

PROSIECT GWYRDD JOINT COMMITTEE MEETING

Thursday, 7 February, 2013 – 10.00 a.m.

LOCATION: Room 2, County Hall, Cardiff

Present:	Initials
Elected Members:	
Councillor Russell Goodway, Cardiff City Council	RG
Councillor Ashley Govier, Cardiff City Council	AG
Councillor David Poole, Caerphilly County Borough Council	DP
Councillor Keith Reynolds, Caerphilly County Borough Council	KR
Councillor Bryan Jones, Monmouthshire County Council	BJ
Councillor Phil Murphy, Monmouthshire County Council	PM
Councillor Gail Giles, Newport City Council	GG
Councillor Rob Curtis, Vale of Glamorgan CC	RC
Councillor Neil Moore, Vale of Glamorgan CC	NM
Officers:	
Mike Williams, Project Director, Prosiect Gwyrdd	MW
Andrew Kerr, SRO & Business Advisor, Prosiect Gwyrdd	AK
Melanie Clay, Chief Officer Legal & Democratic Services (Monitoring Officer), Cardiff City Council	MC

<p>Elizabeth Weale, Lead Legal Officer, Cardiff City Council</p> <p>Christine Salter, Treasurer, Prosiect Gwyrdd, Cardiff City Council</p> <p>Dave Harris, Business Advisor, Monmouthshire County Council</p> <p>Sheila Davies, Corporate Director, Newport City Council</p> <p>Andrew Morris, Newport City Council</p> <p>Marc Falconer, Lead Finance Officer, Cardiff City Council</p> <p>Mark Williams, Caerphilly County Borough Council</p> <p>Tara King, Business Advisor, Cardiff City Council</p> <p>Clifford Parish, Vale of Glamorgan CC</p> <p>Andrew Williamson, Technical Manager, Prosiect Gwyrdd</p> <p>Miriam Durkin, Democratic Services Officer, Newport City Council</p>	<p>EW</p> <p>CS</p> <p>DH</p> <p>SD</p> <p>AM</p> <p>MF</p> <p>MW</p> <p>TK</p> <p>CP</p> <p>AW</p> <p>MD</p>
<p>Apologies: Councillor R Truman (Newport City Council), D Perkins, Caerphilly CBC</p>	

No	Item	Action
62	Apologies for Absence Apologies for Absence were received from Councillor Truman (Newport City Council) and D Perkins (Caerphilly CBC)	Noted
63	Minutes The Minutes of 17 December, 2012 were confirmed as a true record and signed by the Chair. Re Minute 58, MF confirmed that WG had approved additional funding of £110,000 for this financial year.	Noted
64	<u>Preferred Bidder, Final Business Case (FBC) (including Appendices) and Second Joint Working Agreement (JWA2)</u> Prior to Members' consideration of this report the Chair referred to the magnitude of the decision being recommended to the Committee, the background, the process and the correspondence received on the matter. The Chair indicated that this solution had been sought in response to direct Government policy. He also referred to the fact that most Members of the Committee had been appointed from May, 2012 whilst the Project had been proceeding from 2009 although making the point that most Members had been on the partner Authorities prior to appointment to this Committee. Members considered a report upon the outcome of the Prosiect Gwyrd procurement process. MW gave a presentation on the key elements of the report. He	<p>1. To recommend to each Authority's Council the following:-</p> <p>(1) that Viridor is appointed as the Preferred Bidder;</p> <p>(2) that authority is delegated to the Senior Responsible Officer of the Project Board (in consultation with the Project Board) for finalisation of the procurement to successful contractual close (including any refinement of documentation (as referred to in the report));</p> <p>(3) that the FBC is approved, including the improved affordability position in terms of both i) the large reduction compared to the original OBC affordability threshold and ii) the significant costs saving relative to continuing to landfill residual waste;</p> <p>(4) that, subject to Cardiff Council agreeing, Cardiff Council acts as Host Authority (as defined in the Joint Working Agreement 2 (JWA2));</p> <p>(5) that the JWA2 is approved (on the understanding that it is subject to any refinement and finalisation as per recommendation (6));</p>

gave details on the whole process since the inception of Prosiect Gwyrdd making the point that the project had been technology neutral from the outset, none favoured, no contractor excluded or disadvantaged. It had been a long, robust process.

MW responded to Members questions and MC advised Members that in terms of the law governing public procurement that Project Gwyrdd had undertaken a robust tender process in compliance with the relevant law. MC also advised Members on the procedure for Authorities' consideration of the Joint Committee's recommendations and the status of the Project Board appointed by the Partner Authorities.

MW and EW advised in response to questions on the liability of each Authority. MW advised in response to a question as to the provision of transport.

MW referred to the next steps if all Partner Authorities approve the recommendations of the Joint Committee.

In September, 2015 commissioning with the Partnership's waste would start requiring all the Partnership's waste that would otherwise be going to landfill and the Partnership be charged a reduced cost. The contract service period would commence in April, 2016 for a period of 25 years, if one or more of the Partners wanted to continue under the same contract, they would have the option to extend for a further 5 years.

(6) that authority is delegated to each Council's Senior Responsible Officer (SRO) on the Project Board to finalise and conclude the JWA2 agreement (including any refinements pursuant to recommendation (ii) on behalf of their respective Authorities;

(7) subject to WG approving the FBC and confirming subsequent funding, conclusion of the JWA2 and Cardiff Council agreeing to act as Host Authority, that a relevant authorised officer of Cardiff Council on behalf of the Partnership signs the Project Agreement with Viridor;

(8) that, subject to recommendations 1 - 7 above, the s151 Officer from Cardiff Council in consultation with the s151 Officers of the other Partner Authorities signs the certificate pursuant to the Local Government (Contracts) Act 1997 on behalf of the other Partner Authorities.

(9) that the Joint Committee, subject to recommendations 1, 2 and 3 above, authorises submission of the FBC to the Welsh Government (WG) for formal approval on the understanding that the FBC is subject to approval by each Partner Authority.

2. That the thanks of the Joint Committee for the work of the Officer team working on Prosiect Gwyrdd against the background of political change be recorded.

	<p>The Joint Committee approved referring the recommendations as amended to all Partner Authorities for their decision, having considered the report/appendices in Part 2 of the Agenda (Minute 66 below refers)</p>	
65	<p>Exclusion of Press and Public The press and public were excluded during consideration of the following item (Minute 66) on the grounds that it contained exempt information as defined in Paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972.</p>	
66	<p>Preferred Bidder, Final Business Case (FBC) and Second Joint Working Agreement (JWA2) The Joint Committee considered Appendices A, B (exempt part C and E of the Report considered in Part 1 of the Agenda (Minute 64 above refers).</p>	Noted
67	<p>Date of Next Meeting 15 February, 2013 at 10.00 a.m. at County Hall, Cardiff (this is a provisional meeting and is subject to the outcome of the Joint Scrutiny Panel which is meeting in 13 February 2013. Members will be informed accordingly).</p>	Noted
	<p>(This matter was considered in Part 1 of the Agenda)</p>	