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| Present: | Councillor: | Murphy (in the Chair) | |
| | Councillors: | Ali, Cummings, Driver, Emmott, Fitzpatrick, Hewitt, Holden, Iqbal, Jones, King, Lancaster, Piddington, Quinn, Smart, Young and Zaman | |
| | Officers: | Clerk, Treasurer & Deputy Clerk, Director of Contract Services, Borough Solicitor (Oldham Council), Deputy Treasurer, Head of Corporate Services, Head of Finance, Head of Contract Services, Head of Communications & Behaviour Change, Principal Corporate Services Officer and Governance & Scrutiny Officer (Greater Manchester Combined Authority (GMCA)) | |
| | Programme Management Office | Head of Programme Management Office, Interim Programme Director (Commercial) and Interim Investments Manager (GMCA) | |
| | Advisors: | Partner - Head of Local Government Partner Interim Head of Procurement Transactor | DWF KPMG Transport for Greater Manchester TfGM Waste Infrastructure Development Programme (WIDP) |
| | District Officers: | Assistant Director of Place Services Head of Waste Management Head of Waste Management Directorate Finance Lead (Growth & Neighbourhoods) Audit & Council Fraud Manager Waste Minimisation Manager Assistant Director, Environment and Community Safety Assistant Director for Operational Services Strategic Head of Place Management Head of Environmental Services Head of Environmental Services Assistant Executive Director, Environmental Services | Bolton Council Bolton Council Bury Council Manchester City Council Oldham Council Rochdale Council Salford City Council Salford City Council Stockport Council Trafford Council Tameside Council Tameside Council |
| | Observers for the open part of the meeting: | GMB Union GMB Union GMB Union Unite the Union Unite the Union | Conveyor Full Time Officer Trade Union Rep Trade Union Rep Trade Union Rep |

Apologies: Councillors: Brock and Shilton Godwin
Officers: Solicitor, Head of Organisational Development & Administration and Head of Engineering & Assets

M1 Appointment of Chair

The Clerk opened the meeting and asked for nominations for the appointment of Chair. Councillor Piddington nominated Councillor Murphy and Councillor Lancaster seconded the proposal.

RESOLVED: That Councillor Nigel Murphy be unanimously appointed as Chair for the 2017/18 Municipal Year.

Councillor Murphy assumed the role of Chair.

To acknowledge the recent tragic events in Manchester and to mark the sad passing of Councillor Joe Murphy, the Authority held a minute's silence.

The Chair welcomed Councillor Bellamy to the Authority and acknowledged Councillor King's valuable contribution during the 2016/17 Municipal Year. It was agreed that Officers would write to Councillor King thanking him for his contribution to the Authority.

The Chair welcomed Viridor's Trade Union and Regional Trade Union Representatives to the public part of the meeting.

M2 Urgent Business, if any, introduced by the Chair

The Chair advised that a late report had been published prior to the meeting that would be considered at Item 18 – Recycling & Waste Management Contract (the Contract) Update. The late report presented the most up to date information and would be complemented with a presentation at the appropriate juncture.

M3 To receive Declarations of Interest in any contract or matter to be discussed at the meeting

There were no declarations of interest received at the meeting.

The Chair reminded Members to complete the Declarations of Interest Form, which was sent to them in their Welcome Pack.

M4 To approve the minutes of the last meeting held on 26th April 2017

RESOLVED: That the Authority approves the minutes of the last meeting held on 26th April 2017 as a correct record.

M5 To note the minutes of the Audit & Standards Committee dated 25th May 2017

RESOLVED: That the Authority notes the minutes of Audit & Standards Committee dated 25th May 2017.

M6 Public & Member Question Time

There were no questions received.

M7 Constitution 2017/18

The Authority considered the Joint Officers' report, which asked them to consider and approve the revised Constitution for the 2017/18 Municipal Year.

The Head of Corporate Services presented the report and advised that the changes to the governance arrangements made in 2016/17 in terms of the frequency of Authority meetings to monthly and the Committee structure being reduced from three to one and three Task & Finish Groups had been incorporated into the proposed Constitution.

RESOLVED: That the Authority:

- a) approves the revised Constitution for the 2017/18 Municipal Year (Section 4 of the report); and
- b) delegates any minor changes (such as typographical amendments and completion of appointment details) to the Treasurer & Deputy Clerk in consultation with the Chair of the Authority.

