (2) That the Strategic Director of Environment and Infrastructure, Chief Finance Officer and Head of Legal and Democratic Services, in consultation with the Leader of the Council and the Cabinet Member for Transport, Highways and Environment be required to monitor progress and report back to Cabinet in the event of material changes to the risks and assumptions identified in the report.

Reasons for Decision:

To enable the Council to enter into contractual commitments needed to deliver the Waste Strategy and in particular the Eco Park, which is a priority for the Council.

[The decisions on this item were taken under Special Urgency procedures as they could not be reasonable deferred and come into immediate effect]

197/13 PUBLICITY FOR PART 2 ITEMS [Item 6]

That there should be no publicity for the part 2 item.

[Meeting closed at 2.45pm]

Chairman