

Cheltenham Borough Council
Cabinet–24 June 2014
Report of Cabinet Member Sustainability
Joint Waste Committee – inter-authority agreement

Accountable member	Steve Jordan, Leader of council
Accountable officer	Pat Pratley, Deputy chief executive
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>In December 2012, the cabinet decided to join the Gloucestershire Joint Waste Committee (GJWC) which has a range of delegated functions relating to waste, recycling and street cleaning. As part of the establishment of the committee the council entered into an Inter Authority Agreement (IAA) which sets out the relationships between the parties to the GJWC and details the responsibilities, the scope, financial and staffing arrangements and constitution.</p> <p>The original vision was for all district councils and the county council to be members of the GJWC. Tewkesbury BC (TBC) at their meeting on 15 April has agreed to join the GJWC. We welcome the fact that they have joined. At the GJWC meeting on 1 April it was formally acknowledged that TBC had prepared a report to make a decision to join and that arrangements should be put in place for them to join.</p> <p>In order to facilitate TBC joining the committee the IAA needs to be updated and reissued and all parties to this new agreement need to formally sign.</p>
Recommendations	To welcome Tewkesbury’s decision to join the Gloucestershire Joint Waste Committee and to note that the Deputy Chief Executive, in consultation with the s151 officer and Borough Solicitor will update and reissue the Inter Authority Agreement (IAA)

Financial implications	<p>There are no new costs arising from the addition of TBC to the JWC. TBC will continue to fund their client officer resource (1FTE) on TUPE transfer to the Administering Authority (GCC) on behalf of the Joint Waste Team (JWT).</p> <p>Senior management of the JWT will continue to be funded from a joint pot – which includes an existing contribution from TBC - and this is forecast to be sufficient to cover 2014/15 and, at the current rate of expenditure, two further years.</p> <p>It is anticipated that the inclusion of TBC will provide scope for operational savings for other partners in future years, depending on how far and fast service integration progresses.</p> <p>Contact officer: Paul Jones, GOSS head of finance Paul.Jones @cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>The legal process to allow TBC to join the GJWC requires the dissolution of the current Joint Committee and the immediate reconstitution of it with TBC as a member. In conjunction with this process the current IAA (dated 28th March 20113) will need to be updated to include TBC and to make minor changes as set out in this report.</p> <p>Contact officer: shirin.wotherspoon shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</p>
HR implications (including learning and organisational development)	<p>INo direct HR implications arising from this report</p> <p>Contact officer: Julie McCarthy, HR Manager julie.mccarthy @cheltenham.gcsx.gov.uk, 01242 264355</p>
Key risks	<p>There are no obvious new risks arising for the existing partners but, in bringing any new partners into an existing arrangement, there may be changes to the impact and probability of existing risks particularly around consensus and governance. However the JWT is already working with TBC and members attend and contribute to debate at JWC meetings, this risk is low.</p> <p>As additional partners join the JWC there are greater opportunities in areas including Joint procurement, projects and initiatives achieving cost savings, service efficiencies and increased resilience</p>
Corporate and community plan Implications	<p>None arising from this report</p>
Environmental and climate change implications	<p>None arising from this report</p>

Property/Asset Implications	None arising from this report Contact officer: David Roberts, Head of property services 01242 264151 David Roberts@cheltenham.gov.uk
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1. Background

- 1.1 Cheltenham, Cotswold, Forest of Dean and Gloucestershire County Council established a Joint Waste Committee from 1st April 2013. Prior to this Tewkesbury Borough Council (TBC) had deferred a decision on whether to join the JWC subject to a clearer understanding of the potential benefits to the authority.
- 1.2 Following a review, TBC's Executive on 3 March 2014 resolved to bring a recommendation to join the JWC to its Full Council. This recommendation was approved by TBC's Full Council on 15th April 2014.
- 1.3 On 1st April 2014, the Joint Waste Committee, having welcomed TBC's Executive's decision, recommended that Partner Authorities seek the necessary authority to revise the Inter Authority Agreement (IAA) to include TBC as a formal member and make other changes as set out below.

