



**Decision Ref. No.**  
*(Please enter)*  
**B027/17**

## DECISION RECORD <sup>1</sup>

Officer Key Decisions are subject to the Council's Call-In Procedure (Annex 9 of the Council's Constitution <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>)

**Subject: Extension of Residual Local Authority Collected Waste Disposal Arrangements**  
*(Please use the same title as provided in the Forward Plan)*

Staff Contact: Matthew King

Executive Member: Terry Hone

Tel: 01992 556207

Portfolio: Community Safety and Waste Management

### 1. Decision

To extend the residual waste disposal contracts with Viridor, FCC and Biffa as per the provision in the contract up to the potential maximum of March 2021 (subject to Veolia's Rye House facility becoming operational).

To vary the 1997 London Waste contract with LondonWaste Limited to enable continued use of the Edmonton EW up to maximum of December 2020.

### 2. Reasons for the decision

Should planning permission be granted for Veolia's Rye House ERF in Hoddesdon the facility would not be operational until late 2020/early 2021. Current contracts with Biffa, FCC and Viridor commenced in 2014 and have a natural expiry of March 2018 with the option for an extension of up to three years until March 2021. The 1997 contract with LondonWaste Limited expires in December 2017.

Extension of the contracts with Biffa, FCC and Viridor is permissible under the provisions detailed in the contracts.

Variation of the 1997 contract with LondonWaste Limited was the subject of a Voluntary Ex Ante Transparency (VEAT) notice (as appended) in the Official Journal of the European Union (OJEU) that set out the Authority's justification for continuation of disposal arrangements. There has been no challenge made during the 30 day period from publication of the VEAT notice.

The extension of the existing arrangements provides security in terms of proximate disposal options in the east of the county and provides continuity in terms of minimal impact for the delivery of Local Authority Collected Waste by the WCAs

### 3. Alternative options considered and rejected <sup>2</sup>

In order to secure disposal arrangements until the facility at Rye House is available the main options for consideration were as follows:

1. Go out to the market and re-procure disposal contracts
2. Extend the existing arrangements

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The market engagement exercise carried out in autumn 2016 showed that there were limited options beyond those facilities that we currently use and none that were not known to the Authority or that represented a demonstrably better route for disposal than existing contracts.

Whilst it is not possible to definitively identify the outcome of any procurement process the potential financial outcome has been assessed and a number of different scenarios run in the analysis, there is a high likelihood that there would be an overall increase in costs should arrangements be re-procured.

Re-procurement also brings the risk that facilities in close proximity would not be secured resulting in an increase in transfer costs for hauling waste over greater distances, potential additional costs for the WCAs as the distance to transfer may be greater and potential operational difficulties if there is a requirement to direct additional waste into the Authority's Waterdale Transfer Station in North Watford.

### 4. Consultation

#### (a) Comments of Executive Member<sup>3 4</sup>

I have considered the decision record and report and am content to proceed.

#### (b) Comments of other consultees<sup>5</sup>

None required.

### 5. Following consultation with, and the concurrence of the Executive Member, I am proceeding with the proposed decision.

Signed: ..

Title: *Head of*

Date: ...*25/5/17*.....

### 6. Copies of agreed document to:

- All consultees
- Chairman, and Vice-Chairmen of the Overview and Scrutiny Committee
- hard & electronic copy (for public inspection both at County Hall and on Hertsdirect) Democratic Services Manager - Room 213 County Hall.

<sup>1</sup> for guidance see Chief Legal Officer's note "Taking Decisions"

<sup>2</sup> details of any alternative options considered and rejected by the officer at the time the decision was made

<sup>3</sup> record any conflict of interest declared by any Executive Member consulted. If an Executive Member declares a conflict of interest DO NOT PROCEED without seeking advice from the Chief Legal Officer

<sup>4</sup> If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member before proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of the Council will need to be consulted

<sup>5</sup> If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.