

JOINT WASTE DISPOSAL BOARD
20 SEPTEMBER 2006
(6.30 - 7.45 pm)

Present: Bracknell Forest Borough Council
Councillors Mrs Ballin and McCracken

Present: Reading Borough Council
Councillor Waite

Present: Wokingham District Council
Councillors Stanton and Weeks

Apologies for absence were received from:
Councillor McKenzie

11. Minutes - 3 July 2006

RESOLVED that the minutes of the meeting of the Board held on 3 July 2006 be confirmed as a correct record and signed by the Chairman.

12. Declarations of Interest

There were no declarations of interest received in relation to any items on the agenda.

13. Urgent Items of Business

There were no urgent items of business received.

14. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, members of the public and press be excluded from the meeting for the consideration of item 6 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

15. Outcome of Negotiations with Preferred Bidder for the RE3 Project

The Board considered a report detailing the progress since its last meeting on 3 July of the negotiations with the preferred bidder Waste Recycling Group (WRG) in response to the councils' invitation to initially submit a best and final offer and a subsequent appointment to that company to preferred bidder status as a consequence of the meeting of the Joint Waste Disposal Board on 20 April 2005.

The Chairman indicated that, whilst the report detailed the position at the time of publication, events had moved on since then and invited the Project Director to

outline the current position. The latter stressed that the priority for all three councils was now to conclude the negotiations and sign the contract. There was, however, increasing frustration at the number of new issues being raised on behalf of WRG which were necessitating further discussion, changes to documentation and review of the implications changing one document would have for the terms of the other twenty three. The Project Director added that he believed that WRG too was frustrated by some of the issues which had been raised by the councils as a result of their need to manage areas of potential risk. Given this scenario, he stressed that it was now imperative to remind the contractor that the deadline for signing of the contract was 31 October 2006 and that this would not be extended. Moreover, as the "Alcatel" notice had to be issued no later than 17 October to achieve a signing date of 31 October, all negotiations needed to be concluded within the next two weeks to enable the legal advisers to finalise the documentation. This meant that, for the outstanding issues, there was a need to take a view and move on. The Board confirmed the basis of the flexibility which it had given officers at the previous meeting to reach a final agreement with WRG.

The Board supported the Project Director's concerns and agreed that there was a need to convey to WRG's Chief Executive that there was no scope to extend the deadline for signing the contract beyond 31 October 2006. The Chairman indicated that he would write on behalf of the Board and read out a draft of a letter which he had prepared and was intending to finalise in consultation with the Councils' legal advisers, Eversheds. Other members were invited to let the Chairman have any comments on the letter.

The Board also discussed a proposal to submit a bid for pooling arrangements relating to statutory performance standards for recycling and composting of household waste for 2007/08. The officers indicated that they were satisfied that there were efficiencies to be gained from such an approach and accordingly the Board endorsed the submission of a bid.

RESOLVED

- 1 That progress made since the last meeting on the 3 July and the actions to be taken over the coming weeks be noted.
- 2 That a letter be sent to the Waste Recycling Group's Chief Executive expressing the Board's deep concern over the slow progress of the Waste PFI contract and reiterating that no extension could be granted to the deadline of 31 October 2006 for signing of the contract.
- 3 That the Chairman be authorised to finalise the letter on behalf of the Board following consultation with the councils' legal advisers, Eversheds
- 4 That an application be made to DEFRA to 'pool recycling targets' as a part of the Project.

16. Date of Next Meeting

In view of the fluid situation and the direction already provided to officers seeking to conclude the negotiations, it was agreed that no date would be set for a further meeting. The Board was advised that, in the event of a need for a meeting to be convened, it was likely to be at very short notice.

In addition, the Board was advised that, if the negotiations were concluded successfully and the contract signed, there would be a need to establish a new Board.

CHAIRMAN