

Winding up of the Devon Authorities Waste Reduction and Recycling Committee, and Establishment of Devon Authorities Strategic Waste Committee

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendations: that the County Council be recommended to endorse the proposal that:

- (a) the Devon Authorities Waste Reduction and Recycling Committee be wound up;**
- (b) a new Devon Authorities Strategic Waste Committee be established with the proposed membership, operating rules, terms of reference set out hereunder be approved.**

1. Summary

This Report outlines proposals to wind up the Devon Authorities Waste Reduction and Recycling Committee and replace it with a new strategic waste management joint committee.

2. Background/Introduction

The Devon Authorities Waste Reduction and Recycling Committee (DAWRRC) at its meeting on 20 October 2015 (Minute 60) resolved:

“(a) that the proposals to develop a new strategic waste management joint committee to replace DAWRRC and to name the new committee the Devon Authorities Strategic Waste Committee be supported;
(b) that all partner authorities be recommended to approve the establishment of a Devon Authorities Strategic Waste Committee and its Constitution, Terms of Reference and Working Arrangements, and to join the new Committee.”

The proposed new arrangements were subsequently endorsed by the Cabinet on 11 November 2015 (Minute 430 refers).

Devon Authorities have worked together for 23 years following the setting up of a working party in 1990 to coordinate waste recycling. A Joint Recycling Committee was first established in 1992 and was subsequently replaced by the existing Joint Committee in November 1999.

Initially the need to work together began as an enlightened approach to increasing recycling in Devon from 2% in 1990 when it was carried out solely by the community sector. It gained drivers along the way particularly when the Government included statutory combined recycling and composting targets for district councils and county councils together and when the EU Landfill Directive came into play.

DAWRRC is made up of Members from all Devon District Councils, the County Council and Torbay Council. Plymouth City Council withdrew from the Committee in 2014.

Devon Authorities have over the years worked together on a number of initiatives to deliver waste reduction, re-use, recycling and composting initiatives across Devon, Torbay and Plymouth. Most notably these include the Waste Management Strategy for Devon, the award winning 'Don't let Devon go to Waste' behavioural change campaign, the Schools Waste Education Strategy and letting of joint material contracts as well as successful bids of more than £10 million from Government Department of Environment, Farming & Rural Affairs, Business and Industry Services, Department for Communities & Local Government and Waste & Resource Action Programme. Joint working has helped move Devon's recycling rate from 2% to 55% and in 2010/11 Devon was the top recycling county in the country. The amount of residual waste disposed of has reduced from 292,295 tonnes in 2000/01 to 164,434 tonnes in 2014/15 (down 56%). Similarly Torbay has seen a rise to 42% recycling with a reduction in residual waste from 49,570 tonnes in 2003/4 to 36,440 in 2014/15.

However, over the last two years attempts have been made with some consultancy support to develop a single waste service for Devon and whilst it has not proved possible to form a formal partnership, the desire to work closer together on more strategic waste issues remains, particularly with the need to deliver further savings whilst maintaining or improving performance.

All Devon Authorities have recently signed up to the Heart of the South West Statement of Intent towards devolution and development of a new more strategic waste management committee would support those principles.

3. Proposal

Whilst DAWRRC has played a significant role in developing and promoting waste minimisation and recycling initiatives, it is recognised that its remit has been somewhat limited with regard to wider strategic work issues.

Discussions have therefore continued over the purpose and role of the current Committee with a view to ensuring a more strategic waste management body is in place and it is suggested that the current Committee be therefore wound-up and replaced by a new body (to be known as the Devon Authorities Strategic Waste Committee) with new working practices/operating principles and terms of reference to reflect those wider, more strategic, aims and objectives. This would mean, for example, that any new Joint Committee would henceforth consider matters such as, inter alia:

- joint procurement e.g. of vehicles, bins and in-cab technology
- joint materials contracts – new materials e.g. card and mixed plastics
- proposed waste service changes
- behavioural change/ prevention strategy for Devon
- mechanism for sharing savings between County and District Councils
- organic waste strategy for Devon
- collection and disposal of Healthcare waste.

