

15 May 2014

8. CONSTITUTIONAL AND OTHER MATTERS

(a) Waste Credit Governance Committee

Recommendation

1. **The Head of Legal and Democratic Services recommends that Council:**
 - (a) establishes a Waste Credit Governance Committee with the Terms of Reference as set out in the attached Appendix;**
 - (b) appoints the Chairman and Vice-Chairman of the Committee; and**
 - (c) appoints the members of the Committee in accordance with the requirements of political balance and authorises the Head of Legal and Democratic Services to give effect to the nominations from time to time of the respective political Groups.**
2. **The Council will recall that on 16 January 2014 it authorised a loan of up to £125m to Mercia Waste Management Ltd (Mercia) as the best way to fund an Energy from Waste plant at Hartlebury. This was connected with a proposed variation to the existing Waste Management Services Contract with Mercia approved by Cabinet on 12 December 2013.**
3. **After much commercial negotiation, contract variation and loan agreements with Mercia are now ready for formal execution ('Financial Close'). The previous Council report proposed the establishment of a Waste Credit Committee to underline the separation between the Council's 2 roles as lender and as waste disposal authority. It was proposed that such a committee would operate during the period of the loan i.e. after Financial Close over the life of the Waste Management Services Contract (until 2023). The Council in January decided to reconsider the issue of a Waste Credit Committee at its May meeting.**
4. **The attached Terms of Reference propose a politically balanced cross-party committee to have oversight of the actions of the Council acting as lender. The Cabinet,**

not the Committee, would remain responsible for decisions in respect of the operation of the waste contract or any **waste disposal authority** executive functions. The Cabinet would have no supervisory or other responsibility for the Committee, and to emphasise this separation it is proposed that no members of Cabinet sit on this Committee.

5. The Council is therefore requested to establish the Committee with the attached Terms of Reference, and to appoint its Chairman. It is also requested to appoint a Vice-Chairman from a Group other than that forming the administration. Other appointments to the Committee would then follow in line with political balance and as nominated by the respective Group Leader.

6. It is anticipated that, if approved, the first meeting of the Committee would be in July 2014, meeting approximately every other month during the construction phase of the Energy from Waste plant, and less frequently thereafter.

(b) Council meeting dates for 2015

Recommendation

7. The Director of Resources recommends that the Council approves its programme of meetings for 2015 as follows:

15 January 2015
12 February 2015
14 May 2015
2 July 2015
17 September 2015
12 November 2015

8. County Council meeting dates are currently scheduled up to November 2014. To enable the 2015 meetings programme to be produced and help members plan their commitments, the Director of Resources suggests that further meetings of the Council be now scheduled for 2015. In accordance with the usual practice and pattern of meetings, further meetings (Cabinet, Committees and Panels) will be arranged and members notified in due course.

9. Members may wish to note that the remaining Council meetings for 2014 are scheduled for:

3 July 2014
18 September 2014, and
13 November 2014.

Supporting Information

- Appendix – Proposed Terms of Reference - for part (a)

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Director of Resources) the following are the background papers relating to the subject matter of this item:

Agenda papers relating to the meetings of the Cabinet held on 12 December and of Council held on 16 January 2014.