

Somerset West and Taunton Shadow Council

Shadow Executive Committee 22nd January 2019

Somerset Waste Board Constitution and Membership 2019/20

Report of Client Officer Natalie Green and Somerset Waste Partnership's Managing Director Mickey Green

(This matter is the responsibility of Executive Councillor Patrick Berry and Lead Member for Environment Councillor Brenda Maitland-Walker)

1. Executive Summary

The report sets out proposed revisions to the Somerset Waste Board's constitution and membership for 2019/20 as a result of the future amalgamation of Taunton Deane Borough Council and West Somerset Council to create the new Somerset West and Taunton local authority.

The proposed changes to the constitution and board membership will require the dissolution of the current Board and agreement to establish a new Waste Board with an amended constitution to reflect the revised membership. Subject to the Committee's approval to the proposals within this report

1. Background

1.1. Since 1992 the Somerset Waste Partnership has improved working arrangements in waste management across the County. In 2007, the partner authorities (comprising Somerset County Council, Mendip District Council, Sedgemoor District Council, South Somerset District Council, Taunton Deane Borough Council and West Somerset Council) agreed to establish the Somerset Waste Board as a Joint Committee with an Administering Authority. The Partner Authorities delegated responsibilities for waste collection, waste recycling, and waste disposal to the Waste Board.

1.2. The legal powers to constitute a Joint Committee and discharge the Partner Authorities' statutory waste functions and responsibilities to it 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. A Joint Committee does not have a separate legal personality and as such is not able to hold contracts or employ staff. In this instance a well-established solution is that one of the authorities becomes the 'administering authority' for the purpose of holding contracts and employing staff.

1.3. The Board has a Constitution and there is also an Inter-Authority Agreement, which sets out how the partners work together and how costs are shared amongst partners.

1.4. The Constitution sets out the membership of the Waste Board, its functions and voting arrangements. Each of the six Partner Authorities is represented on the Board by two Elected Members, one of whom is the Portfolio Holder for Waste and/or Environment

functions. There are 12 elected members on the Waste Board and they are supported by officers from Somerset Waste Partnership, the Administering Authority (Somerset County Council) and from partners.

Recommendations:

The Shadow Executive is recommended to:

2.1. Endorse the proposed revision to the draft Constitution (Appendix A) for the Somerset Waste Partnership Board and recommend this for approval by the Executive Committee.

2.2. Delegate authority to the Board's Treasurer in consultation with the Administering Authority's Monitoring Officer to update the Inter-Authority Agreement (IAA), as set out in Appendix B, to reflect the various changes agreed previously by the Board.

2.3. Recommend that with effect from 1 April 2019 the current Board and its membership (comprising six partner authorities) is dissolved and to then agree the formation of a new Somerset Waste Board (comprising five partner authorities) and appoint members to that Board.

2.4. Delegate authority to the Monitoring Officer of the Administering Authority to take forward the above recommendations in conjunction with the partner authorities.

3. Future constitutional matters for the Board

3.1. Following the approval to the Structural Change Order, work has progressed to review the Constitution and Inter Authority Agreement (IAA). The process for this is set out in clause 20 of the IAA and section 16 of the Constitution.

3.2. Section 16 of the Board's Constitution outlines that if it is agreed by all of the Partner Authorities that another local authority should be permitted to join the Board, then pursuant to Regulation 11(2)(c) of the 2000 Regulations, the Board shall be dissolved with a view to a new board being established and a replacement constitution on similar terms to the existing Constitution (as varied by agreement of the proposed Partner Authorities) being completed. Essentially this requires the Partner Authorities to approve the dissolution and replacement of the current IAA and Constitution, along with the membership of the Board to coincide with the creation of the new authority.

3.3. The proposed revised Constitution and revised IAA are set out in Appendices 1 and 2. The key revisions as a result of the creation of the new authority are:

3.3.1 A revised membership of the Board to replace references to Taunton Deane and West Somerset councils with the new authority.

3.3.2 The new authority will be entitled to two representatives.

3.3.3 The Board membership will reduce from 12 members to 10 members (still reflecting two members per partner authority)

3.3.4 Revise the quorum requirements from six members to five members, with the requirement for at least one member from each of three (currently four) different Partner Authorities.

3.3.5 The need to review the scrutiny arrangements and in particular the membership of the Joint Scrutiny Panel.

Democratic Path:

- **Scrutiny - No**
- **Executive – Yes**
- **Full Council – No**

Reporting Frequency: One off

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3. Background papers

3.1 Draft Somerset Waste Board Constitution

3.2 Draft Somerset Waste Partnership Inter Authority Agreement