



**Community R4C has taken legal action against Gloucestershire County Council, claiming that the contract between the council and UBB for the Javelin Park Incinerator breaks procurement law.**

**Why are we doing this? What do we hope to achieve?**

### Why we have taken action

Since our inception we tried to obtain information from Gloucestershire County Council (GCC) about the 2013 Javelin Park contract with UBB, the largest public contract in the county's history. £100's of thousands was spent on lawyers to prevent the contract's release until the Information Commissioner's Office forced this. We undertook an in-depth analysis of the value for money and fairness of this contract, submitting complaints to the council's external auditor and the Competition and Markets authority.

Then, on 20<sup>th</sup> December 2018, with the prospect of losing a second ICO tribunal, GCC finally released the pertinent facts of the renegotiated (2016) second contract. We were dismayed to discover that:

- ➔ By renegotiating in secret without re-tendering, despite a 30% increase in contract price, GCC **broke procurement law**.
- ➔ The contract price has **increased by £150 million** in less than 3 years – a staggering amount.
- ➔ On the face of it, the contract **breaks State Aid rules** and, if proven, UBB would be required to pay a substantial part of the £150m back to GCC.
- ➔ The Council will pay £189 per tonne for the first 108,000 tonnes of waste per annum, whilst **commercial companies will only pay £62 a tonne**.
- ➔ The tiered pricing **encourages the increase of 'residual' waste** for burning and **actively discourages recycling**.
- ➔ It seems **Officers and Cabinet members misled** councillors and the public about the contract price.

We feel that this is so serious, and so damaging for the people of Gloucestershire, that the council must be held to account. The only legal option was to file for damages against the breaking of procurement laws.

### What we hope to achieve

If we win our case, we will pursue recovery of substantial funds back into the public purse under state aid rules. We are also seeking a commitment from the County Council to work closely with us to ensure that changes are made to the incinerator contract, including:

- ➔ removing the pricing mechanism that incentivises recycling less and wasting more;
- ➔ ensuring that third party (commercial) gate fees are equal to those paid by the Council taxpayers;
- ➔ encouraging greater recycling and waste avoidance;
- ➔ pre-sorting waste to remove recyclable material;
- ➔ decommissioning or re-purposing the Incinerator as soon as it is economic to do so.

**Community R4C Ltd** is a Community Benefit Society set up in 2015 to work towards a waste solution, which would serve the community and protect the environment. We raised almost £100,000 in a groundbreaking Community Share Scheme to facilitate the building of an alternative waste resource recovery plant – the R4C plant – in cooperation with investors and partners. Community R4C has widespread support from hundreds of local residents and from well-known campaigners for sustainability including Jeremy Irons and Jonathon Porritt.