2. Reasons for recommendations

- 2.1 The original IAA agreement included the following clause. *"If it is agreed by all Partner Authorities that another local authority should be permitted to join the GJWC then the GJWC shall be dissolved and this Agreement terminated with a view to a new GJWC being established and a replacement agreement on similar terms to this Agreement (as varied by agreement of the proposed Partner Authorities) being completed with effect from the date of termination of this Agreement"*.
- 2.2 The Process for inclusion of new members therefore requires all members to approve a revision of the Inter Authority Agreement (IAA) and Constitution. Upon all parties formally approving the new IAA, the existing JWC will be dissolved and replaced by the new JWC.
- 2.3 The JWC approved that One Legal be appointed as legal advisors to revise the IAA, in consultation with the JWT's Head of Service and to circulate it to the Partner Authorities' legal advisors for comment. This process is currently underway.
- 2.4 There are a number of minor amendments included in the revised draft. This includes, for example, reference to the "Joint Waste Team" instead of the "Joint Waste Management Unit" and updates each partner's particulars. The TUPE schedule will be revised to delete references to staff that transferred in April 2013 and to include the staff member who will be transferring from TBC to the JWT (Gloucestershire County Council as the Administering Authority).
- 2.5 Appendix 3 to Schedule 1 of the existing IAA consists of the first Annual Business Plan. This has since been superseded by the current Business Plan 2014-17. However the current Business Plan does not include TBC, who have a separate action plan. In view of the requirement for the JWC Business Plan to be a public document updated annually, it is proposed to remove Appendix 3 to Schedule 1 and any references thereto, without replacement. The original intention was to ensure partners knew the programme of work for the first year in agreeing the IAA. If the current version was attached it would itself be out of date within a year. Removing the appendix does not affect the requirement to produce and publish an Annual Business Plan.
- 2.6 The current IAA contains a cost sharing formula at Schedule 5 which it was intended would apply to future joint funding. This Schedule and formulae within it will need to be amended to include TBC. However, as the formula is not presently used, it is not proposed to amend the Schedule as it stands, but to bring recommendations to the Joint Committee on future cost sharing as part of the next iteration of the business planning and budget process for the period 2015-18.
- 2.7 Partner authorities shared the costs associated with the set up of the GJWC and of the Head of Service. They continue to carry the cost associated with the staff that they TUPE transferred into the JWT. TBC would fund equivalent staff costs and there would be no cross subsidy with or

between existing GJWP partners.

- 2.8** In the event that the JWC is recommended to jointly fund a project or programme, or realise savings prior to this, then apportionment of the costs/benefits between all five partners will be considered as part of the project proposal and not necessarily in accordance with the current formulae.
- 2.9** Should Stroud District Council and Gloucester City Council elect to join the Committee in the future it is expected that this would bring added benefits for existing partners without any additional key risks. .

3. Alternative options considered

- 3.1** The council could decide that it does not wish to see other councils join the committee and therefore not sign up to the new agreement, but this would be against the original strategic vision which was for all councils in Gloucestershire to join the committee.

4. Consultation and feedback

- 4.1** No consultation has been undertaken, as Tewkesbury joining the JWC was always the strategic ambition when the original report was taken to cabinet in 2012.

5. Performance management –monitoring and review

- 5.1** The Leader and lead cabinet member attend the JWC and oversees performance of the JWC and JWT for CBC. Officers from the borough council also attend a strategic management group with the head of service for the JWT to discuss the strategic direction and performance of the team. The performance of the JWC and JWT will also impact on performance targets for the waste service which are monitored and reported internally.

Report author	Contact Officer: Steve Read, Head of Service, Joint Waste Team, 07824 460588, steve.read@gloucestershire.gov.uk Contact officer: Jane Griffiths, Director, 01242 264126 jane.griffiths@cheltenham.gov.uk
Appendices	1. Risk Assessment 2.
Background information	1.

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Any new partner will bring a change to the way in which the committee functions.	Pat Pratley	April 2014	2	2	4	R	All six district councils are members of the Joint Waste Partnership and therefore there is already a good working relationship and consensus amongst partner councils. TBC have been attending the JWC as observers and contributed to debates.	Sept 2014	Steve Read, Head of service JWT	
	If the council does not sign the new IAA then it will threaten the future of the JWC	Pat Pratley	April 2014	3	1	3	R	The council has always expressed its desire for all six district councils to be part of the JWC	June 2014	Pat Pratley	
	If the council did not accept TBC as a partner it would miss out on opportunities for the JWC to increase resilience, gain greater financial and service efficiencies	Pat Pratley	April 2014	3	1	3	R	The council has always expressed its desire for all six district councils to be part of the JWC	June 2014	Pat Pratley	
Explanatory notes											
<p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											



Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description

Please use "If xx happens then xx will be the consequence" (cause and effect). For example "If the council's business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted."

Risk owner

Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

Control

Either: Reduce / Accept / Transfer to 3rd party / Close

Action

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

Transferred to risk register

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on