

To: Members of the Cabinet

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

**Tuesday, 27 July 2010 at 10.00 am**

**County Hall, Oxford, OX11ND**

*Joanna Simons*

Joanna Simons  
Chief Executive

July 2010

Contact Officer:

**Sue Whitehead**

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### *Councillors*

### **Membership**

Keith R. Mitchell CBE	- <i>Leader of the Council</i>
David Robertson	- <i>Deputy Leader of the Council</i>
Arash Fatemian	- <i>Cabinet Member for Adult Services</i>
Ian Hudspeth	- <i>Cabinet Member for Growth &amp; Infrastructure</i>
Jim Couchman	- <i>Cabinet Member for Finance &amp; Property</i>
Kieron Mallon	- <i>Cabinet Member for Police &amp; Policy Co-ordination</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</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 Wednesday 4 August 2010 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: 10 August 2010*

## **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 Part 9.1 of the Constitution for a fuller description.

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

You must always declare any "personal interest" in a matter under consideration, i.e. 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 - 4, the Cabinet will be invited to resolve to exclude the public for the consideration of those Annexes by passing a resolution in relation to that item in the following terms:

***"that the public be excluded during the consideration of Annexes 2, 3 and 4 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 2, 3 and 4.

**ANNEXES 2, 3 and 4 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. **Oxfordshire Residual Waste Treatment Procurement - Award of Contract**  
(Pages 1 - 56)

*Cabinet Member:* Growth & Infrastructure

*Forward Plan Ref:* 2010/110

*Contact:* Frankie Upton, Waste Project Manager (01865) 815824

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

*(The information contained in Annexes 2, 3 and 4 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 company concerned.)*

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

Oxfordshire County Council has been procuring a residual waste treatment contract to divert waste away from landfill in accordance with the Oxfordshire Joint Municipal Waste Management Strategy. In March 2007 the contract was advertised in the Official Journal of the European Union (OJEU). On 7 September 2009 the Cabinet selected Viridor as preferred bidder, and since then a process of clarifying and confirming commitments in the contract has been ongoing.

The report explains the nature of the contract and its legal and financial implications, including the allocation of risk between the council and the contractor. The report concludes that the contract provides value for money when measured against a do nothing base case and provides an acceptable balance of risk compared to price. It will deliver a residual waste treatment service that achieves virtually zero waste direct to landfill, and the offer is competitive in the current market. Therefore, having taken into account the uncertainties and risks posed by the planning process, authorisation is sought to award the contract.

***The Cabinet is RECOMMENDED to award the contract for the treatment of Oxfordshire's residual municipal waste to Viridor Waste Management Ltd and authorise;***

- a) ***the Director for Environment and Economy after discussion with the Cabinet Member for Growth and Infrastructure, to approve minor amendments to the form of contract, and any subsidiary or related documents, prior to its execution which do not modify substantial aspects of the contract or the commercial agreement with Viridor as outlined in the report;***
  - b) ***the Director for Environment and Economy to sign any subsidiary or related documents arising from the contract; and***
  - c) ***the Assistant Chief Executive and Chief Finance Officer to issue a certificate under the Local Government (Contracts) Act 1997 (the Certificate).***
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