

Referrals from Council: Long-term Waste Contract

SUMMARY

- 1.1 Two resolutions requesting Council Cabinet action were passed at the meeting of Council held on Thursday 27 September 2018.
- 1.2 These are now presented to Council Cabinet for consideration.

RECOMMENDATION

- 2.1 To defer any decision on the Council resolutions until they can be considered alongside up-to-date and appropriate technical, financial and legal information.

REASONS FOR RECOMMENDATION

- 3.1 To ensure the resolutions are not considered in isolation but instead in the full context of their potential implications.

SUPPORTING INFORMATION

- 4.1 The following resolution was moved by Councillor Shanker and seconded by Councillor Peatfield:

Sinfin Incinerator has had a chequered and contentious cross party history from concept, site-selection, planning, financial viability, construction and commissioning.

More than 10 years down the line and 18 months after the handover deadline, many of the concerns and fears raised by local councillors and the Sinfin, Osmaston and Normanton community have been proven to be totally valid. The plant causes severe odour and noise pollution, impacting the daily lives of local residents. Something that the companies involved promised would never happen.

The entire financial justification of what is the biggest contract this Council has ever entered into is no longer credible.

Council therefore calls upon the Cabinet to exercise the legitimate break clause provided in the contract, signed and agreed by all concerned parties, to terminate the Sinfin Waste Plant contract.

- 4.2 The following resolution was moved by Councillor Evans and seconded by Councillor Bettany:

Council notes recent publicity in relation to the waste treatment plant in Sinfin.

Council also notes that the original contract entitled the authority to terminate if the required completion certificate had not been provided by 30 September 2018, this date being 18 months after the original planned date for completion.

In the event that this completion certificate remains outstanding on 30 September 2018, Council calls upon the Council Cabinet to exercise its right to then terminate the contract.

- 4.3 Both resolutions were passed by majority following recorded votes.

OTHER OPTIONS CONSIDERED

- 5.1 To agree at this meeting, that the resolution of Council be followed by the Council Cabinet. This is not recommended due to the weight of relevant information which should be considered before making any such decision. It has not been possible to prepare this information in time for this meeting.
- 5.2 To agree, at this meeting, that the resolution of Council be not followed by Council Cabinet. This is not recommended as the resolution has been passed properly and so merits proper consideration alongside the relevant information before it is determined.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	
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For more information contact: Background papers: List of appendices:	Glen O'Connell 01332 643775 glen.o'connell@derby.gov.uk None Appendix 1 – Implications
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IMPLICATIONS

Financial and Value for Money

- 1.1 None arising directly from the recommendation shown in the report. However, there could be significant implications if Council Cabinet opted for the 'other option' detailed at paragraph 5.1 of the report.

Legal

- 2.1 The recommendation in the main report and the comments in paragraph 1.1 of this Appendix are supported. In order to make a rational and reasonable decision on this contract, it is essential that the Council Cabinet has available to it, up to date technical, financial and legal advice, and this is not yet available.

Personnel

- 3.1 None.

IT

- 4.1 None.

Equalities Impact

- 5.1 None.

Health and Safety

- 6.1 None.

Environmental Sustainability

- 7.1 As detailed at paragraph 1.1 of this Appendix.

Property and Asset Management

- 8.1 As detailed at paragraph 1.1 of this Appendix.

Risk Management and Safeguarding

- 9.1 As detailed at paragraph 1.1 of this Appendix.

Corporate objectives and priorities for change

- 10.1 None.

