

JOINT WASTE DISPOSAL BOARD
22 MARCH 2012
(6.00 - 7.35 pm)

Present: Bracknell Forest Borough Council
Councillor Iain McCracken
Councillor Mrs Dorothy Hayes MBE

Reading Borough Council
Councillor Paul Gittings

Wokingham District Council
Councillor Gary Cowan
Councillor Rob Stanton

Officers Pete Baveystock, Wokingham Borough Council
Pete Thompson, Reading Borough Council
Oliver Burt, Reading Borough Council
Janet Dowlman, Bracknell Forest Council
Dave Fisher, Reading Borough Council
Kevin Holyer, Reading Borough Council
Steve Loudoun, Bracknell Forest Council
Mark Moon, Wokingham Borough Council

Apologies for absence were received from:

Councillor Ms Eden, Reading Borough Council

60. Declarations of Interest

There were no declarations of interest.

61. Minutes of the Meeting of the Joint Waste Disposal Board

RESOLVED that the minutes of the meeting of the Joint Waste Disposal Board held on 14 December 2011 be approved as a correct record and signed by the Chairman.

62. Urgent Items of Business

There were no urgent items of business.

63. Joint Waste Disposal Board Project Update

The Board received a report providing an update on progress made since its last meeting on 14 December 2012. The report included updates on: operations and facilities, Community Repair, food waste and finance.

There continued to be concern that traders were disposing of commercial waste at Longshot Lane without paying by claiming that it was home DIY waste. The possibility of introducing an honesty form had been investigated however feedback indicated that this would not currently be practicable and that particular suggestion would not be progressed further at this time. The Board requested that officers identify alternative options that would not impact financially on residents.

The Board stressed that although they wanted to assist small businesses, measures needed to be put in place to ensure that traders paid to use the service available for example by giving traders access to the site at set times and making them go through the weighbridge. It was agreed that a report exploring the options available to the Board would be brought to the next meeting.

The Board was informed that it was anticipated that publicity of the Community Repaint scheme would commence in the near future. It was agreed that representatives from all three Councils would be available to support the initiative when the scheme was ready to be launched publicly.

It was noted that processing costs for food waste had fallen significantly over the last eighteen months and developments in the area would continue to be monitored.

It was reported that the new five-year haulage contract had become operational on 4 December 2011. It was anticipated that the new contract would deliver an annual saving of approximately £320,000. A sum that could amount to savings of approximately £1.7million across the five year contract term.

RESOLVED

- i. That progress made since the Board's last meeting on 14 December 2011 be noted
- ii. That the re3 Project Team work with the Contractor to develop proposals to encourage and support small traders to utilise the PFI facilities
- iii. That no further action need be taken in respect of a stand alone Honesty Form system at the Household Waste Recycling Centres as this was not the solution to the problem. Officers to identify alternative solutions to the problem.
- iv. That the commencement of the Community Repaint Scheme be noted and a dates for publicity circulated
- v. That the anticipated financial outcomes be noted.

64. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest members of the public and press be excluded from the meeting for the consideration of item 7 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.

65. Report on Legal Advice from Professional Advisors

The Project Director presented a report providing a briefing on contractual matters.

The Board discussed the report, proposals received in relation to a previously suggested contractual review and the potential implications arising from the amended recommendations tabled at the meeting.

The Board was informed that advice had been sought from Eversheds over a way forward to resolve contract issues with WRG and it had been felt that pursuing mediation in an effort to release the information that WRG was holding would be the most appropriate way forward at this time.

It was acknowledged that the full implications of the consequences should mediation be unsuccessful were not yet known and it was agreed that a full report detailing this would be brought to a future meeting of the Board. **(Action: Mark Moon/Oliver Burt)**

Contractual Affairs

Following a Board request a specification had been drawn up for a review of the re3 waste PFI contract and circulated to Eversheds and the legal teams of each Council. Responses to the proposals had subsequently been received from Eversheds and the Legal Services Team at Bracknell Forest Council.

It was noted that the proposal from Bracknell Forest Council made it clear that they would be unable to complete every element of the proposed specification and that external assistance would need to be sought for Phase 3 while Evershed's proposal did not contain full costing figures.

It was agreed that further work was required before a fully informed decision could be made and it was agreed that a further report would be brought to the next meeting. **(Action: Mark Moon/Oliver Burt)**

Members considered amended recommendations tabled at the meeting.

RESOLVED:

- i. That members request the release of a total of £60,000 for the funding from each authority, to allow the progression of the strategy set out in Evershed's advice dated 21 March 2012.
- ii. Members approve the prosecution of the strategy to complete the mediation process at an estimated cost of £45,000 and progress further investigation. In the event that the mediation is inconclusive and the authorities have to progress to a 'part 8' claim or early neutral evaluation to achieve a resolution, explicit approval will be sought from the Joint waste Disposal Board.
- iii. That any costs that might arise as a result of pursuing the amended recommendations tabled at the meeting be apportioned in accordance with the Joint Working Agreement i.e. that proportions of cost and potential share of revenue to be equal to the proportion of Contract Waste delivered by each council in the relevant year.

66. **Dates of Future Meetings**

It was acknowledged that evening meetings were problematic for Board members and it was agreed that future meetings of the Joint Waste Disposal Board would be scheduled to take place during office hours.

The possibility of increasing the frequency of Board meetings so that they became bi-monthly would enable the Board to respond in a timely fashion to any issues that might arise was suggested.

A meeting would be scheduled for July. Meeting dates for the remainder of the 2012-13 municipal year would be discussed at the July meeting.

CHAIRMAN