M8 Authority Membership for the 2017/18 Municipal Year

Members considered the report of the Clerk that asked the Authority to note its' Membership for the 2017/18 Municipal Year.

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| Bolton | Mohammed Iqbal Kevan Jones | Labour Labour |
| Bury | Tony Cummings Alan Quinn | Labour Labour |
| Manchester | Shaukat Ali Nigel Murphy Mandie Shilton Godwin | Labour Labour Labour |
| Oldham | Cherryl Brock Stephen Hewitt | Labour Labour |
| Rochdale | Susan Emmott Mohammed Zaman | Labour Labour |
| Salford | Sammie Bellamy David Lancaster | Labour Labour |
| Stockport | Roy Driver Lisa Smart | Labour Liberal Democrat |
| Tameside | Philip Fitzpatrick Catherine Piddington | Labour Labour |
| Trafford | John Holden Michael Young | Conservative Conservative |
| Wigan | None appointed (non-voting in waste disposal matters) | |

RESOLVED: That the Authority notes its' Membership for the 2017/18 Municipal Year.

M9 Local Government Act 1985 – Section 41 Appointment of Members to Answer Questions

Consideration was given to the report of the Clerk, which sought appointments of Members to answer, on behalf of the Authority, questions raised by Members of constituent District Councils.

RESOLVED: That, in accordance with Section 41 of the Local Government 1985 Act, the under-mentioned Members be appointed to answer, on behalf of the Authority, questions raised by Members of the constituent District Councils pertaining to Authority matters:

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|------------|----------------------------|
| Bolton | Councillor Kevan Jones |
| Bury | Councillor Alan Quinn |
| Manchester | Councillor Nigel Murphy |
| Oldham | Councillor Stephen Hewitt |
| Rochdale | Councillor Mohammed Zaman |
| Salford | Councillor David Lancaster |
| Stockport | Councillor Roy Driver |
| Tameside | Councillor Cath Piddington |
| Trafford | Councillor Michael Young |

M10 Appointment of the Leadership Team for the 2017/18 Municipal Year

The Authority considered the report of the Clerk that sought appointments to the Leadership Team for the 2017/18 Municipal Year.

RESOLVED: That, in line with the governance structure of the Authority for the 2017/18 Municipal Year, the following Members be appointed to the Leadership Team of the Authority:

- 1) Councillor Tony Cummings (Labour)
Vice-Chair of the Authority
Chair of the Behavioural Change & Communications Strategy Task & Finish Group
- 2) Councillor Cath Piddington (Labour)
Vice-Chair of the Authority
Chair of the Re-procurement Task & Finish Group
- 3) Councillor Philip Fitzpatrick (Labour)
Deputy Chair of the Behavioural Change & Communications Strategy Task & Finish Group
Deputy Chair of the Audit & Standards Committee
- 4) Councillor Michael Young (Conservative)
Deputy Chair of the Re-procurement Task & Finish Group
- 5) Councillor David Lancaster (Labour)
Deputy Chair of the Interim Services Task & Finish Group

M11 Appointments to the Authority's Governance Arrangements for the 2017/18 Municipal Year

Consideration was given to the report of the Clerk that sought the appointments of Members to serve on the Authority's governance arrangements for the 2017/18 Municipal Year.

RESOLVED: That the Authority:

- a) in line with proportionality rules (Section 17 of the Local Government and Housing Act 1989) it was unanimously agreed by Members to waive the political balance rules and appoint the following representatives to the Authority's Committees/Sub-Groups and other bodies for the 2017/18 Municipal Year:

Behavioural Change & Communications Strategy Task & Finish Group
Five Members: Four Labour, One Liberal Democrat

- 1) Councillor Tony Cummings (Labour) (Chair)
- 2) Councillor Philip Fitzpatrick (Labour) (Deputy Chair)
- 3) Councillor Mohammed Zaman (Labour)
- 4) Councillor Mohammed Iqbal ((Labour)
- 5) Councillor Lisa Smart (Liberal Democrat)

