

The West of England Partnership

Joint Waste Management Committee

**Held on 11 December 2008
at The Campus, Weston-super-Mare**

Present:

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| Cllr Carl Francis-Pester | North Somerset Council (Chair) |
| Cllr Mark Bradshaw | Bristol City Council |
| Cllr Charles Gerrish | Bath and North East Somerset Council |
| Cllr Heather Goddard | South Gloucestershire Council |

In attendance:

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| Steve Evans | South Gloucestershire Council |
| Steve Moore | Bristol City Council |
| Malcolm Nicolson | North Somerset Council |
| Carew Reynell | Bristol City Council |
| Matthew Smith | Bath and North East Somerset Council |
| David Turner | North Somerset Council |
| Steve Gill | West of England Partnership |
| Sally Gregory | West of England Partnership |
| Kay Hobday | West of England Partnership |
| Terry Wagstaff | West of England Partnership |
| David Wright | West of England Partnership |

Observer:

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| Cllr Dr Mike Kellaway-Marriott | North Somerset Council |
| Mike Williams | Waste Infrastructure Delivery Programme |
| John Downer | Jacobs |

Apologies:

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| Cllr Roger Hutchinson | South Gloucestershire Council |
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1. Declarations of interest

There were none.

2. Member and Public Forum

There were no items from members or the public.

3. Minutes of the meeting held on 13 November

It was agreed that these be approved as a true record.

4. Joint Waste Management Contract Phase 3: Lead Authority for Procurement

It was agreed that Bristol City Council continue to be the Lead Authority for Procurement.

5. Scheme of Delegation

Cllr Gerrish asked for clarification of the Project Director's freedom to act in relation to the competitive dialogue (paragraph 4 and paragraph 7.5). It was intended that the competitive dialogue was supported by nominated Lead Officers from each authority involved in the negotiation. Cllr Francis-Pester requested clarification that the resource to support this was available.

It was noted that, because of time sensitivities, the Joint Committee needed an input to work programmes at the point of scoping. Decisions reserved to Councils (paragraph 6) were ultimately decisions for the Leaders, which would then be referred back to the Joint Committee, rather than the Councils.

Malcolm Nicolson advised that the urgency provisions in the constitution mirrored those of the unitary authorities and were subject to notification of the Joint Scrutiny Committee chair.

The Scheme of Delegation was agreed.

6. Joint Waste Management Contract Phase 2: Criteria for evaluating tenders

David Wright clarified that the process would be open to companies from around the world. There were particular concerns about financial assessments and reliability on Dun and Bradstreet, which was historical information. Carew Reynell agreed for the need for up-to-date information and said that this was only part of the information available, although none gave absolute certainty.

It was noted that each section would require a minimum requirement of 10% (ie 40% of the available score, with a weighting of 25%). In relation to the site, Stage 1 would look at the proposed site and the likelihood of getting planning permission, while at Stage 2 it was necessary to demonstrate control of the site. The company's approach to obtaining permits was covered in both parts.

The Committee was advised that the WRATE model was the best model available to assess sustainability. It had embedded data which would be the default option. However, the providers of the technology could use other data if they specified what they used and justified its use.

It was confirmed that providers were not limited to using road transport.

There was concern that there needed to be proof that the technology could handle West of England waste. If a contractor's operation elsewhere was waste specific, there would be a need to look carefully at how mixed waste would be treated.

An assessment of the equivalent costs of sending waste to landfill would involve use of a model. In addition there would be information from across the four authorities and there may be national surveys which would assist.

A note was circulated summarising the views of Joint Scrutiny members at a meeting earlier in the day, attached to these minutes. Six members had been present and each issue had been raised by at least 2 members. The first and second issues had already been covered. The third issue focused on who carried the risk. It was considered that the contractors were likely to ask about this and if they carried all the risk of a high proportion of prohibited/objectionable material, they would price accordingly. The amount of recycling would be reasonably well defined but the process would need to be capable of dealing with a wide range of waste composition.

There was an understanding of members' concern to ensure that smaller companies, possibly with more innovative technologies, weren't excluded; however, the technologies would need to be proven and the financial tests should not be watered down so as to put the authorities at risk. There was a tension between the management of risk to ensure delivery and innovation. Members said that they did not want to dilute the financial appraisal but, dependent on proved technologies, did wish to see businesses of all sizes coming forward.

Members approved the financial and quality evaluation criteria detailed in the report and appendix as a framework to evaluate the Phase 2 contract.

7. Bristol Call-In of the Outline Business Case decision

Cllr Mark Bradshaw said that the Call-In of the Bristol Cabinet decision on 31 October had been considered and the decision had been referred back to the Cabinet.

Date of next meeting:

Thursday 12 February, 1pm at the Campus, Weston-super-Mare.

Comments from the Joint Scrutiny Committee meeting held on the morning of 11 December

Joint Scrutiny members:

- Sought clarity around the financial assessments being undertaken at PQQ and Tender Stages.
- Asked a question about the standard expected from contractors in regard to level 1 criteria, i.e. was there a de-minimus level at which they would not be considered.
- Felt that we should not be asking for a separate price for prohibited/objectionable materials. Felt that a single tender price for receipt of all waste would remove the potential for disputes.
- Had concerns about the implications of each UA's own collection and recycling arrangements regarding the amount of objectionable and prohibited materials that might find its way into the residual waste stream.
- Had concerns about a too rigorous financial appraisal which in the current climate might preclude smaller companies from being invited to tender and limit innovative solutions coming forward.
- Sought clarity around the interface/linkage between phase 2 and phase 3 and again sought reassurance that smaller companies will be adequately considered.

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