

**To: Members of the Cabinet**

## ***Notice of a Meeting of the Cabinet***

**Monday, 7 September 2009 at 2.00 pm**

**County Hall, Oxford, OX11ND**



Joanna Simons  
Chief Executive

August 2009

**Contact Officer: Sue Whitehead**  
*Tel: (01865) 810262; E-Mail: sue.whitehead@oxfordshire.gov.uk*

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<i>Councillors</i>	<b>Membership</b>
Mitchell	- <i>Leader</i>
David Robertson	- <i>Deputy Leader</i>
C.H. Shouler	- <i>Cabinet Member for Finance &amp; Property</i>
Jim Couchman	- <i>Cabinet Member for Adult Services</i>
Ian Hudspeth	- <i>Cabinet Member for Growth &amp; Infrastructure</i>
Louise Chapman	- <i>Cabinet Member for Children, Young People &amp; Families</i>
Michael Waine	- <i>Cabinet Member for Schools Improvement</i>
Rodney Rose	- <i>Cabinet Member for Transport Implementation</i>
Mrs J. Heathcoat	- <i>Cabinet Member for Safer &amp; Stronger Communities</i>

*The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on 15 September 2009 unless called in by that date for review by the appropriate Scrutiny Committee. Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.*

*Date of next meeting: 15 September 2009*

## **Declarations of Interest**

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**

- guidance note opposite

3. **Petitions and Public Address**

## **EXEMPT ITEMS**

In the event that any Member or Officer wishes to discuss the information set out in Annexes 2 and 3, the Cabinet will be invited to resolve to exclude the public for the consideration of those Annexes (marked **CA4E – Annex 2** and **CA4E – Annex 3**) by passing a resolution in relation to that item in the following terms:

***"that the public be excluded during the consideration of Annexes 2 and 3 since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".***

**NOTE:** The report and Annex 1 do not contain exempt information and are thus available to the public. The exempt information is contained in confidential annexes (Annexes 2 and 3).

**ANNEXES 2 & 3 TO THE REPORT HAVE NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.**

**THIS IS FOR REASONS OF COMMERCIAL SENSITIVITY AND THE FINANCIAL RISK TO THE COUNCIL IF THE CONTENTS ARE DISCLOSED.**

**THIS ALSO MEANS THAT THE CONTENTS SHOULD NOT BE DISCUSSED WITH OTHERS AND NO COPIES SHOULD BE MADE.**

## **4.E Oxfordshire Residual Waste Treatment Procurement - Selection of Preferred Bidder (Pages 1 - 18)**

*Cabinet Member: Finance & Property*

*Forward Plan Ref: 2009/148*

*Contact: Frankie Upton, Waste Project Manager, Waste Management Group, Sustainable Development Service, E&E (01865 815824)*

Report by Director for Environment & Economy (**CA4E**).

*(The information contained in Annexes 2 and 3 is exempt in that it falls within the following prescribed category:*

- 3 – *information relating to the financial or business affairs of any particular person (including the authority holding that information)*

*It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would prejudice on-going negotiations and disadvantage the companies concerned.)*

**Please note that members of the public will re-admitted to the meeting in order to hear the decision.**

Oxfordshire County Council is procuring a residual waste treatment contract to divert waste away from landfill. In March 2007 the contract was advertised in the Official Journal of the European Union (OJEU). The competitive dialogue procurement process has been followed and on 1 May 2009 final tenders were submitted by the two remaining participating companies – Viridor Waste Management Ltd (Viridor) and Waste Recycling Group (WRG), who have both proposed energy from waste (EfW) solutions using incineration with energy recovery.

The final tenders have been subject to rigorous evaluation by the project team using technical, financial, and legal criteria, including a value for money assessment undertaken by the internal project team. The purpose of the report is to explain the procurement process and the outcome of the evaluation, and seek authorisation to appoint a preferred bidder.

The report and recommendations are presented in a neutral way (referring to the two bidders as Tenderer 1 and Tenderer 2) to enable the Cabinet to take an impartial decision.

The identities of Tenderer 1 and Tenderer 2 will be made public at a later date.

***Cabinet is RECOMMENDED to:***

- (a) note the outcome of the evaluation which is that Tender 2 is the leading bid;***
- (b) endorse the selection of Tenderer 2 as preferred bidder subject to satisfactory agreement of the preferred bidder letter of appointment with Tenderer 2;***
- (c) authorise the Director for Environment & Economy following consultation with the Cabinet Member for Growth and Infrastructure to agree the preferred bidder draft letter of appointment; and***
- (d) subject to (b) authorise the Director for Environment & Economy to continue with the clarification and confirmation of commitments required to fine tune the contract with Tenderer 2, develop final documentation, and report back to Cabinet to seek authority for the***

***Council to award a contract.***

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