

Report to:	EXECUTIVE
Relevant Officer:	John Blackledge, Director of Community and Environmental Services
Relevant Cabinet Member:	Councillor A. Cross, Cabinet Member for Street Scene and the Environment
Date of Meeting:	21 st July 2014

LANCASHIRE MUNICIPAL WASTE JOINT WORKING AGREEMENT

1.0 Purpose of the report:

- 1.1 To inform the Executive of the proposed changes to the Lancashire Municipal Waste Joint working Agreement between Blackpool Council and Lancashire County Council and provide the relevant background information along with details of the implications of the same for the Council.

Furthermore, to seek approval for further future actions.

2.0 Recommendation(s):

- 2.1 To approve the Deed of Variation to the existing 'Joint Working Agreement Relating to the Lancashire Municipal Waste PFI' to be effective upon termination of the Contract.

3.0 Reasons for recommendation(s):

- 3.1 Changes are required to the existing Joint Working Agreement with Lancashire County Council, in order to provide continuity of services and maintain the joint working arrangements with Lancashire County Council as a consequence of Lancashire County Council's proposed revised arrangements for the Lancashire Municipal Waste PFI Contract Waste PFI Project. The proposed changes will be set out in a Deed of Variation to the current Joint Working Arrangement.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? NO
- 3.2b Is the recommendation in accordance with the Council's approved budget? YES

3.3 Other alternative options to be considered:

The Council could request that Lancashire County Council reconsiders its revised proposals for the Lancashire Municipal Waste PFI Contract. However, it should be noted that it is anticipated that revised proposals will have significant financial and performance benefits to the Council.

4.0 Council Priority:

4.1 The relevant Council Priority is:
'Improve health and well-being especially for the most disadvantaged'

5.0 Background Information

5.1 Lancashire County Council ("LCC") entered into the Lancashire Municipal Waste PFI Contract ("the Contract") in 2007 on behalf of both local authorities. Under the terms of a Joint Working Arrangement ("JWA"), Lancashire County Council acts as Agent for the Council in relation to the Contract and its role as Waste Disposal Authority.

5.2 Further details of the situation and proposed future options are included in the attached document which is exempt for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

5.3 Does the information submitted include any exempt information? No

This report does not contain exempt information but this is included in Appendices listed below.

List of Appendices:

Appendix 2a- Additional Information on the Proposed
Appendix 2b- Draft Deed of Variation
Appendix 2c- Draft Settlement Terms
Appendix 2d- Comparison of Costs

All these appendices are not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

6.0 Legal considerations:

6.1 The Joint Working Agreement was entered into in 2007 and remains the basis of the continued arrangements between the Council and Lancashire County Council in relation to the provision of services as part of the Council's role as Waste Disposal Authority. The Deed of Variation to the Agreement has been drafted in consultation with Lancashire County Council and agreed by the Council's Legal Services team and the final version will require the approval of both Councils prior to execution.

7.0 Human Resources considerations:

7.1 There are no Human Resource implications for the Council, albeit the team from Waste and Integrated Transport are already involved. Lancashire County Council is providing all resources required in relation to the termination of the contract, any relevant due diligence and transition arrangements. There are no equality issues or implications in relation to this decision.

8.0 Equalities considerations:

8.1 None arising from this decision.

9.0 Financial considerations:

9.1 Details of the financial consideration are exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and are outlined in the confidential Appendices to this report.

10.0 Risk management considerations:

10.1 Details of the risk management consideration are exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and are outlined in the confidential Appendices to this report.

11.0 Ethical considerations:

11.1 Going forward, performance of the plants will be overseen by a Board of Directors, which will include representation from the Council.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation and dialogue has been ongoing with the Banks and Stakeholders.

13.0 Background papers:

13.1 None

ONLY APPLICABLE FOR REPORTS WHICH WILL EVENTUALLY BE CONSIDERED BY THE EXECUTIVE/ CABINET MEMBER

14.0 Key decision information:

- 14.1 Is this a key decision? YES
- 14.2 If so, Forward Plan reference number: 11/2014
- 14.3 If a key decision, is the decision required in less than five days? N/A
- 14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

- 15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? NO
- 15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC SERVICES

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 11th July 2014 Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1

18.0 Executive decision:

18.1

18.2 Date of Decision:

19.0 Reason(s) for decision:

19.1 Date Decision published:

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1