

Minutes of Leader Decision Making Session held on 25 June 2010

Present: Councillor Alan Farnell (Decision maker)

Officers: Jane Pollard, Democratic Services Manager
David Whitehouse, Project Manager Environment and Economy

1 (1) Members Declarations of Personal and Prejudicial Interests

None.

(2) Minutes of the meetings on 28 January 2010, 9 April 2010 and 18 May 2010

These were agreed.

2 Appointments and Delegations required to proceed with the Inter Authority Agreement for the W2R Energy from Waste Programme led by Staffordshire County Council

Councillor Farnell considered the report of the Strategic Director of Environment and Economy. David Whitehouse explained that the authority was hoping to sign the inter-authority agreement on 21 July 2010. This report dealt with the necessary delegations under that agreement.

Resolved

That the Leader approves the following delegations and appointments

1. Delegates to Staffordshire County Council the power to appoint an Authority Representative to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire County Council.
2. Appoints the Lead Portfolio Holder Environment and Economy as Warwickshire's Elected Member on the Contract Management Board and from time to time any other Lead/Support Portfolio Holder to act as his deputy in the event the Lead Portfolio Holder Environment and Economy is unavailable.
3. Appoints the Strategic Director of Environment & Economy or his nominee to act as Warwickshire's Officer Representative on the Contract Management Board and delegates to the Strategic Director Environment or his nominee to appoint an Officer to act as his deputy in the event the Strategic Director of Environment and Economy or his nominee is unavailable.
4. Delegates to the Lead Portfolio Holder Environment and Economy and any other Lead/Support Portfolio Holder who may from time to time act as his deputy, Strategic Director of Environment & Economy and Officers appointed to the Contract Management Board the powers to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire.

Schedule 3 is attached for information as an Appendix

3. Any other items

None.

.....
Leader

The meeting rose at 9: 05am

PROJECT W2R – INTER AUTHORITY AGREEMENT

SCHEDULE 3

REQUIRED APPROVALS

Nature of action / decision required	Category
Appointment of the Authority's Representative	Staffordshire Matter
General contract management, assessment and implementation of KPIs, daily contract monitoring	Authority's Representative
Review and commenting on/approval of Submitted Items pursuant to the Review Procedure	Staffordshire Matter
Agreeing extensions of time, relief from obligations and/or compensation as a result of Compensation/Relief Events	<p>Staffordshire Matter, save that:</p> <p>(a) Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter; and</p> <p>(b) where one or more of the Partners considers that the matter in question should be referred to either the Contract Management Board or the Authorities, that Partner or those Partners shall notify the remaining Authorities within 10 Business Days of receipt of notification from Staffordshire and the matter shall be referred to the Contract Management Board or the Authorities (as appropriate) and the decision shall be taken as a Contract Management Board Matter or a Matter Reserved to the Authorities (as appropriate);</p>

Nature of action / decision required	Category
Issue of an Authority Change Notice	Contract Management Board Matter
Approval of a Contractor Change Notice	Contract Management Board Matter
Agreeing the consequences of a Qualifying Change in Law	Contract Management Board Matter
Approval of insurers	Staffordshire Matter
Approval of any Reinstatement Plan	Staffordshire Matter
Uninsurability	Staffordshire Matter
Termination for Contractor Default pursuant to clause 62 of the Project Agreement	Matter reserved to the Authorities
Termination for Force Majeure pursuant to clause 64 of the Project Agreement	Matter reserved to the Authorities
Termination for Corrupt Gifts and Fraud pursuant to clause 69 of the Project Agreement	Matter reserved to the Authorities
Voluntary Termination pursuant to clause 70 of the Project Agreement	Matter reserved to the Authorities
Termination for breach of the Refinancing Provisions pursuant to clause 72 of the Project Agreement	Matter reserved to the Authorities
Step-in pursuant to clause 33 of the Project Agreement	Staffordshire Matter
Consent to assignment of the Project Agreement by the Contractor	Staffordshire Matter save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
Consent to sub-contract the Project Agreement by the Contractor	Staffordshire Matter save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon

Nature of action / decision required	Category
	becoming aware of any such matter.
All actions and decisions relating to the Dispute Resolution Procedure under the Project Agreement	Staffordshire Matter
Any waiver of any breach by the Contractor of the Project Agreement	Contract Management Board Matter