

JOINT WASTE DISPOSAL BOARD
22 MARCH 2006
(7.30 - 9.15 pm)

Present: Bracknell Forest Borough Council
Councillor I McCracken
Councillor Mrs Ballin

Reading Borough Council
Councillor S Waite

Wokingham Borough Council
Councillor R Stanton (Chairman)

Officers: Ms J Dowlman, Bracknell Forest Borough Council
Mr D Fisher Reading Borough Council
Mr J Freer Bracknell Forest Borough Council
Ms J Holland, Wokingham District Council
Mr M Moon Wokingham District Council
Ms Yvonne Dawson, Wokingham District Council
Mr O Burt Reading Borough Council
Mr K Holyer Reading Borough Council
Ms N Norris Bracknell Forest Borough Council
Mr V Paliczka, Bracknell Forest Borough Council

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R McKenzie, Reading Borough Council and Councillor T Holton, Wokingham District Council.

24. MINUTES

RESOLVED that the minutes of the meeting of the Board held on 31 January 2006 be confirmed as a correct record and signed by the Chairman.

25. DECLARATIONS OF INTEREST

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

26. URGENT ITEMS OF BUSINESS

There were no urgent items of business received.

27. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, pursuant to Section 100A of the Local Government Act 1972, members of the public and press be excluded from the meeting for the consideration of items 6 and 7, which involved the likely disclosure of exempt information under the following paragraph of Schedule 12A to the Act, as amended:

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information), provided that Information in this category is not exempt information if it is required to be registered under the Companies Act 1985; the Friendly Societies Acts 1974 and 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.

The Chairman altered the order of the remainder of the business as hereinafter minuted.

28. Negotiations with Preferred Bidder

There was submitted a report by the Project Director, (1) updating the Board on the negotiations that had taken place since the last meeting, through the Joint Project Team (JPT) of Council Officers and consultant advisers, with the Councils' preferred bidder, Waste Recycling Group (WRG), and (2) highlighting the current status of the main strands of the negotiation.

The report went on to give the background on the negotiation approach, the status of negotiations, the technical, financial and legal strands surrounding the negotiations and the standardisation of Private Finance Initiative (PFI) contracts.

The Project Team delivered a presentation on the key themes attached to the negotiations with WRG which addressed, specifically what the Councils were buying, for how much and on what terms as well as the affordability of the product and the fall-back position in place.

The Board was advised that, in respect of the payment mechanism to be applied, progress was satisfactory on most items, however, there had been a reluctance from WRG in respect of certain contractual guarantees and obligations.

A general discussion ensued on the price increases that had occurred and the reasoning behind these. Assurances were given that WRG would be challenged on the increases, particularly with regard to waste composition, haulage costs and the operational price review. Notwithstanding this, the Board was assured that the Contract was still deliverable and would provide value for money.

RESOLVED that the approach to the preferred bidder negotiations and the progress of the negotiations to date, subject to WRG's reasoning behind the envisaged increases in costs, be noted.

29. Update on Joint Working Agreement

There was submitted a report by Bracknell Forest's Borough Solicitor advising the Board on the progress and the current status of the Joint Working Agreement (JWA) between the three Councils, a copy of which (Version 12) was attached to the report.

The report advised the Board that the JWA had been the subject of a second review by Eversheds and had been amended to take into account a number of minor drafting issues and comments made by Eversheds. The report highlighted the following new and additional matters which had been incorporated within Version 12 of the JWA:

- provisions relating to the Administering Authority

- provisions relating to the appointment of the Project Director
- payment provisions
- changes to the works and services
- landfill allowances
- relief events
- deemed decisions

In noting the new and additional matters incorporated, the Board acknowledged that the following issues still needed to be concluded within the JWA:

- agreement to the provisions for decisions within Schedule 4 (the matrix of delegation)
- the constitution of the new JWDB
- Principal Contract management arrangements
- Treatment of assets on termination

RESOLVED that the progress of the Joint Working Agreement be noted.

30. **Date of Next Meeting**

It was agreed that the date of the next meeting would be held at 7.30pm on Thursday 1 June 2006 at the offices of Wokingham District Council.

CHAIRMAN