

To: Cabinet -18 June 2007

By: Keith Ferrin, Cabinet Member for Environment, Highways and Waste.
Pete Raine, Director of Environment and Regeneration

Subject: **Kent Waste Partnership - Joint Waste Management Committee Constitution.**

Classification: Unrestricted

Summary: The purpose of this report is to seek agreement to the new Constitution of the Kent Waste Partnership, and to continuing membership of the partnership, with Keith Ferrin remaining as the KCC representative. This body, in the form of a Joint Waste Management Committee, will implement the Kent Joint Municipal Waste Management Strategy which was agreed by Council in December 2006.

REPORT

1.0 Kent Waste Partnership (KWP)

- 1.1 The Kent Waste Partnership is the new name for the “umbrella” body replacing the Kent Waste Forum, of which the Cabinet Member for Environment, Highways and Waste is the current chairman. It has been identified as an exemplar of excellent partnership working and is now moving to a further stage in its development.
- 1.2 This Constitution, in a draft form, has been considered by the Kent Legal Secretaries’ Group and the attached version includes amendments suggested by the Group. For the avoidance of doubt this Constitution does not incorporate or otherwise transfer executive functions of the constituent authorities to the partnership. The Constitution is set out below at Appendix 1.
- 1.3 This Constitution has been the subject of extensive consultation through the Kent Waste Forum. It is now being considered by each partner, namely all the districts and boroughs in Kent as well as the County Council, in order to be adopted across Kent. With this in mind it is recommended for approval without the scope for changes by individual authorities. In fact, it has already been adopted by several Councils in this format.
- 1.4 A key function of the Committee will be to approve and implement Annual Action Plans to deliver the strategy. However, there remains a proviso (in section 5.8) which allows a partner to utilise an opt-out provision in respect of a specific issue. It is to be hoped that this will rarely be necessary but serves as reassurance in respect of partnership working.

2.0 **RECOMMENDATION**

It is recommended that:-

- a) the new Constitution for the Kent Waste Partnership is adopted, as set out in Appendix 1; and
- b) KCC continues as a partner with Keith Ferrin remaining as the Council's representative on the Kent Waste Partnership.

Background documents: Draft Constitution attached

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The Kent Waste Partnership – Joint Waste Management Committee (Constitution)

1. Background

The Partner Authorities have, for several years, co-operated on an informal partnership basis in connection with the development and delivery of a joint waste strategy for Kent.

The parties now wish to establish a clearer and more accountable framework for these arrangements, in order that they are able to respond in a more effective and co-ordinated way to a number of new challenges. These include new targets for recycling and recovery of waste under the National Waste Management Strategy, changes in European legislation affecting waste management, and the promotion of sustainable development including the recognition of waste as a resource.

The parties have therefore agreed to establish the Kent Waste Partnership Joint Waste Management Committee.

For the purposes of the constitution the parties comprise the thirteen Kent council partners of the Kent Waste Partnership:

Ashford Borough Council
Canterbury City Council
Dartford Borough Council
Dover District Council
Gravesham Borough Council
Kent County Council
Maidstone Borough Council
Sevenoaks District Council
Shepway District Council
Swale Borough Council
Thanet District Council
Tonbridge & Malling Borough Council
Tunbridge Wells Borough Council

1.1. The purpose of the Constitution

The purpose of this Constitution is to set out in clear terms of reference as to how the Joint Waste Management Committee operates and how decisions are made.

