

Time commenced 6.00pm  
Time finished 7.08pm

**NEIGHBOURHOODS COMMISSION  
04 APRIL 2011**

Present: Councillor Troup (Chair)  
Councillors Barker, Berry, Harwood, Jackson, Rawson, Redfern

In attendance: Councillors Holmes, Shanker and Turner

**99/10 Apologies for Absence**

Apologies were received from Councillors Graves and Poulter.

**100/10 Late Items Introduced by the Chair**

There were no late items.

**101/10 Declarations of Interest**

There were no declarations of interest.

**102/08 Call-In**

**Waste Management Contract Update**

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of the Waste Management Contract Update (minute number 215/10) made by Council Cabinet at its meeting on 15 March 2011.

The request for call-in had been made by Councillors Redfern, Shanker and Turner.

The Commission was provided with copies of the reports considered by the Council Cabinet on 15 March 2011, the letter requesting the call in and an extract of the Council Cabinet minute 215/10.

The call-in letter stated that in taking decision the Council Cabinet had breached the following five principles of decision making as set out in Rule OS33 of the Constitution:

- a. proportionality;
- b. due consultation and the taking of professional advice from officers;
- c. a presumption in favour of openness;
- d. clarity of aims and desired outcomes; and
- e. a record of what options were considered and giving the reasons for the decision

In accordance with the Protocol, Councillors Redfern, Shanker and Turner were invited to attend the meeting and address the Commission to present the case for the call-in. Members of the public also present at the meeting were also invited to address the Commission by the Chair.

The signatories stated that there were two issues to the report, namely the proposed gasification plant in Sinfen and the project plan for handling the city's waste. The signatories stated that a confirmed project plan should have been in place before a new contract was signed which would have formed the basis of a sound decision. They added that the circumstances, technology and finances available had all changed since the original contract was signed so the contract needed to be reassessed if not put out to tender. The signatories stated that because of the impact of the proposal combined with the significant funding required that this project would have lasting repercussions for years if it was not handled correctly. Therefore, they added, the onus was on the Council to make the right decision now.

The Cabinet Member for Planning and Environment and the Strategic Director of Neighbourhoods responded to the points outlined by Councillors Redfern, Shanker and Turner. The Strategic Director for Neighbourhoods stated that because the gasification plant which had been proposed for Sinfen had not been granted planning permission the Council needed a way to deal with its residual waste. In a year's time there would be no one contracted to do this. Therefore the Council Cabinet had decided to extend the current contract with RRS until 2014 so that they could explore all the options for dealing with the city's residual waste. This report was not about the gasification plant. The tonnage of waste being dealt with by the Council was reducing, the Council wanted to improve on the gains it had made in recycling but regardless of those facts the residual waste had to be dealt with in the mean time.

Members of the commission asked questions of the signatories and the Cabinet Member relating to the decision. Councillors Berry and Harwood expressed concern that tendering for a short term contract to deal with the residual waste would be very expensive. They felt that retaining the status quo would be the best option for the city.

Councillor Barker asked how realistic it would be to bring in a short term contract to deal with the residual waste. The Strategic Director of Neighbourhoods stated that a new contract would have to be in place by the end of June next year. He said that it would be possible but there would be very tight.

The signatories expressed concern that this report would commit the Council to the gasification plant. The Strategic Director of Neighbourhoods stated that this would not commit the Council to the plant and any decision on a plant would need to be signed off by the Cabinets of every Council involved before financial close. By approving this report the Cabinet had ensured only that the status quo continued.

The Chair asked if the report breached European Procurement Directives. The Overview and Scrutiny Co-ordination Officer stated that the Head of Procurement had advised him that there would be no breach of European Law if the Council signed this short term contract amendment. The Waste Contracts and Projects Manager stated that the original contract had been tendered on the basis that the

plant would be built in Derby or Derbyshire. So long as that remained the case then the Council would not be in breach of those directives.

Councillor Shanker made a further statement to the Commission followed by a statement from the Cabinet Member for Planning and Environment.

After hearing the submissions from Councillors Redfern, Shanker and Turner and the Cabinet Member for Planning and Environment, the Members of the Neighbourhoods Commission considered whether the decision of the Council Cabinet had breached any of the principles set out in the call-in under Rule OS33 of the Constitution.

**Resolved that the Commission found that none of the principles of decision making under rule OS33 had been breached by the Council Cabinet's decision stated in Cabinet minute No 215/10.**

MINUTES END