

**Report to:** Cabinet

**Date of Meeting:** 11th September 2017

**Report Title:** Joint Waste and Recycling Committee and Constitution

**Report By:** Mike Hepworth, Assistant Director, Environment and Place

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### **Purpose of Report**

To update Cabinet on urgent developments with the joint waste procurement project, and seek approval to implement measures to ensure that the process can proceed.

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### **Recommendation(s)**

- 1) approve associated changes to the Constitution of the Joint Waste Committee at Appendix A;
- 2) approve the formation of the Joint Waste and Recycling Committee and adopt its Constitution at Appendix B;
- 3) agree that the existing Hastings members and substitutes for the Joint Waste Committee be nominated as members and substitutes for the new Joint Waste and Recycling Committee; and
- 4) the Lead Director for the Joint Waste Partnership be authorised to make minor amendments to the Constitution, in consultation with the Chair of the Joint Waste Committee.

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### **Reasons for Recommendations**

To comply with legal advice recently provided to the Joint Waste Partnership.

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## Introduction

1. In 2011 Eastbourne Borough Council (EBC), Hastings Borough Council (HBC), Rother District Council (RDC), Wealden District Council (WDC) and East Sussex County Council (ESCC) approved the setting up of a Joint Waste Committee (JWC) in order to procure a single Joint Waste Contract which was awarded to Kier Services Limited and started in April 2013. This Contract will end on 28 June 2019.
2. In 2016, the JWC began to consider possible options for the delivery of services and future role of the JWC from 2019. Lewes District Council (LDC) began to attend the JWC in a co-opted role without voting rights from April 2016. This meant that all the East Sussex Waste Collection Authorities and the East Sussex Waste Disposal Authority are aware of and have had opportunity to participate in waste related matters as they developed through 2016/17.
3. The Councils have confirmed their positions with regard to the joint procurement of a new Contract to start on 29 June 2019. HBC, RDC and WDC have resolved to participate in the procurement project. EBC has resolved to withdraw from the East Sussex Joint Waste Partnership and work with LDC to develop joint services across Eastbourne and Lewes. Officers subsequently advised that both EBC and LDC wish to be named on the OJEU notice for potential future access to the Contract by variation (although this was not a specific resolution by either Cabinet).
4. To enable a clear distinction between matters concerning the current Joint Waste Contract and the future procurement decisions for HBC, RDC and WDC it is therefore recommended that a new Joint Waste and Recycling Committee (JWRC) be established. The new committee will operate concurrently to the existing JWC and meet consecutively so although some additional administration work will be required, matters concerning the current Contract and matters concerning procurement and the future delivery of services are handled separately.

## Joint Waste Committee and Constitution

5. Attached at Appendix A is an amended constitution for the JWC. The amendments are underlined for easy reference and clarify that the JWC is established to manage and oversee the Contract which was entered into.
6. Attached at Appendix B is a Draft Constitution for the JWRC. This Constitution differs from the JWC Constitution only in terms of voting rights and the provision to succeed the JWC from June 2019. Again, the differences are underlined for easy reference. The Constitution is therefore recommended for approval that will convey the executive powers from each authority to this JWRC to progress procurement of the future delivery of service. Each District/Borough is therefore being asked to adopt the Constitution and to appoint two Council representatives (and substitutes), preferably the same Members who are already members of the JWC.
7. EBC and LDC are invited to attend the new Joint Waste and Recycling Committee in a co-opted role without voting rights.

## Risk Assessment Statement

8. If a new Constitution is not adopted it will require the existing Constitution to operate allowing voting rights for those authorities not participating in the contract.

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### Wards Affected

All wards

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### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	
Crime and Fear of Crime (Section 17)	
Risk Management	Yes
Environmental Issues	
Economic/Financial Implications	
Human Rights Act	
Organisational Consequences	
Local People's Views	
Anti-Poverty	

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### Additional Information

Appendix A Joint Waste Committee Constitution (Amended)

Appendix B Joint Waste and Recycling Committee Constitution (Draft)

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### Officer to Contact

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