



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Extraordinary meeting of the County Council held at County Hall, Northallerton on 24 September 2014 commencing at 2.00pm.

Present:-

County Councillor Tim Swales in the Chair.

County Councillors Val Arnold, Margaret Atkinson, Andrew Backhouse, Robert Baker, Arthur Barker, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Lindsay Burr, Liz Casling, David Chance, John Clark, Richard Cooper, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Ennis, John Fort BEM, Andrew Goss, Helen Grant, Tony Hall, Michael Harrison, Michael Heseltine, Robert Heseltine, Peter Horton, Bill Hoult, David Ireton, Anne Jones, Mike Jordan, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Caroline Patmore, Chris Pearson, Joe Plant, Tony Randerson, Janet Sanderson, John Savage, Elizabeth Shields, David Simister, Andy Solloway, Peter Sowray, Helen Swiers, Cliff Trotter, John Weighell, Richard Welch, Robert Windass and Clare Wood.

Chairman's Announcements

The Chairman welcomed County Councillor Andy Solloway to his first meeting of County Council since being elected. He noted the apologies for absence received from County Councillors Philip Barrett, Jean Butterfield, Jim Clark, Bryn Griffiths, David Jeffels, Janet Jefferson, Andrew Lee, Brian Marshall, John McCartney, Robert Packham, John Ritchie, and Steve Shaw-Wright. He then informed Members of the sad news of the death of ex-County Councillor Richard Hall who had served from 1993 to 2009, and ex-County Councillor Bernard Bosomworth who had served from 1985 to 2001. Members stood in silence to their memory. The Chairman recorded sincere thanks on behalf of the County Council for the long service given by Lord James Crathorne KCVO who served as the Lord Lieutenant of North Yorkshire from 1999 until 2014. Good wishes were also recorded for the new Lord Lieutenant, Barry Dodd CBE. The Chairman reminded Members that the meeting was being recorded for upload via You Tube, and other media, and the time limits for speeches.

Public Questions or Statements

Notice had been received of ten statements and questions from members of the public. The text of these was circulated throughout the Council Chamber, the public gallery, and the Grand which served as an overflow video relay room. Copies of correspondence which had been circulated to all County Councillors prior to the meeting from Mr and Mrs Baker and Mr Andrew Jones MP, were similarly circulated. Copies of all are held in the Minute Book at pages at 6129 to 6150.

**Report of the Executive
Financial Close for the Long Term Waste Contract, subject to the final costs being
within the Value for Money Envelope.**

The recommendations in paragraph 1 of the report (pages 6151-6152) having been moved and seconded, it was moved and seconded as an amendment:

“County Council defers the decision to proceed to financial close to:

- (i) allow time for a full audit to be done of the financial aspects of the proposal.
- (ii) enable a Members Working Party to investigate the new financial aspects of the proposal.
- (iii) give officers the opportunity to present full costs of the alternatives that may be available.”

After debate, the Council divided and, on a show of hands, there were:

for the amendment – 17

against the amendment – more

and the amendment was declared lost.

(County Councillors Margaret Ann de Courcey-Bayley, John Blackie, Lindsay Burr, Sam Cross, Bill Hault, John Clark, Andrew Goss, Helen Grant, Peter Horton, Anne Jones, Stuart Parsons, Tony Randerson, John Savage, Elizabeth Shields, David Simister, and Robert Windass asked that it be recorded in the minutes that they voted for the amendment.)

Following further debate the Council divided on the motion and, on a vote by name, there were:-

| Councillors For | Councillors Against | Councillors Abstaining |
|------------------------|--------------------------------|-------------------------------|
| Val Arnold | John Blackie | Patrick Mulligan |
| Margaret Atkinson | Lindsay Burr | Andy Solloway |
| Andrew Backhouse | John Clark | |
| Robert Baker | Richard Cooper | |
| Arthur Barker | Sam Cross | |
| Bernard Bateman | Margaret-Ann de Courcey-Bayley | |
| David Billing | Andrew Goss | |
| John Blackburn | Helen Grant | |
| David Blades | Peter Horton | |
| Eric Broadbent | Bill Hault | |
| Liz Casling | Anne Jones | |
| David Chance | Stuart Parsons | |
| Gareth Dadd | Tony Randerson | |
| John Ennis | John Savage | |
| John Fort BEM | Elizabeth Shields | |
| Tony Hall | David Simister | |
| Michael Harrison | Robert Windass | |
| Michael Heseltine | | |
| Robert Heseltine | | |
| David Ireton | | |
| Mike Jordan | | |

