

JOINT WASTE COMMITTEE STRUCTURE

Cabinet Member for: Waste and Recycling (Lichfield), Portfolio Holder for Operations and Finance (Tamworth)

Date:	Monday 20 th November 2023
Agenda Item:	5
Contact Officer:	Will Stevenson (Governance)
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Key Decision?	NO
Local Ward Members	

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Lichfield District Council and Tamworth Borough Council

LICHFIELD & TAMWORTH JOINT WASTE COMMITTEE

1. Executive Summary

- 1.1 Examination of the legal and legislative requirements for the establishment of a new 'Management Board' in place of the existing Joint Waste Committee.

2. Recommendations

- 2.1 That the Cabinet members consider how they wish to define the desired changes and delegations for a new management board style arrangement.
- 2.2 That if a new arrangement is agreed, the outcome of these discussions be presented to their respective Cabinet for approval. Constitutional amendments are subsequently passed by full council at both authorities.

3. Background

- 3.1 The 'Lichfield and Tamworth Waste Collection Services Joint Committee' was established in 2010 for the purposes of Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangement for the Discharge of Functions) (England) (Amendment) Regulations 2001. This allowed the authorities to operate a shared waste collection service with the oversight of elected members from both councils.
- 3.2 At the Monday 21st November 2022 meeting, the Joint Committee requested a realignment of member and officer responsibilities. It was noted that the Joint Committee was focusing a considerable amount of time on operational matters rather than strategic horizon scanning. A structure that delegated operational matters to officers in the Joint Waste service area was deemed preferable. Minutes of the 21/11/2022 meeting were discussed as an earlier agenda item.
- 3.3 The committee highlighted the use of a 'Management Board' by Building Control that allows for member oversight of operational matters. This was suggested as a possible alternative, pending an examination of the Joint Committee constitution to accommodate such a change.
- 3.4 An arrangement that allows for greater efficiencies is desired, with less of a burden on member and officer time. These resources could provide a more responsive and effective service for residents, able to quickly respond to issues outside the confines of the current committee arrangement.
- 3.4 The Joint Committee has a separate specialised constitution (APPENDIX A). A review of the Joint Committee constitution was conducted, with legal advice received from South Staffordshire Legal Services. The Land Charges Partnership Agreement 2015 (APPENDIX B) that originally established what would become the Building Control 'Partnership Advisory Board' was also reviewed alongside this.

- 3.5 The review concluded that both agreements are based on similar legal foundations, arising from Section 101 of the Local Government Act 1972, with similar aims of allowing the authorities involved to collaborate on a shared service. As the Land Charges ‘Partnership Advisory Board’ was later utilised in the Building Control Shared Service Agreement 2019, there should be no obvious legal obstacles to adapting the Joint Committee in a similar way. There is no need to abolish the current Joint Committee in its entirety. Instead, cabinet can be requested to rename the Joint Waste Committee as a ‘Joint Waste Management Board’ and approve any new arrangements.
- 3.6 Cabinet members would now engage with the lead officers of the service area to define the shape of this new arrangement. As this is an executive function both authorities would need to take a report back to their respective Cabinets, setting out the changes that are proposed. It will be for Cabinet to consider and re-designate the functions that it wishes service area officers to undertake. Following this, the Constitutions of both councils will need to be amended at Part 2 and Part 3 to reflect the changes made.
- 3.7 The outcome of the discussions in 3.6 would determine which aspects from the existing Joint Committee constitution need to be reflected in any new arrangement.

Alternative Options	<ol style="list-style-type: none"> The existing Joint Committee arrangements could remain in place. The authorities could dissolve the shared service and seek to procure domestic waste collection separately. <p>At present these alternatives are not the expressed wish of the committee.</p>
Consultation	<ol style="list-style-type: none"> This review was conducted in consultation with South Staffordshire Legal Service to identify appropriate options. Any changes to the Joint Committee that arise from this should be done in consultation with the service area.
Financial Implications	<ol style="list-style-type: none"> Assurances were received from the legal service that the proposed changes to the name and delegations of the Joint Waste Committee does not cause any procurement issues or present a renewed risk of challenge; it is still firmly within the s.101/s.20/Functions Regulations legal basis for discharge of functions. As a management board there may be the opportunity to meet remotely, generating savings on the costs of meeting venue/lighting/heating, etc.
Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> Each Partner Council has a duty under section 43 of the Environmental Protection Act to execute the requirements of that Act and to provide domestic waste collection in its administrative area. At present, this is achieved by the existing Joint Committee arrangement, entered into under Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangement for the Discharge of Functions) (England) (Amendment) Regulations 2001 made under Section 20 of the Local Government Act 2000 (the Act) Further action that involves any substantive changes to the structure of the Joint Committee must be approved by Cabinet.
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> Shaping Place – ensuring an efficient and responsive governance framework for the Joint Waste service to meet the goal of keeping the district ‘clean, green and safe’.

	2. A Good Council – designing an arrangement that is responsive and customer focused, able to quickly respond to issues outside the confines of the current committee arrangement.
Equality, Diversity and Human Rights Implications	1. Not applicable.
EIA logged by Equalities Officer	Yes/no* Equalities Officer confirmed not required.
Crime & Safety Issues	1. Not applicable.
Data assessment	1. Not applicable – options for committee restructure will not impact any ward/customer group/demographics, or data.
Environmental Impact (including Climate Change and Biodiversity).	1. Councils are required to provide domestic waste collection under section 43 of the Environmental Protection Act. Restructuring the committee should have no impact whilst this requirement is adhered to. 2. Flexibility in the frequency and ability to convene meetings could reduce the carbon output of transporting committee members and officers to the regular meeting venue.
GDPR / Privacy Impact Assessment	1. Not applicable.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	That the arrangements do not function in an equitable and balanced way or create uncertainty for the provision of waste services.	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Clearly define the balance of responsibilities and decision-making mechanisms through a clear constitution agreement. Include provisions	Likelihood Green (tolerable) and Impact Assessment. Green (tolerable)
B	Public discontent due to a lack of transparency following the removal of publicly attended committee meetings.	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Produce clearly defined decision notices for board meetings, confirming the details of what was discussed and agreed upon. Elected members are required at the meetings to guarantee a level of democratic accountability.	Likelihood Green (tolerable) and Impact Assessment. Green (tolerable)
C				
D				
E				

<ul style="list-style-type: none">• (Appendix A) Constitution of the Lichfield and Tamworth Waste Collection Services Joint Committee• (Appendix B) Southern Staffordshire Land Charges Collaboration Agreement	Background documents Any previous reports or decisions linked to this item
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N/A	Relevant web links Any links for background information which may be useful to understand the context of the report
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