

Summary Sheet

Barnsley, Doncaster and Rotherham Waste Partnership Joint Waste Board Meeting Council Report

Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2018/19

Is this a Key Decision and has it been included on the Forward Plan?

No it is not a key decision.

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director, Regeneration & Environment

Report Author(s)

Lisbeth Baxter, BDR Manager, Regeneration & Environment – Waste PFI

Ward(s) Affected

None

Summary

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 (IAA). This IAA 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 IAA. At the date of this meeting, the BDR Waste PFI Contract is the only Relevant Contract to which IAA applies and is referred to as the “Principal Contract”.

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 the prevailing IAA.

Recommendations that the Joint Waste Board note that:-

- a) **With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB to the Authorised BDR Steering Committee Member.**
- b) **The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.**
- c) **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).**
- d) **That Barnsley Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19 until October 2018 following this Doncaster Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19.**

List of Appendices Included

None.

Background Papers

Joint Waste Board IAA Delegations report 30.6.17 Final
Inter Authority Agreement (IAA2)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

The information in this document has been prepared by the BDR Joint Waste Team and considered by the BDR Steering Committee.

Council Approval Required

No

Exempt from the Press and Public

No

Main Report

Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2018/19

1. Recommendations that the Joint Waste Board note that:

- a) With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB to the Authorised BDR Steering Committee Member.**
- b) The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.**
- c) 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).**
- d) That Barnsley Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19 until October 2018 following this Doncaster Metropolitan Borough Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2018/19.**

2. Background

2.1 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 IAA 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 exercised jointly by a committee of officers.

2.2 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 2017/18, this delegation was made to the Barnsley 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 2018/19, this delegation should therefore be made to the Doncaster member of the Steering Committee. Due to unforeseen circumstances the Doncaster Officer of the Steering Committee will be unable to fulfil this role until October 2018 therefore it is proposed that the Barnsley Representative continue in this role until then. 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.

2.3 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

Doncaster Representative

The Assistant Director Environment or in their absence Head of Waste and Highways Infrastructure

Rotherham Representative

Assistant Director Community Safety and Street Scene or in their absence Street Scene Manager

3. Key Issues

3.1 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.

4. Options considered and recommended proposal

4.1 The delegations are a contractual requirement of the Inter Authority Agreement so no further options were considered

5. Consultation

5.1 BDR Portfolio Holders for Waste, BDR Steering Committee, BDR Waste Service Managers

6. Timetable and Accountability for Implementing this Decision

6.1 The delegations and rotation of Chair are a contractual requirement of the Inter Authority Agreement and should take place at the AGM in June each year.

7. Financial and Procurement Implications

7.1 No financial implications associated with this.

8. Legal Implications

8.1 The delegations and rotation of Chair are a contractual requirement of the Inter Authority Agreement and should take place at the AGM in June each year.

9. Human Resources Implications

9.1 None.

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11 Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 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.

14. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene

Martin Raper, Street Scene Manager

Lisbeth Baxter, BDR Manager

Approvals Obtained from:-

Interim Strategic Director of Resources and Transformation:- Stuart Booth

Assistant Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):- Not applicable

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