

<h1>BRIEFING</h1>	TO:	BDR Joint Waste Board
	DATE:	26/6/2023
	LEAD OFFICER:	Lisbeth Baxter BDR Manager Waste Management, Regeneration and Environment
	TITLE:	Rotation of Chair

1. Background

- 1.1** One of the contractual documents entered into between Barnsley Metropolitan Borough Council, Doncaster City 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 briefing 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.
- 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.
- 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.
- 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 at the AGM in June. For the municipal year 2022/23, this delegation was made to the Rotherham Borough Council member of the BDR JWB, who also acted as the Chairman of that body.
- The structure of the BDR JWB for 2023/24 will be as follows:

Barnsley Metropolitan Borough Council representative: Chair

Cabinet Spokesperson - Environment and Highways

Doncaster City Council representative: Vice Chair

Portfolio Holder for Sustainability and Waste

Rotherham Borough Council Representative

Cabinet Member for Transport and Environment

In line with this principle, it has been agreed that the Authorised BDR Steering Committee Member will also rotate annually

For the municipal year 2022/23, this delegation was made to the Doncaster City Council member of the BDR Steering Committee, who also acted as the Chairman of that body. For the municipal year 2023/24, this delegation will therefore be made to the Rotherham Borough Council member of the BDR Steering Committee. 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.

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

Rotherham Borough Council representative: Chair

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

Doncaster City Council representative: Vice Chair

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

Barnsley Metropolitan BC representative:

The Service Director (Environment & Transport) or in their absence the Head of Commercial and OP Support Services (Environment and Transport)

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
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3. Key Actions and Timelines

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

4.1 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 2023-2024.