

*Draft minutes subject to approval at the next meeting of the Executive*

## **Executive – 26 February 2007**

Present: Councillor Williams (Chairman)  
Councillors Bishop, Mrs Bradley, Cavill, Clark, Edwards, Hall, Leighton  
and Mrs Lewin-Harris

Officers: Mrs P James (Chief Executive Ms J Wishlade (Strategic Director), Ms  
S Adam( StrategicDirector), and Mr G P Dyke (Democratic Services  
Manager)

Also Present: Councillors Paul, Wedderkopp and Mrs Whitmarsh

(The meeting commenced at 6:20 pm.)

### **24. Declarations of Interest**

Councillor Paul declared an interest as a member of Somerset County Council

### **25. The Somerset Waste Board Administering Authority**

The Executive/Cabinet Committees of each of the partner Authorities had agreed to adopt a Joint Committee Administering Authority model for the Somerset Waste Board. Subsequently, the Directors Implementation Group (DIG) at its meeting on 9 January 2007, had agreed a process for the appointment of one of the partner Authorities to act as Administering Authority on behalf of the Somerset Waste Board.

On 25 January 2007 DIG unanimously agreed that Somerset County Council should be recommended to become the Administering Authority. This decision was subsequently unanimously endorsed by the Somerset Chief Executives Group at its meeting on 26 January 2007.

Both Somerset County Council and Sedgemoor District Council had formally submitted bids to become the Administering Authority. Their submissions had been independently evaluated as to their capacity, experience and skills to undertake this role to the satisfaction of the other partner Authorities and also to minimise any associated risks either to themselves or the partnerships as a whole. An outline of the role of the Administering Authority was submitted.

All the partner Authorities had engaged positively and constructively in this process. The Section 151 Officers had also been involved because of the nature of the financial issues and responsibilities associated with becoming the Administering Authority.

RESOLVED that:

1. the recommendation of the both the Directors Implementation Group and the Somerset Chief Executives Group to appoint Somerset County Council to act as Administering Authority on behalf of the Somerset Waste Board be agreed.
2. it be agreed that this decision was in the best business interests of the Somerset Waste Board and the community of Somerset and would be promoted as a partnership decision which placed responsibility on the Administering Authority to implement the decisions of the Board and not use the role to promote its own individual interests.

**26. The Somerset Waste Board Draft Heads of Terms for the Constitution and Inter-Authority Agreement**

The Somerset Waste Partnership (SWP) was working towards the creation of a Somerset Waste Board (SWB) which would manage all waste collection and disposal services on behalf of the six Authorities. A new single integration waste collection contract for the whole of Somerset was currently under procurement.

The Executive/Cabinet Meetings of each of the partner Authorities had agreed that in the short term the legal form of the Somerset Waste Board should be a Joint Committee with an Administering Authority and that it then apply to create a Joint Waste Authority in accordance with the appropriate legislation.

Consideration was given to the basic constitutional structure of the SWB. Details were submitted of the proposed constitutional structure together with the draft Heads of Terms. This provided an initial overview of how the SWB would be established and would operate.

Once finalised these would be used to prepare the necessary constitution and inter-authority agreement that would formalise the role of the Somerset Waste Board and the responsibilities of each of the partner Authorities.

In preparing the draft Heads of Terms details of which were submitted consideration had been given to those constitutional principles for the operation of the Somerset Waste Board that had previously been agreed by each of the partner Authorities together with emerging good practice from other Authorities across the Country.

The constitution and inter-authority agreement would provide a clear and accountable framework within which the Somerset Waste Board, the Administering Authority and single client group could work together in order to respond in an effective and co-ordinated way to the development and implementation of an integrated waste management strategy in Somerset.

The Somerset Waste Board would be a legally constituted body and the constitution and inter-authority agreement would be legally binding documents. The draft Heads of Terms details of which were submitted provided an overview of the constitution of the SWB and the roles and responsibilities of the single client group, the Administering Authority and the

partner Authorities. These details were by no means complete and further work was required to finalise them. Further detailed schedules would be attached to the constitution in relation to the more complex issues such as the budgetary arrangements, scrutiny and inter-authority agreement. The draft Heads of Terms had been considered both by the legal sub group representing the partner Authorities and the SWP's external legal advisors. They had also been approved by the Directors Implementation Group.

The next step would be the drafting of the documents in detail by both the external legal advisors and the legal sub-group. Once this was completed, details would be submitted to each partner Authorities Executive/Cabinet. This important and complex task would need to be substantially completed in advance of the commencement of negotiations with any nominated preferred bidder.

RESOLVED that

1. the proposed constitutional structure of the Somerset Waste Board and the Heads of Terms as detailed in the report be agreed in order that they could be used to prepare the detailed constitution and associated inter-authority agreement for the Somerset Waste Board;
2. final details be submitted to the Executive for approval

(The meeting ended at 7.06 pm.)