

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted [<i>if applicable</i>]	N/A
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DIRECTORATE: Place

<p>1. DECISION TAKEN</p> <p>1.1. To agree a Performance Management Agreement and figure of £125,000 with Urbaser for August / September 2018.</p> <p>2. DECISION TAKERS</p> <p>2.1. Service Director: Place.</p> <p>3. DATE DECISION TAKEN: 11 January 2019.</p>

4. REASON FOR DECISION

4.1. To deal performance issues with the contractor that arose during August and September 2018.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1. The alternative was to take more formal action and this was not deemed appropriate.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

6.1. At a meeting on the 21st November 2018 with Urbaser, NHDC Leader and Deputy Chief Executive, the Settlement agreement was discussed and agreed in principle subject to a formal agreement between both parties.

7. BACKGROUND & RELEVANT CONSIDERATIONS

7.1. Members, officers and public have been fully aware of issues / complaints relating to the initial implementation of the waste contract in North Herts (including reports to Overview and Scrutiny, Area Committees and most recently via a report to Cabinet on 20 November 2018¹ and then Full Council on 22 November 2018²).

7.2. The joint waste Project board, consisting of senior representatives of both EHC & NHDC have considered and agreed on managing performance issues and future reporting on performance matters will be through the Joint Waste Partnership Board

7.3. A SIAS audit will be undertaken before the end of March 2019 and the results of this will be provided to both Councils in the next financial year

8. LEGAL IMPLICATIONS

8.1 Service Directors have a general delegation under section 14.6.4(a)(ii) of the Constitution for: “*Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Service Director for: Customers in respect of software or hardware contracts);*” the proposed agreement relates to the performance of a services contract. The Service Directors: Resources and Legal and Community have been consulted on the decision. This also follows advice of the Legal Commercial Team Leader on the proposal.

8.2 Members will be notified of this Part 1 delegation decision, as per normal practice via MIS.

9. FINANCIAL IMPLICATIONS

9.1 The sum agreed is deemed to be proportionate to the contract management issues of this situation.

10. RISK IMPLICATIONS

10.1 The settlement agreement prevented further procrastination and was a way to ameliorate the difference. This agreement was also made in a period of improved service performance from Urbaser.

10.2 There has been continuous improvement since November 18 with services now returning to normal, staff have been more focused on remedying the issues than on any disputes.

11. EQUALITIES IMPLICATIONS

11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. However, there are no equalities implications to this decision.

12. SOCIAL VALUE IMPLICATIONS

12.1 There is no Social Value Act and “go local” policy implications to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 There are no direct human resources implications to this decision.


14. BACKGROUND PAPERS

14.1 None.

15. NOTIFICATION DATE

15.1 11 January 2019.

Signature of Decision Taker



Vaughan Watson