| Councillors For | Councillors Against | Councillors Abstaining |
|-------------------|---------------------|------------------------|
| Carl Les | | |
| Cliff Lunn | | |
| Don Mackenzie | | |
| Penny Marsden | | |
| Chris Metcalfe | | |
| Heather Moorhouse | | |
| Caroline Patmore | | |
| Chris Pearson | | |
| Joe Plant | | |
| Janet Sanderson | | |
| Peter Sowray | | |
| Tim Swales | | |
| Helen Swiers | | |
| Cliff Trotter | | |
| John Weighell | | |
| Richard Welch | | |
| Clare Wood | | |
| 38 | 17 | 2 |

Resolved –

64.

County Council endorse the decision of the Executive to proceed to Financial Close as follows:

- (i) That based on the long term benefits of the Waste PPP Project being as set out in this report, the County Council proceeds to Financial Close subject to the final costs being within the Value for Money Envelope set out in paragraph 7.29 of the Executive report.
- (ii) That delegated authority is given to the Corporate Director, Strategic Resources in consultation with the Assistant Chief Executive, Legal and Democratic Services, to ensure that due consideration is given to the Value for Money Envelope of the potential financial impact of changes arising from the Waste Law List having effect between Commercial and Financial Close.
- (iii) That authority is delegated to the Corporate Director, Business and Environmental Services (acting in consultation with the Corporate Director, Strategic Resources, and the Assistant Chief Executive, Legal and Democratic Services) to determine the final terms of the following documents in preparation for Financial Close as necessary:
 - a) the form of Public Private Partnership Contract (“PPP Contract”) between the County Council and the Contractor;
 - b) the Funders Direct Agreement with the Contractor’s funders;
 - c) the Deed of Novation;
 - d) any documents ancillary to the Deed of Novation, Funders Direct Agreement and any other documents or ancillary agreements necessary to give effect to the Waste PPP Project;
 - e) the Supplemental Deed, the Further Deed of Variation to the Option Agreement and the Payment Redirection Deed.

- (iv) That authority is delegated to the Assistant Chief Executive, Legal and Democratic Services, to execute and complete on behalf of the County Council the following documents to achieve Financial Close:
 - a) the Funders Direct Agreement with the Contractor's funders;
 - b) the Deed of Novation, including the form of the amended and restated PPP Contract;
 - c) the Supplemental Deed, the Further Deed of Variation to the Option, and the Payment Redirection Deed;
 - d) any documents ancillary to the Deed of Novation, Funders Direct Agreement, and any other documents or ancillary agreements necessary to give effect to the Waste PPP Project.
- (v) That agreement is given to trigger the option for the grant of the Lease of the Allerton Park Site to AmeyCespa AWRP SPV Ltd and that authority is delegated to the Assistant Chief Executive, Legal and Democratic Services to issue the trigger notice as required at Financial Close.
- (vi) That authority is delegated to the Assistant Chief Executive, Legal and Democratic Services to
 - a) agree any extension to the Original Financial Close Longstop Date to give effect to the decision;
 - b) amend the Joint Waste Management Agreement with City of York Council as identified in 'City of York Council' in paragraph 6.4 of the Executive report;
 - c) publish the VEAT Notice as identified in paragraphs 8.1.8 – 8.1.10 of the Executive report.
- (vii) That the Corporate Director, Strategic Resources, is authorised to issue the certificates under the Local Government (Contracts) Act 1997 to confirm the County Council's powers to enter into the relevant contracts referred to in recommendation (iv) above.
- (viii) That an indemnity is given by the County Council to the Corporate Director, Strategic Resources, against any claim that may arise out of or in connection with the issue of the certificates under the Local Government (Contracts) Act 1997.

The meeting concluded at 17.15 pm.