



CABINET

5TH JUNE 2014

AGENDA ITEM (8)

APPROVAL OF REVISED INTER-AUTHORITY AGREEMENT FOR THE JOINT WASTE COMMITTEE

Accountable Member	Councillor David Fowles Cabinet Member for Environment
Accountable Officer	Monica Stephens Head of Customer Services 01285 623000 monica.stephens@cotswold.gov.uk

Purpose of Report	To seek Cabinet approval to the revised Inter Authority Agreement (IAA) following the addition of Tewkesbury Borough Council as a new partner to the Gloucestershire Joint Waste Committee (JWC).
Recommendation(s)	<p>(a) That a new Inter-Authority Agreement be completed to enable the addition of Tewkesbury Borough Council to the Joint Waste Committee;</p> <p>(b) that the Strategic Director (Environment), in consultation with the Cabinet Member for Environment, the Section 151 Officer and the Head of Legal and Property Services, be authorised to:-</p> <p>(i) complete the new Inter-Authority Agreement;</p> <p>(ii) make any subsequent amendments to the Inter-Authority Agreement or to agree a new Inter-Authority Agreement should further partners join the Joint Waste Committee in the future.</p>
Reason(s) for Recommendation(s)	<p>The JWC has approved the addition of Tewkesbury Borough Council to the Joint Waste Partnership (JWP). In view of this, a new IAA is required to incorporate all five partner authorities (this Council, Cheltenham Borough Council, Forest of Dean District Council, Gloucestershire County Council and now Tewkesbury BC).</p> <p>To enable this Council to remain part of the Joint Waste Committee, the Cabinet is requested to approve a revised IAA.</p>

Ward(s) Affected	All
Key Decision	Yes
Recommendation to Council	No

Financial Implications	This Council is already a partner within the JWC, which aims to achieve efficiency savings for partner Councils. One of the key objectives of including Tewkesbury Borough Council as a partner is to secure additional savings in the medium to long term. The JWC business plan, which includes the financial implications for this Council, is reported annually to the Cabinet.
Legal and Human Rights Implications	None
Environmental and Sustainability Implications	The addition of Tewkesbury Borough Council as a partner is important strategically as it may provide opportunities for more efficient cross-boundary waste collections, which would reduce costs, fuel usage and therefore, carbon emissions.
Human Resource Implications	None for this Council. The member of staff at Tewkesbury Borough Council affected by this change would transfer to the Joint Waste Team (JWT) under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
Key Risks	The legal framework for the JWC is by way of an IAA. The IAA applies only to the partners who have signed up to it and, therefore, needs to be re issued whenever a partner leaves or a new partner joins. Failure to endorse a revised IAA would exclude the Council from the JWC (see paragraph 1.5 below).
Equalities Impact Assessment	No additional analysis relevant for this report.

Related Decisions	Cabinet 3 rd November 2011 - Formation of Joint Waste Committee in Gloucestershire
Background Documents	None
Appendices	None

Performance Management Follow Up	The Cabinet Member for Environment attends the JWC and oversees performance of the JWC and JWT on behalf of the Council. The performance of the JWC and JWT will also impact on performance targets for the waste service which are monitored and reported internally.
Options for Joint Working	The JWC already comprises this Council, Cheltenham Borough Council, Forest of Dean District Council and Gloucestershire County Council, and seeks to achieve efficiency savings through the creation of a joint waste collection and disposal strategy that would otherwise not be available solely by closer working at a waste collection level.

Background Information	
1.	<u>General</u>
1.1	In November 2011, the Cabinet agreed to join the Gloucestershire Joint Waste Committee which was subsequently formed on 1 st April 2013, with partners Gloucestershire County Council, Forest of Dean District Council and Cheltenham Borough Council.

1.2 At the time the partnership was formed, the other Gloucestershire authorities opted out but were encouraged to join at some point in the future. The principle is that, the more partners that join the JWC, the greater the opportunity for achieving efficiencies and cost savings.

1.3 At its Meeting of 5th March 2014, Tewkesbury Borough Council's Executive Committee considered a report on the JWC and recommended to that Council that it should join the JWC. That recommendation was approved by Tewkesbury Borough Council on 15th April 2014.

1.4 At a Meeting on 1st April 2014, the existing partners within the JWC unanimously agreed to support Tewkesbury Borough Council joining the JWC.

1.5 In order to facilitate Tewkesbury Borough Council joining the JWC, the original IAA between the four partners must cease and a new IAA drawn up for the five partners. Clause 14 of the IAA states:-

"If it is agreed by all Partner Authorities that another local authority should be permitted to join the GJWC then the GJWC shall be dissolved and this Agreement terminated with a view to a new GJWC being established and a replacement agreement on similar terms to this Agreement (as varied by agreement of the proposed Partner Authorities) being completed with effect from the date of termination of this Agreement".

1.6 The process for inclusion of new members therefore requires all members to approve a revised IAA. Once all parties have formally approved the new IAA, the existing JWC will be dissolved and replaced by a new JWC.

1.7 The aim is that this process be completed in time for the Annual General Meeting of the JWC on 10th June 2014.

1.8 The inclusion of Tewkesbury Borough Council will involve the TUPE transfer of one member of staff to the JWT from the joining date, with formal TUPE transfer to the Administering Authority on behalf of the JWT to be completed in due course.

1.9 It is proposed that Tewkesbury Borough Council's current Action Plan for Waste Services is adopted alongside the current JWC Business Plan, and that actions for all partners be integrated in future editions of the Plan.

2. Additional Amendments to the Inter-Authority Agreement

There are a number of minor amendments which will be included in the revised draft IAA for partners to review. These include, for example, reference to the 'Joint Waste Team' (JWT) instead of the 'Joint Waste Management Unit', and updates to each partner's particulars. The TUPE schedule will be revised to delete references to staff that have now transferred and will now include the staff member who will be transferring from Tewkesbury Borough Council to the JWT (Gloucestershire County Council as the employing authority). It also includes deletion of Appendix 3 to Schedule 1 of the existing IAA which consists of the first Annual Business Plan which has since been superseded by the current Business Plan 2014-17.

3. Budget and Cost Sharing Agreement

3.1 The current IAA contains a cost sharing formula at Schedule 6 which applies to future joint funding.

3.2 This Schedule, and formulae within it, will need to be amended to include Tewkesbury Borough Council. However, as the formula is not presently used, it is not proposed to amend the Schedule as it stands, but to bring recommendations to the JWC on future cost sharing as part of the next iteration of the business planning and budget process for the period 2015-18.

3.3 Partner authorities shared the costs associated with the initial set up of the JWC and of the Head of Service for the JWT. They continue to carry the cost associated with the staff that they TUPE transferred into the JWT. Tewkesbury Borough Council would fund equivalent staff costs and there would be no cross subsidy with or between existing JWC partners.

3.4 In the event that the JWC is recommended to jointly fund a project or programme, or realise savings, then apportionment of the costs/benefits between all five partners will be considered as part of the project proposal and not necessarily in accordance with the current formulae.

4. Addition of Future Partners

4.1 Should Stroud District Council and Gloucester City Council elect to join the JWC in the future, it is expected that this would bring added benefits for existing partners without any additional key risks. Delegated authority is therefore sought to agree the addition of these partners, and put new IAAs in place, unless key risks for this Council are identified at the time, in which case a report for decision would be submitted to the Cabinet for consideration.

(END)