Interim Services Task & Finish Group
Six Members: Five Labour, One Conservative

- 1) Councillor Nigel Murphy (Labour) (Chair)
- 2) Councillor David Lancaster (Labour) (Deputy Chair)
- 3) Councillor John Holden (Conservative)
- 4) Councillor Shaukat Ali (Labour)
- 5) Councillor Cheryl Brock (Labour)
- 6) Councillor Susan Emmott (Labour)

Re-procurement Task & Finish Group
Six Members: Five Labour, One Conservative

- 1) Councillor Cath Piddington (Labour) (Chair)
- 2) Councillor Michael Young (Conservative) (Deputy Chair)
- 3) Councillor Stephen Hewitt (Labour)
- 4) Councillor Mandie Shilton Godwin (Labour)
- 5) Councillor Roy Driver (Labour)
- 6) Councillor Sammie Bellamy (Labour)

Audit & Standards Committee
(Five Members: Four Labour, One Conservative)

- Independent Chair Jackie Njoroge
 - Independent Member Ian Thomson
 - Independent Member David Tomlinson
- 1) Councillor Philip Fitzpatrick (Labour) (Deputy Chair)
(Substitute: Councillor Cath Piddington (Labour))
 - 2) Councillor Alan Quinn (Labour)
(Substitute: Councillor Tony Cummings (Labour))
 - 3) Councillor Kevan Jones (Labour)
(Substitute: Councillor Mohammed Iqbal (Labour))
 - 4) Councillor John Holden (Conservative)
(Substitute: Councillor Michael Young (Conservative))
 - 5) Councillor Stephen Hewitt (Labour)
(Substitute: Councillor Cheryl Brock (Labour))

Petitions Sub-Group

(Three Members: Three Labour)

- 1) Councillor Kevan Jones (Labour)
 - 2) Councillor Roy Driver (Labour)
 - 3) Councillor Catherine Piddington (Labour)
(no substitutes appointed)
- b) agrees not to appoint a Special Purposes Committee for the 2017/18 Municipal Year;
- c) appoints the following Members to the Strategic Partnership Board (SPB):
- 1) Councillor Nigel Murphy (Labour)
 - 2) Councillor Tony Cummings (Labour)
 - 3) Councillor Michael Young (Conservative);
- d) appoints Councillor Nigel Murphy as spokesperson for the Association of Greater Manchester Authorities (AGMA) and the Greater Manchester Combined Authority (GMCA) and Councillor Tony Cummings as substitute; and
- e) appoints Councillor Cherryl Brock as a Member to the Low Carbon Hub Board, and also to the Resource Greater Manchester Board.

M12 Timetable of Meetings 2017/18

The Authority considered the report of the Clerk that set out the proposed timetable of meetings of the Authority and its Committee/Task & Finish Groups for the 2017/18 Municipal Year.

RESOLVED: That the Authority approves the dates of all the Authority Governance arrangements as set out in Section 3 of the report subject to the Audit & Standards Committee taking place on 17th July 2017 and not 12th July 2017

M13 Authority and Committee Work Programmes for the 2017/18 Municipal Year

Members considered the report of the Head of Corporate Services that presented the Work Programme for the Authority and its Committee for the 2017/18 Municipal Year for approval.

RESOLVED: That the Authority approves the Work Programmes for the 2017/18 Municipal Year attached to the report at Appendix A subject to the Audit & Standards Committee taking place on 17th July 2017 and not 12th July 2017 and the following being added to the Authority's Work Programme:

- 1) Authority's overall performance position for 2016/17 be considered at the Authority meeting on 16th November 2017; and
- 2) Service Activity Plan (the Plan) Updates (as required) to be provided by the Interim Services Task & Finish Group.

M14 Contract Performance Monitoring Report 2016/17

Consideration was given to the Joint Officers' report that provided the Authority with the unverified Contract performance data of the 2016/17 financial year, charted performance against the Authority's main aim of 'zero waste' and recorded progress against Objective 1: To Optimise the Contract and Assets to drive efficiency savings, of the Authority's Corporate Business Plan.