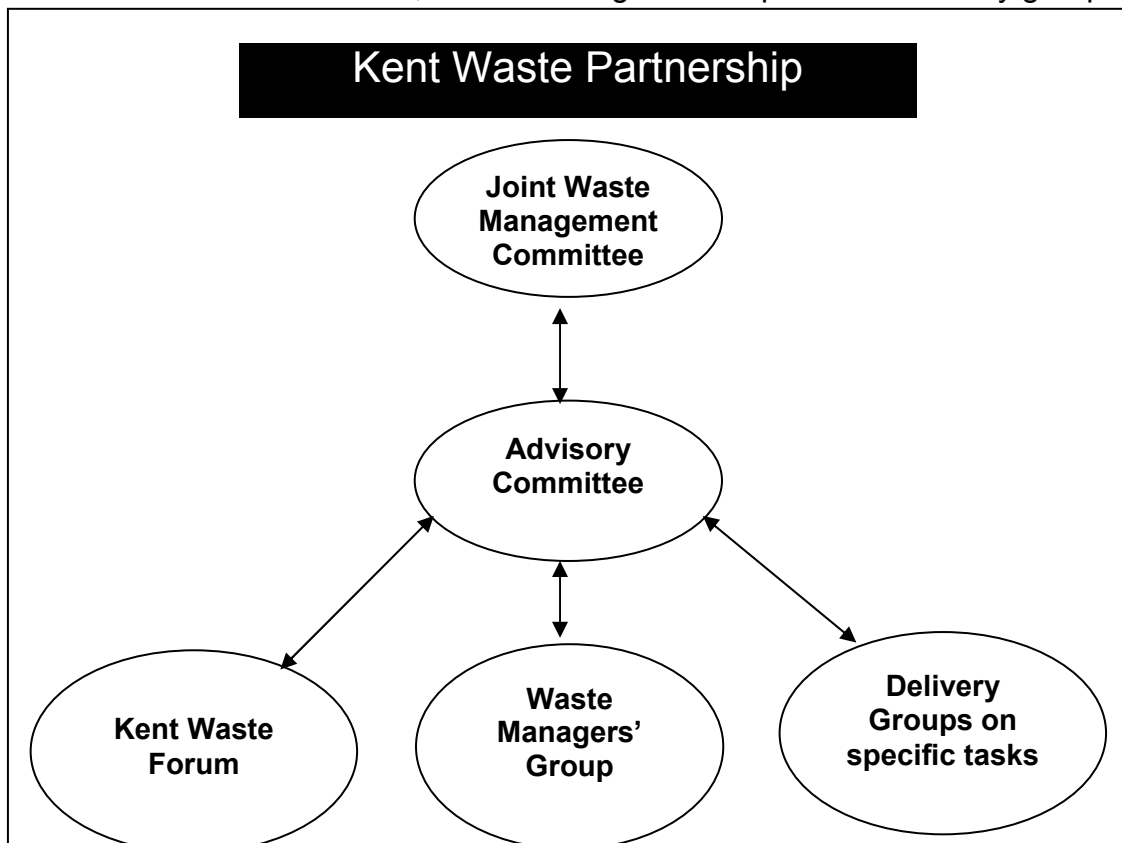
The Constitution may be amended from time to time, where all Partner Authorities agree to such amendments. The Kent Joint Waste Management Committee may propose amendments for consideration and approval in its Draft Annual Operating Plan.

Kent Waste Partnership – Strategic Objectives

The Kent Waste Partnership's (KWP) vision is set out in the Kent Joint Municipal Waste Management Strategy Headline Objectives.

2. Organisational Structure for Kent Waste Partnership

The **Kent Waste Partnership** will function as the joint working body across Kent Local Authorities led by the **Joint Waste Management Committee**. It will be advised by an **Advisory Committee** and comprising one senior officer from each of the constituent authorities. The Advisory Committee will draw from input and advice from the Kent Waste Forum, Waste Managers' Group and the delivery groups.



The Kent Joint Waste Management Committee is a Joint Committee constituted by the Partner Authorities under Section 101(5) and 102(1) of the Local Government Act 1972 and Section 20 of the Local Government Act 2000. Its name is the 'Kent Joint Waste Management Committee'. Meetings of the Joint Waste Management Committee are subject to the provisions of the Local Government Act 1972 including provisions on access to information and meetings held in public. The Joint Waste Management Committee cannot employ staff or enter into a contract(s) in its own right. In those respects it will have to act through an agent - normally one of The Partners.

4. Terms of Reference of the Joint Waste Management Committee

4.1. +The purpose of the Joint Waste Management Committee (Objectives) is to:

- Ensure the delivery of the Joint Municipal Waste Management Strategy and Vision for Kent

- provide a platform for cooperative and joint working to improve or deliver services
- act as a single voice for strategic waste issues for Kent local authorities and to influence Central Government and other bodies as necessary on key strategic waste issues
- increase awareness of waste as a resource and to interact with other stakeholders to promote waste minimisation and achieve an economically, environmentally and socially sustainable waste strategy
- work with and support as required statutory agencies, non governmental organisations (NGO's), small and medium sized enterprises (SME's), business, scientific and commercial organisations and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management.

