

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL  
REPORT TO COMMISSIONER MANZIE  
RECORD OF DECISION**

<b>1</b>	<b>Date:</b>	<b>12 June 2015</b>
<b>2</b>	<b>Title:</b>	<b>BDR Waste PFI Joint Waste Board Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2015/16</b>
<b>3</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>
<b>4</b>	<b>Advisory Cabinet Member :</b>	<b>Waste Management - EDS</b>

## **5 Summary**

**5.1** One of the contractual documents entered into between Barnsley, Doncaster and Rotherham Councils at financial close of the BDR Waste PFI project was an Inter-Authority Agreement ("IAA2"). IAA2 creates the Joint Waste Board ("JWB") as a joint committee pursuant to section 101(5) of the Local Government Act 1972, which is established as part of the joint working arrangements between the Authorities for the management and administration of what are termed Relevant Contracts under IAA2. At the date of this meeting, the BDR Waste PFI Contract is the only Relevant Contract to which IAA2 applies and is referred to as the "Principal Contract".

**5.2** This report details how the functions of the JWB will be delegated down to the BDR Steering Committee and BDR Manager in order to more efficiently deal with the day-to-day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and BDR Manager will be made in accordance with the provisions of IAA2.

## **6 Recommendations**

**6.1** That the BDR Joint Waste Board approve:

**6.2** With the exception of the decisions reserved to the Authorities for a unanimous decision under IAA2 all other decisions in respect of the Principal Contract are delegated by the JWB to the Authorised BDR Steering Committee Member.

**6.3** The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.

- 6.4 The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).**
- 6.5 The JWB notes that Barnsley Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2015/16.**

## 7 Proposals and Details

**7.1** Local Authorities may arrange for the discharge of functions by (i) a joint committee or (ii) by an officer of one of them under the Local Government Act 1972 s101(5)(a). In this case, a group of officers is established under IAA2 called the BDR Steering Committee, which will be empowered to make the day-to-day decisions required for the management and administration of the Principal Contract. However, the 1972 Act does not allow the delegation of powers to be exercise jointly by a committee of officers.

**7.2** To fit with the legislative requirements the JWB therefore delegates its powers to one of the BDR Steering Committee officers (the “Authorised BDR Steering Committee Member”), who will then act in consultation with the others. For the municipal year 2014/15, this delegation was made to the Doncaster member of the Steering Committee, who also acted as the Chairman of that body. It has been agreed previously that the roles of the Chairman and Vice-Chairman of the JWB will rotate between the three Authorities on an annual basis. In line with this principle, it has been agreed that the Authorised BDR Steering Committee Member will also rotate annually. **For the municipal year 2015/16, this delegation will therefore be made to the Barnsley member of the Steering Committee.** This officer will subsequently delegate certain functions to the BDR Manager in order to more efficiently deal with the day-to-day decisions that will be required under the Principal Contract.

**7.3** The structure of the BDR Steering Committee will be as follows:

### Barnsley Representative

The Service Director, Environment & Transport or in their absence the Head of Commercial and Support Services, Environment and Transport (this to be the Authorised BDR Steering Committee Member for 2015/16).

### Doncaster Representative

The Assistant Director Environment or in their absence Head of Service, Environmental Protection

### Rotherham Representative

Director of Streetpride or in their absence Waste Manager.

## 8. Finance

**8.1** No financial implications associated with this.

## **9. Risks and Uncertainties**

**9.1** Delegation of decisions in the manner requested facilitates the smooth running of the Joint Waste Board. Without such delegations in place, given that this is a project involving three local authorities, there would be a serious risk that proper and prompt decision-making would prove to be very difficult, with a consequent adverse effect on the efficient operation of the project.

## **10. Policy and Performance Agenda Implications**

**10.1** The delivery of the sub-regional waste facility by 2015 will provide sustainable waste treatment solutions to support reduced CO2 emissions and increased recycling while reducing reliance on landfill.

## **11. Background Papers and Consultation**

Joint Waste Board IAA2 Delegations report v4 21.5.14 Final  
Joint Waste Board minutes 27.6.14  
Inter Authority Agreement (IAA2)

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