The Director of Contract Services introduced the item and explained that whilst initial landfill diversion results looked good, diversion was only exceeding minimum expectations due to the Authority funded shredding operations. Continuing defects in the Mechanical & Biological Treatment (MBT) plants were also impacting diversion rates. Other areas of concern surrounded recycling and composting performance, for which the base target of around 48% was not being achieved. This was made up of two elements, Waste Collection Authorities (WCAs) and Contractor contribution. The report highlighted that WCAs were over achieving and the Contractor was not realising the base case of 19%. It was advised that the upturn in performance was based on the roll out WCA services, following the introduction of restricted bin capacity, through either smaller bins or three weekly collections. Further interrogation of the data suggested that the poor performance in the Contractor element was due to defects in the MBTs, metals and grits.

It was noted that the data within the report would be verified and the Authority would receive a further report later in the year.

In response to a Members' question, it was confirmed that the information contained within the report was in the public domain and could be circulated.

In light of the update, Members requested that recommendation a) within the report be strengthened to reflect their disappointment that performance was not meeting expectations. The recommendation was amended accordingly.

RESOLVED: That the Authority:

- a) reconfirms their dissatisfaction that the unverified performance monitoring data is not meeting the expected Contract recycling performance rates due to the on-going issues set out in the Contract - Update Report and that diversion is only meeting Contract requirements due to shredding operations which are funded by the Authority; and
- b) requests that the Annual Report containing the verified contract performance data and the Authority's overall performance position for 2016/17 be considered at the Authority meeting on 16 November 2017.

M15 Exclusion of Press and Public

RESOLVED: That, in accordance with Section 100(4) of the Local Government Act 1972, the public and press are excluded from the meeting at this juncture for the following business on the grounds that it involves the disclosure of exempt information as defined in the respectively indicated paragraph(s) of Part 1 of Schedule 12A of the Act.

It would not be, on balance, in the public interest to disclose this information to the public and press for the reasons indicated within the report(s).

Whilst District Officers and Advisors remained in the meeting, Viridor's Trade Union and Regional Trade Union Representatives withdrew from the meeting at this juncture.

M16 Service Activity Plan (the Plan)

Consideration was given to the Joint Officers' report, which provided summary information from the detailed Plan, to inform Members of the identified activities that were required to continue provision of the services, following termination of the current Contract.

The Plan had been jointly developed by Authority Officers, the nine WCAs and the Advisory Team, to provide a comprehensive approach to enable the transition of Greater Manchester's waste management operations.

Given the developing nature of the programme, there were a significant number of important streams being worked on concurrently, which would be drawn together between publishing the report and the meeting taking place. The report was therefore supplemented by a presentation at the meeting to provide the updated information.

RESOLVED: That the Authority:

- a) notes the report and presentation provided at the meeting and has been provided with assurance that the Plan is sufficiently developed to enable it to be activated if required;
- b) requests and approves that as part of the Interim Services Task & Finish Group's Work Programme the continued development and implementation of this Plan (if required) is monitored by that Group and that regular updates are reported back to the Authority; and
- c) reconfirms the Authority's Scheme of Delegation to the Director of Contract Services and Head of Corporate Services to put in place any necessary procurements to enable the implementation of the Plan.

M17 The Contract – Update

The Borough Solicitor (Oldham) Council advised that a number of complex legal issues had arose in relation to the proposals contained in the report, for which external legal support had been engaged. The advice contained within the report was subject to legal professional privilege and the contents of the report were of the utmost commercial sensitivity and as such confidentiality must be maintained.

The Authority considered the late report that was circulated prior to the meeting that presented the most up to date information. The report set out further progress in relation to the termination of the Contract, and recommended forward, subject to finalising due diligence. The report was complemented by a presentation at the meeting.

RESOLVED: That the Authority unanimously:

- a) notes on-going issues with facilities and performance, which are continuing to compromise the Value for Money (VfM) of the Contract;
- b) notes progress being made to terminate the Contract and timelines set out in Appendix B of the report;
- c) approves the way forward summarised at paragraph 3.2 of the report;
- d) delegates to the Treasurer & Deputy Clerk, in consultation with Chair of the Authority, the appointment of legal advisers for the re-procurement phase, as set out in paragraph 13.1 of the report; and
- e) approves appointments to the Trade Union Consultation Group as set out in paragraph 15.3 of the report.

The Chair thanked Officers for their on-going work and asked that this be noted and recognised within the minutes of the meeting.

The meeting opened at 1.30 pm and closed at 3.12 pm.

GMWDA