4.2. The key functions of the Joint Waste Management Committee are to:

- ensure the implementation, monitoring and review of the approved Joint Municipal Waste Strategy for Kent
- advise on the future development of the Joint Municipal Waste Strategy for Kent
- produce the Draft Annual Action Plan, including a budget, for approval by the Partner Authorities
- take decisions relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan
- authorise any relevant expenditure as outlined in the budget of the Approved Annual Action Plan
- undertake joint funding applications relevant to the implementation and future development of the Joint Waste Management Strategy and the Approved Annual Action Plan
- act as a forum for consideration of strategic/operational municipal and other waste management issues in Kent
- encourage the adoption and sharing of waste management best practices and initiatives
- co-ordinate baseline evaluation and monitoring of services
- facilitate constructive partnership working

- inform and raise awareness of Members, officers, and the community with regards to key waste management and resource issues
- consult and engage key interested bodies and stakeholders
- influence, advise and lobby government and other agencies both nationally and internationally, where to do so is consistent with Kent's Joint Municipal Waste Strategy and the Purpose of the Joint Waste Management Committee (5.1)
- carry out such other activities calculated to facilitate, or which are conducive or incidental to the discharge of the Joint Waste Management Committee's function in implementing the Approved Annual Operating Plan.

4.3. Composition of the Joint Waste Management Committee

Membership comprises of the portfolio holders or designated members with responsibility for waste within the 12 Districts and the County. Each member must be a member of their cabinet or Executive will be entitled to one vote and will act as the Partner Authorities appointed member.

Partner Authorities may each appoint another named person to act as a Deputy for their appointed Kent Joint Waste Management Committee Member. Where the appointed Committee Member is unable to attend a meeting, their Deputy may attend and speak in their absence and may vote.

4.4. The Responsibilities of the Joint Waste Management Committee Member includes to:

- be committed to, and to act as a champion for the achievement of the Joint Waste Management Committee's Purpose
- represent the view of the individual partner local authorities
- attend Joint Waste Management Committee meetings, vote on items of business and make a contribution to the achievement of the objectives
- represent the views of the Joint Waste Management Committee in seeking the approval of their Partner Authority to the Draft Annual Operating Plan and its execution and with regards to the wider Purpose of the Joint Waste Management Committee (5.1)

4.5. Meetings

The Joint Waste Management Committee will meet four times a year, usually on a quarterly basis. The venue for the meetings shall be agreed by the Committee. One meeting a year shall be specified as the Annual General Meeting.

The Chair and Vice-Chair of the Joint Waste Management Committee shall be elected at the Annual General Meeting and must be one of the local authority portfolio holders. Appointments take effect until the next Annual General Meeting. In

the absence of the Chair for any reason the responsibilities of the Chair can be discharged by the Vice-Chair. A Chair or Vice-Chair may be re-elected to serve for a further year if that is the wish of the majority of the Joint Waste Management Committee.

A printed copy of the agenda for each meeting and the minutes of the previous meeting, shall be despatched at least fourteen days before such meeting to each Joint Waste Management Committee Member.

The quorum for a meeting shall be 7 members.

4.6. Special Meetings

The Chair may summon a Special Meeting of the Joint Waste Management Committee at any time. A Special Meeting shall be summoned on the requisition in writing of not less than four Voting Members, which requisition shall specify the business to be considered at the Special Meeting. A Special Meeting will be arranged to be held in accordance with the timetable in 5.5 above.

4.7. Decision Making

In the event of a vote, only the appointed elected Member of each constituent authority shall be entitled to vote (including the Chair). In the event of a tied vote, the Chair shall have a casting vote.

Every question shall be determined by the voices of those Voting Members present, provided that if there is a Voting Member who indicates dissent to this procedure then a vote by a show of hands shall take place. A simple majority shall be required.

Where the effect of a particular proposition, if adopted by the Joint Waste Management Committee, would be to give rise to contractual or financial implications for any Partner Authority, then in addition to the normal requirement for a simple majority of votes, the vote of the Member appointed by that Partner Authority, in favour of the proposition, shall be required.

The Partner Authorities shall complete a legal agreement setting out the basis on which risks and liabilities are apportioned between them, where contractual arrangements are entered into by one of them, as lead authority on behalf of itself and the other authorities, further to a resolution of the Joint Waste Management Committee.

4.8. Annual Action Plan

A Draft Annual Action Plan and Budget will be submitted for consultation each September. At a special meeting of the Joint Waste Management Committee to be held in February, the Kent Joint Waste Management Committee will consider and approve the Draft Annual Action Plan and Budget.

