

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 5 July 2010. Attendances:

Councillor Jones (Chairman)
Councillors Daniel, Elkin, Glazier and Tutt

Also in attendance: Councillors Simmons and B Tidy

1. Establishment of a Joint Waste Committee for East Sussex

1.1 In October 2010, Eastbourne Borough Council, Hastings Borough Council, Rother District Council, and Wealden District Council signed a Memorandum of Understanding to take part in advancing a single waste collection contract across their areas from 1 April 2013.

1.2 Officers from the County Council have been working closely with the Waste Collection Authorities (WCAs) to ensure that the new collection contract interfaces with the Integrated Waste Management Services Contract (IWMSC) with Veolia, and that the two contracts maximise synergies and opportunities for efficiencies and savings.

1.3 The meeting of Leaders and Chief Executives of the East Sussex local authorities agreed, in principle, at their meeting on 15 April 2011 to the establishment of a Joint Waste Committee (JWC) to govern at Member level the procurement of the single waste collection contract and the appointment of Rother District Council as the Administering Authority.

1.4 The costs of the procurement process of the single waste collection contract will be shared equally across the four WCAs whose areas the contract will serve up until appointment of the contractor. The costs associated with on-going management have yet to be decided but this will be developed and resolved as part of the business case before procurement commences and an inter-authority agreement is signed. Because this is a waste collection contract, it is not anticipated that the County Council would contribute towards these costs.

1.5 The running costs for the Joint Waste Committee have yet to be determined. However, they are anticipated to be small, to be shared equally between the four WCAs and the County Council, and can be met from within the existing budget of the Economy, Transport and Environment Department (E,T&E).

1.6 The draft Constitution for the JWC sets out the proposed purpose, role and legal basis of the JWC. In short, the JWC will be the body which procures and manages the single waste collection contract and works in partnership with the County Council to maximise integration opportunities with the IWMSC. The Borough and District Councils will delegate to the Joint Waste Committee their executive powers relating to their roles as WCAs (these are powers which the County does not have vested in it) as set out in the draft Constitution. It is not proposed that any of the County Council's powers as the Waste Disposal Authority will be delegated to the JWC.

1.7 Within 6 months the JWC will need to have agreed the business case and specification for the contract in order to go out to tender in late 2011. The JWC therefore needs to be in place with the necessary powers to drive this programme

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forward. Without these powers and the need to report back to each Authority it will not be feasible to deliver this project.

1.8 Each WCA is being asked to appoint two Council representatives (one of whom will preferably be the Executive Portfolio-holder for Waste). The County Council is being asked to appoint one Member representative (and a nominated substitute) on the JWC to ensure the collection contract co-ordination with the County's disposal arrangements. It is proposed that, in order to meet the tight timescale involved, the Director (E,T&E) should have delegated authority to approve the Constitution in consultation with the Assistant Director, Legal and Democratic Services.

1.9 It is intended that, once the JWC has finalised the specification and contract documents, they will go to each Council for final approval before procurement commences. This will be accompanied by an inter-authority agreement ensuring commitment, setting out cost and savings allocation, and the financial costs of withdrawing from the process thereafter. Appendix 2 provides additional information in relation to the setting up of the JWC and procurement and management of the single waste collection contract.

1.10 It is recommended that one of the authorities be appointed an Administering Authority. The current proposal is that this should be Rother District Council. It is recommended that authority be delegated to the Director of E, T&E to agree the administering Authority in due course.

1.11 The single waste collection contract procurement will be informed by the revised Joint Municipal Waste Management Strategy for East Sussex, which seeks to move the management of our waste up the waste hierarchy in line with our policy steer 6.4 (to minimise the amount of the County's waste sent to landfill or landraise).

1.12 The timescale for procurement of the single waste collection contract is extremely tight. It will require the JWC to have executive powers to make decisions in order to drive it through. The recommendation therefore seeks approval by the County Council for the establishment and membership of the JWC, the appointment of a member, and the delegation of authority to the Director (E,T&E), in consultation with the Assistant Director, Legal and Democratic Services, to agree the terms of the Constitution of the JWC and the appointment of the Administering Authority.

1.13 The draft constitution for the JWC is set out in Appendix 1. Appendix 2 provides additional information in relation to the setting up of the JWC and procurement and management of the single waste collection contract. The role of the Administering Authority is set out in Appendix 3. Appendices 1, 2 and 3 are circulated separately with the background papers.

1.14 The Committee **recommends** the County Council to

- ☆ 1) agree to becoming a member of the proposed Joint Waste Committee and acceptance of the functions to be delegated to the County Council;
- 2) delegate authority to the Director of Economy, Transport and Environment, in consultation with the Assistant Director, Legal and Democratic Services, to agree on behalf of the County Council the terms of the constitution of the proposed Joint Waste Committee and the appointment of an Administering Authority; and

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3) agree that Councillor Glazier be appointed as the County Council's representative on the Joint Waste Committee and Councillor Freebody be appointed as the nominated substitute.

5 July 2011

PETER JONES
Chairman