

Public Report  
Barnsley, Doncaster & Rotherham Joint Waste Partnership - Joint Waste  
Board

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**Committee Name and Date of Committee Meeting**

Barnsley, Doncaster & Rotherham Waste Partnership - Joint Waste Board –  
29 June 2020

**Report Title**

Approval of Delegations under the Inter-Authority Agreement for Municipal Year  
2020/21

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

No

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

None.

**Report Summary**

One of the contractual documents entered into between Barnsley MBC, Doncaster Borough Council and Rotherham Borough Council (the “Authorities”) at financial close of the BDR Waste PFI project was an Inter-Authority Agreement (“IAA3”) being the third joint working agreement between the Authorities following on from procurement phase and pre-financial close versions. This IAA3 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 the IAA3. At the date of this meeting, the BDR Waste PFI Contract is the only Relevant Contract to which IAA3 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 chair and then to the BDR Manager (as chair of the Joint Waste Team which reports to the BDR Steering Committee) 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 chair and BDR Manager will be made in accordance with the provisions of the prevailing IAA3.

**Recommendations:**

That the JWB note that:

1. With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA3, all other decisions in respect of the Principal Contract are delegated by the JWB to the chair of the BDR Steering Committee (the "Authorised BDR Steering Committee Member").
2. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
3. 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).
4. That Rotherham Borough Council's representative officer on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2020-2021.

**List of Appendices Included**

None

**Background Papers**

Inter-Authority Agreement (version 3 dated [27] [09] [2016] (IAA3)

**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

## **Approval of Delegations under Third Inter-Authority Agreement (IAA3) for Municipal Year 2020/21: BDR joint waste management Private Finance Initiative (PFI) project**

### **Background**

- 1.1 Local authorities may arrange for the discharge of functions by (i) a joint committee or (ii) by an officer of one of them under section 101(5)(a) of the Local Government Act 1972. In this case, a group of officers is established under IAA3 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 Local Government Act 1972 does not allow the delegation of powers to be exercised jointly by a committee of officers.
- 1.2 To fit with the legislative requirements the Joint Waste Board (JWB) as a joint committee of members 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 other officers from the Authorities on the BDR Steering Committee. For the municipal year 2019/20, this delegation was made to the Rotherham Borough Council member of the BDR 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 2020/21, this delegation should therefore be made to the Barnsley Borough Council member of the BDR Steering Committee. However, as these are challenging times it is proposed by BDR Steering Committee that for the year 2020/21 there are no changes by rotation to the Chairman appointment. This officer, as Authorised BDR Steering Committee Member, 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.
- 1.3 The structure of the BDR Steering Committee will be as follows:
  - Barnsley MBC representative:

The Service Director (Environment & Transport) or in their absence the Head of Commercial and Support Services (Environment and Transport)
  - Doncaster Borough Council representative:

The Assistant Director (Environment) or in their absence Head of Waste and Highways Infrastructure
  - Rotherham Borough Council representative:

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

## **2. Key Issues**

- 2.1 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 high value, long term joint project involving three local authorities with central government revenue support funding, 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 PFI project.

## **3. Options considered and recommended proposal**

- 3.1 The delegations are a contractual requirement of the IAA3, so no further options were considered.

## **4. Consultation on proposal**

- 4.1 Portfolio Holders for Waste Management in each of the Authorities, BDR Steering Committee and BDR Waste Service Managers (who are part of the Joint Waste Team) have been consulted.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 The delegations and rotation of Chairman and Vice-Chairman of the JWB are a contractual requirement of the IAA3 and should take place at the AGM of the JWB in June each year.
- 5.2 Due to exceptional circumstances, members' unavailability and the distracting effects on priorities due to COVID-19 only two JWB meetings were held in the financial year 2019/20 with no meeting held since September 2019.
- 5.3 Rotation of the Chairman and Vice-Chairman of the JWB was discussed at BDR Steering Committee in May 2020 and due to the ongoing COVID-19 uncertainty, the scheduling of member elections for Doncaster Borough Council and Barnsley MBC for Spring 2021 and the current Chairman's reduced tenure in his year it was considered and suggested that the extension of the term of the current Chairman, Cllr Chris Lamb from Barnsley MBC, would be beneficial.
- 5.4 BDR Steering Committee agreed with the proposal to put forward a two (2) year rotation of Chairman and Vice-Chairman to propose at the JWBAGM in June 2020.

## **6. Financial and Procurement Advice and Implications**

- 6.1 There are no financial implications arising from this report.

## **7. Legal Advice and Implications**

- 7.1 The delegations and rotation of Chairman and Vice-Chairman are a contractual requirement of the IAA3 and should take place at the JWB AGM in June each year.

7.2 Paragraph 5.1 above details a recommendation to extend the 2019/20 Chairman and Vice-Chairman appointments for JWB into 2020/21.

## **8. Human Resources Advice and Implications**

8.1 There are no human resource implications arising from this report

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for children and young people and vulnerable adults arising from this report

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no equalities and human rights implications arising from this report.

## **11. Implications for Partners**

11.1 There are no implications for partners arising from this report.

## **12. Risks and Mitigation**

12.1 Delegation of decisions in the manner requested facilitates the smooth running of the JWB. Without such delegations in place, given that this is a complex, high value PFI 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 PFI project.

## **13. Accountable Officer(s)**

Tom Smith, Assistant Director (Community Safety and Street Scene)  
Martin Raper, Street Scene Manager  
Lisbeth Baxter, BDR Manager

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