The Draft Annual Action Plan and Budget will set out a programme of work for the next full twelve-month period commencing on the 1st April. It will specify the activities to be undertaken, and arrangements to be entered into, in support of that strategy,

together with a full assessment of the financial, resource, service, legal and contractual implications.

The Draft Annual Action Plan and Budget shall be considered by each of the Partner Authorities to an agreed timetable set by the Kent Joint Waste Management Committee. On being approved by all of the Partner Authorities through their individual decision making structures, the Draft Annual Action Plan and Budget shall become the Approved Annual Action Plan and Budget. An annual report of the preceding year will be presented at the June Annual General Meeting.

The timetable for consideration of the Draft Annual Action Plan and Budget will be:

- September – Circulation for consultation of the Draft Annual Action Plan and Budget
- February following – Approval of the Draft Annual Action Plan and Budget by the Joint Waste Management Committee
- February – March – Approval of the Draft Annual Action Plan and Budget by all the Partner Authorities
- June – Appointment of Chair and Vice Chair and presentation of the preceding year's Annual Report

A Partner Authority may approve the Draft Annual Action Plan subject to a reservation in respect of any particular matter that it has concerns with. Where approval is given subject to such reservation, the Partner Authority's Voting Member is not entitled to vote on the matter in question when it is subsequently considered by the Joint Waste Management Committee. Any resolution of the Joint Waste Management Committee on the matter in question does not bind that Partner Authority.

The Joint Waste Management Committee may consider and propose a draft amendment to the Approved Annual Action Plan, where necessary to accommodate unforeseen circumstances, which have arisen which would assist the Kent Joint Waste Management Committee in achieving its purpose. Any proposed amendment, which is agreed by the Kent Joint Waste Management Committee, shall then be submitted to the Partner Authorities for approval through their individual decision making structures. On being approved by all the Partner Authorities, the amendment is then incorporated in the Approved Annual Action Plan.

4.9. Resources

A Draft Annual Budget, including details of available resources such as recycling credits and the Waste Performance and Efficiency Grant will be produced for consideration as part of the Annual Draft Action Plan. The Draft Annual Budget will be considered alongside the Draft Annual Action Plan by each of the Partner Authorities. On being approved by all of the Partner Authorities through their individual decision making structures, the Draft Annual Action Plan including the Draft Budget shall become the Approved Annual Action Plan.

Core funding identified within the Draft Budget will be held and administered by Kent County Council and will therefore be subject to any subsequent administrative or financial regulations governing KCC.

4.10. Executive Officer and Administrative Support

A dedicated Executive Officer will be appointed to provide support to the Kent Waste Partnership, lead funding bidding and co-ordinate the delivery of the Joint Municipal Waste Strategy. A part-time administrative assistant will support the Executive officer. Core funding identified in the Draft Annual Action Plan will pay for the Executive Officer and Administrator posts, both of which will be employed by Kent County Council.

4.11. Delegation to Sub Committees and Officers

The Joint Waste Management Committee may delegate work to be undertaken by a sub-committee or by an officer of one of the Partner Authorities.

The Joint Waste Management Committee may appoint working groups of Members and/or officers to consider specific matters referred and report back to the Joint Waste Management Committee.

4.12. Role of the Advisory Committee

The Advisory Committee shall consist of relevant senior offices from each of the twelve District Councils and the County Council. The Advisory committee will provide advice to the Joint Waste Management Committee, and promote and present papers for consideration. The Advisory Committee will work to agreed terms of reference (To be attached in an Annex). The Chair of the Advisory Committee must be drawn from the officer membership of the Joint Waste Management Committee.

4.13. Role of the Kent Waste Forum

The Joint Waste Management Committee will work with a wider Kent Waste Forum body through consultation and debate via public meetings. The nature and frequency of its meetings to be determined by the Joint Waste Management Committee.

The Kent Waste Forum shall consist of key stakeholder/interest groups including the community, voluntary and industrial sectors.

4.14. Role of the Waste Managers' Group

A Waste Operations Group will act as a Kent wide network of service delivery officers to provide technical advice and deliver specific tasks as requested by the Joint Waste Management Committee and/or the Advisory Group. The Group would work to an agreed Terms of Reference. (To be attached in an Annex). The Chair of the Waste Managers Group must be a member of the Advisory Group.

4.15. Role of the Delivery Groups

Delivery Groups may be established by the Advisory Committee to an Agreed Terms of Reference to deliver specific actions from the Strategy to cover the duration of the period they are required for e.g. Clean Kent Delivery Group.