

Record of the decisions of the meeting of the **CABINET** held at the Offices of Shepway District Council, Folkestone on Wednesday, 13 October 2010 at 3.30 pm.

Present:

Chairman: Councillor P A Watkins

Councillors: T J Bartlett
S S Chandler
N J Collor
P G Heath
F J W Scales
C J Smith
I H Ward

Also Present: Councillor R H C Bliss, Shepway District Council
Councillor H A Barker, Shepway District Council
Councillor K T Belcourt, Shepway District Council
Councillor P J Carr, Shepway District Council
Councillor A G Clifton-Holt, Shepway District Council
Councillor M J Dearden, Shepway District Council
Councillor R C Love, Shepway District Council
Councillor D D Monk, Shepway District Council
Councillor W L Richardson, Shepway District Council
Councillor C J Waters, Shepway District Council
Chief Executive, Shepway District Council
Head of Corporate Services and Monitoring Officer, Shepway District Council
Director of Landlord Services, Shepway District Council
Democratic Services Manager, Shepway District Council
Councillor D Brazier, Kent County Council
Director of Environment and Waste, Kent County Council
Solicitor – Contracts & Procurement Team, Kent County Council
(A Rotolo)

Officers: Chief Executive
Director of Finance and ICT
Director of Governance
Director of Property, Leisure and Waste Management
Solicitor to the Council
Democratic Support Officer

An apology for absence was received from Councillor N S Kenton.

The formal decisions of the Executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 44 13.10.10 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 21 October 2010</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – EAST KENT WASTE CONTRACT</u></p> <p>It was agreed that the Scrutiny (Policy and Performance) Committee be thanked for its support of the East Kent Waste project, and the recommendations made at its meeting held on 12 October 2010 approved as follows:</p> <p>(a) That, subject to:</p> <p style="padding-left: 20px;">(i) The completion of an inter-authority agreement between Dover District Council, Shepway District Council and Kent County Council;</p> <p style="padding-left: 20px;">(ii) The suitable mitigation of any remaining significant risk items;</p> <p style="padding-left: 20px;">(iii) The standstill period; and</p> <p style="padding-left: 20px;">(iv) The completion of legal formalities</p> <p>to the satisfaction of the Director of Property, Leisure and Waste Management in consultation with the Solicitor to the Council and the Portfolio Holder for Environment, Waste and Planning, the contract for Recycling and Waste Collection and Street Cleansing Services be awarded to Bidder F.</p> <p>(b) That, subject to recommendation (a), the Director of Property, Leisure and Waste Management be authorised to discharge the</p>	<p>None.</p>	<p>At its meeting held on 12 October 2010, the Scrutiny (Policy and Performance) Committee considered the report of the Director of Property, Leisure and Waste Management and endorsed the report's recommendations.</p>	

	<p>executive functions accepted by Council.</p> <p>(c) That the finalisation of the inter-authority agreement between Dover District Council, Shepway District Council and Kent County Council be delegated to the Solicitor to the Council in consultation with the relevant Portfolio Holder.</p>			
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Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 45 13.10.10 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply (a) Yes (b) No</p> <p>Implementation Date (a) 21 October 2010 (b) 2 December 2010</p>	<p><u>EAST KENT WASTE CONTRACT</u></p> <p>(a) It was agreed:</p> <p>(i) That, subject to the completion of an inter-authority agreement between Dover District Council, Shepway District Council and Kent County Council; the suitable mitigation of any remaining significant risk items; the standstill period and the completion of legal formalities to the satisfaction of the Director of Property, Leisure and Waste Management, in consultation with the Solicitor to the Council and the Portfolio Holder for Environment, Waste and Planning:</p> <p>(A) the contract for Recycling and Waste Collection and Street Cleansing Services be awarded to Bidder F;</p> <p>(B) the Director of Property, Leisure and Waste Management be authorised to discharge the executive functions accepted by the Council pursuant to the recommendation set out in the report.</p> <p>(ii) That the finalisation of the inter-authority agreement between Dover District Council, Shepway District Council</p>	<p>To amend or reject the report's recommendations and additional recommendation tabled at the meeting.</p>	<p>At its meetings held on 11 January 2010 and 5 July 2010, Cabinet agreed to enter into a Memorandum of Understanding (CAB 91) and approved the Nominal Operating Model (CAB 14) in support of an east Kent partnership for the shared provision of recycling and waste services.</p> <p>Following a competitive tender process, and evaluation of the tenders by a Project Team,</p>	

	<p>and Kent County Council be delegated to the Solicitor to the Council in consultation with the relevant Cabinet Member.</p> <p>(iii) That, in recognition of the spirit in which the costs of procuring the Project Agreement have been shared equally to date, Dover District Council, Kent County Council and Shepway District Council agree to equally share any costs, liabilities and damages which may arise from any procurement challenge that may be made against Dover District Council in its role as contract-awarding authority under the Public Contracts Regulations 2006.</p> <p>(b) It was agreed to recommend to Council that, pursuant to the Local Government Act 2000 and the Regulations made under it, the delegation of executive functions from Shepway District Council and Kent County Council relating to the management of the contract, as detailed in paragraph 8.2 of the report, be accepted.</p>		<p>Cabinet is now required to award the 10-year contract for the provision of various services for refuse and recycling collections and street cleansing in the areas of Dover and Shepway, and material processing services for recyclate collected within the areas of Canterbury, Dover, Shepway and Thanet.</p>	
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The meeting ended at 4.53 pm.