

# **TAUNTON DEANE BOROUGH COUNCIL**

## **EXECUTIVE COMMITTEE**

**4<sup>TH</sup> APRIL 2007**

---

### **THE ESTABLISHMENT OF THE SOMERSET WASTE BOARD**

**Report of Strategic Director (Joy Wishlade)**

**This is the responsibility of Executive Councillor Bradley**

#### **1. INTRODUCTION**

- 1.1 The purpose of this report is to seek the Executive Committee's approval of recommendations relating to the creation of a Joint Committee to be known as the Somerset Waste Board, and the functions that will then subsequently be discharged by it.
- 1.2 In addition the Executive Committee is requested to grant the delegated authority to the appropriate Member and Director to agree any outstanding issues in relation to the Inter Authority Agreement and Constitution. These documents will effect the ongoing contractual, financial, and operational arrangements between the six Partner Authorities in the Somerset Waste Board, and the administration of the Somerset Waste Board.

#### **2. SUPPORTING INFORMATION**

##### **2.1 Background**

Since 1992 the Somerset Waste Partnership has improved working arrangements in waste management across the County and is now seeking to formally combine the responsibilities for waste collection and waste disposal into a single Somerset Waste Board.

This Executive Committee has previously agreed to adopt the Joint Committee Administering Authority model for creating the Somerset Waste Board. At a subsequent meeting the Executive Committee approved the proposed structure of the Somerset Waste Board and the Heads of Terms to be used in the preparation of an Inter Authority Agreement and a

Constitution, documents which would effect the operation and establishment of the Somerset Waste Board.

The Inter Authority Agreement to which all the Partner Authorities will be signatories will put into effect the ongoing contractual, financial and operational arrangements between the authorities as part of the Somerset Waste Board. The Constitution, to which again all the Partner Authorities will be signatories, will detail the arrangements for the administration of the Somerset Waste Board. Together these documents will provide a clear and accountable framework within which the Somerset Waste Board, the Administering Authority and the Single Client Group (the operational team of officers) can work together in order that they are able to respond in an effective and co-ordinated way in relation to the development and implementation of an integrated waste management strategy in Somerset.

These are complex documents and cover a wide range of issues. The detailed drafting of these documents by external legal advisers and the Legal Sub Group (consisting of legal representatives from each of the Partner Authorities) is well underway. Because these documents influence other significant work streams within the project granting delegated authority to the Portfolio Holder for Waste and the relevant Strategic Director to finalise them will greatly enhance the progress of the project as a whole.

## 2.2 The Somerset Waste Board

There is a legal requirement for each Partner Authority to formally agree to establish a Joint Committee, that will be known as the Somerset Waste Board, as there is to then empower it to discharge the waste recycling, collection and disposal functions of each Partner Authority. As has already been explained in this report, how the Somerset Waste Board will be established and operate will be detailed in the Inter Authority Agreement and Constitution.

Whilst the recommendations are to establish the Somerset Waste Board and discharge functions to it, the actual commencement date such resolutions will come into effect will be dependent on the completion of the Inter Authority Agreement and the Constitution. However, approving these recommendations at this time will demonstrate the resolve of the partnership and strengthen its position in advance of the negotiations with the nominated Preferred Bidder in respect of the procurement of a single Countywide recycling and collection service due to commence shortly.

Once the drafting of the Inter Authority Agreement and Constitution has been completed a composite report will be submitted for Members' consideration, which will include these documents, seek nominations to represent the Council on the Somerset Waste Board and reaffirm the decisions to establish the Board and discharge waste responsibilities to it by confirming a commencement date on which these resolutions will come into effect.

## 2.3 Next Steps

This innovative and exciting project is now entering a particularly important stage.

In respect of the procurement programme, following the decision of this Executive Committee and the other Partner Authorities on 29<sup>th</sup> March to appoint a preferred bidder, negotiations will commence to agree a contract.

The governance arrangements, to which the recommendations in this report relate, are well advanced and work to complete the Inter Authority Agreement and Constitution is nearing completion.

Following consultation with staff the Directors Implementation Group has approved the structure for the Single Client Group and in accordance with protocols will now be appointing staff to it.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications as a direct result of this report. The costs of the necessary legal advice to complete the drafting of the Inter Authority Agreement and the Constitution have already been included in the agreed project budget.
- 3.2 The budgetary arrangements and schedule of pooled payments by the Partner Authorities that will support the Somerset Waste Board are nearing completion and will form part of the Constitution.

## **4. LEGAL IMPLICATIONS**

- 4.1 The legal implications are explained within the body of this Report.
- 4.2 The legal powers to constitute a Joint Committee to be known as the Somerset Waste Board are in Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions)(England)(Amendment) Regulations 2001 made under Section 20 of the Local Government Act 2000.
- 4.3 As has been previously mentioned in this Report, each of the partner authorities' legal representatives (The Legal Sub Group) will be working in conjunction with the projects' external legal advisers Nabarro Nathanson in preparing the detailed Constitution and associated Inter Authority Agreement.

## **5. RECOMMENDATIONS**

- 1. The Executive Committee agrees, together with Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset

District Council, and West Somerset District Council and pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000, to establish a Joint Committee to be called the Somerset Waste Board with effect from the commencement date of the Inter Authority Agreement and the Constitution;

2. The Executive Committee agrees that pursuant to Section 101(5) and 102 of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000 to arrange for the statutory functions in respect of the recycling and collection of waste to be discharged by the Somerset Waste Board to be formed pursuant to the above recommendation with effect from the commencement date of the Inter Authority Agreement and the Constitution;
3. The Executive Committee authorises the Portfolio Holder for Waste in consultation with the Strategic Director with responsibility for this project to approve the finalised Inter Authority Agreement and Constitution relating to The Somerset Waste Board.

**Joy Wishlade, Strategic Director**  
**Tel: 01823 356403**  
**Email: [j.wishlade@tauntondeane.gov.uk](mailto:j.wishlade@tauntondeane.gov.uk)**