

REVISED JOINT WASTE CONSTITUTION

Cabinet Member for: Waste, Recycling, Ecology & Climate Change (Lichfield), and Waste, Recycling and Environment (Tamworth)

Date: 27 March 2024

Agenda Item:

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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 To review and agree a revised Constitution for the Lichfield & Tamworth Joint Waste Service to support effective service development and clear decision making.

2. Recommendations

- 2.1 That the Committee approve the revised Constitution as set out in **Appendix B** for recommendation and adoption by each partner authority, in line with their individual Constitutional arrangements.

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 November 21 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.
- 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 to provide a more responsive and effective service for residents, able to quickly respond to issues outside the confines of the current committee arrangement. This will be particularly important as key legislative changes regarding waste provision will be enacted in the coming years.
- 3.5 The Joint Committee has a separate specialised constitution. A review of the Joint Committee constitution was conducted, with legal advice received from South Staffordshire Legal Services, tracked changes to the existing document are set out in **Appendix A**.

- 3.6 At the December 2023 meeting, the committee agreed the approach in principal and confirmed their wish to rename the Joint Waste Committee as a 'Joint Waste Management Board' and approve any new arrangements, including an updated constitution, which has been redrafted and is set out as **Appendix B**.
- 3.7 Following a decision on the updated Constitution by this committee, both authorities would need to take a report back to their respective Cabinets, setting out the changes that are proposed for approval as part of the Scheme of Delegation. Following this, the Constitutions of both councils will need to be amended at Part 2 and Part 3 to reflect the changes made.

Alternative options	<ol style="list-style-type: none"> 1. The existing Joint Committee arrangements could remain in place. 2. The authorities could dissolve the shared service and seek to procure domestic waste collection separately.
Consultation	<ol style="list-style-type: none"> 1. This review was conducted in consultation with South Staffordshire Legal Service. Any subsequent changes to the Joint Committee that arise from this have also been advised to relevant officers in each authority. 2. Governance teams at both Councils have been advised of the updates and required changes to other key documents as a result.
Financial implications	<ol style="list-style-type: none"> 1. 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. 2. As a management board there may be the opportunity to meet remotely, generating savings on the costs of meeting venue/lighting/heating, etc. 3. Anthony Thomas, Assistant Director and S151 at Lichfield acts as primary S151 Officer for the partnership. The revised agreement confirms
Approved by Section 151 Officer	Yes
Legal implications	<ol style="list-style-type: none"> 1. 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) 2. 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"> 1. 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	No Equalities Officer confirmed not required.
Crime & safety Issues	1. Not applicable.
Data assessment	1. Not applicable.
Environmental impact (including climate change and biodiversity)	1. Not applicable.
GDPR / Privacy impact assessment	Not applicable.

	Risk description & risk owner	Original score (RYG)	How we manage it	New 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 follo To review and agree a revised Constitution for the Lichfield & Tamworth Joint Waste Service to support effective service development and clear decision making.wing 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				

Background documents	Any previous reports or decisions linked to this item
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Relevant web links	Any links for background information which may be useful to understand the context of the report
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