The new Committee could take ownership and be responsible for developing and implementing the Resource and Waste Management Strategy for Devon Action Plan.

If the Council – and all other constituent Councils – are minded to approve these proposals the first meeting of the new Committee could be in June 2016 with the last meeting of the DAWRCC being in February 2016.

The proposed draft membership, operating rules and terms of reference are attached at Appendix 1.

4. Consultations/Representations/Technical Data

This proposal has been presented to and is supported by the current DAWRRC and the Devon Local Government Steering Group.

5. Financial Considerations

If the Councils are minded to establish a new Joint Committee for the purposes outlined herein that body be also vested with authority to utilise any outstanding DAWRRC funds and, as the de facto successor body, to audit DAWRRC's accounts.

The current DAWRRC budget for 2015/16 stands at £188,644. This is made up of a topslice of the recycling credits paid by the County Council to the District Councils, and includes additional contributions from Devon County Council and Torbay Council. This budget could be reviewed as part of the remit of any new Committee.

6. Environmental Impact Considerations

There are no direct environmental impacts but working closer together on strategic waste issues should lead to more sustainable waste management practices in the future.

7. Equality Considerations

There are no impacts from equality considerations.

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

8. Legal Considerations

The lawful implications/consequences of the proposals/recommendations/proposed course of action have been considered and taken into account in the preparation of this report/formulation of the recommendations set out above.

9. Risk Management Considerations

Establishing a new strategic committee is essential to continue to build on the success of the partnership working that DAWRRC has already developed and delivered. Consequently developing a more strategic approach relies on all Partner Authorities signing up to the new Committee, otherwise there is a risk of a less co-ordinated approach than exists currently.

10. Public Health Impact

There are no implications for public health.

11. Options/Alternatives

Without a single waste authority with delegated powers to deliver a joined up strategic approach to waste collection and disposal across the geographical area of Devon providers will be less effective and potentially lead to duplication of effort and expenditure, obviating economies of scale. Formation of this new Committee will go some way to help achieve the objectives and potential benefits that a single waste partnership would have realised.

12. Reason for Recommendation/Conclusion

A new Devon Authorities Strategic Waste Committee would enable a more strategic approach to be taken with regard to both waste collection, treatment and disposal operations, as well as strengthening demand management and waste prevention measures. This should lead to efficiencies in service delivery and overall savings to the public purse.

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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
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Nil

**OPERATING RULES AND TERMS OF REFERENCE FOR THE DEVON AUTHORITIES
STRATEGIC WASTE COMMITTEE**

1. Working Practices

1. The Committee is established under the provisions of Section 101 of the Local Government Act 1972. The area in which the Committee is to exercise its authority is within the administrative areas of Devon County Council and Torbay Council.
2. The Committee shall comprise of one elected Member with Cabinet/Executive or 'portfolio' responsibility for waste management from each of the respective Authorities, appointed by each Authority. Each Authority will ensure that its appointed Committee Member is a member of its Cabinet or Executive. Each Authority will elect a named substitute with full voting rights to attend if the appointed Member of the committee is unable to attend.
Each Authority should notify the Administering Authority in writing of any appointment of a Deputy Committee Member. Authorities may change their appointee (in line with that Council's own procedures) at any time and notify the Administering Authority in writing.
3. Each Member of the Joint Committee appointed by a constituent Council shall be entitled to one vote on all matters before the Joint Committee.

Voting rights shall be restricted to those local authorities which make a financial contribution to the Committee's budget.

4. The role of each Committee Member will be to attend meetings of the Committee, to vote on items of business, to commit to and make a positive contribution to the Joint Committee, and to act as a champion and ambassador for the Committee, seeking any necessary approvals from their Authority.
5. The Committee shall normally meet 3 times per year, with an annual presentation of statistical performance.

The quorum for a meeting of the joint committee is one quarter of the whole number of the committee

6. The Chairman and Vice-Chairman shall be elected annually by the Committee; the offices of Chairman and Vice-Chairman shall rotate annually between the County Council and Torbay [as a group] and the District Councils [as a group], provided the relevant Committee Member represents a local authority with voting rights. Nominations for these posts may be stipulated by the constituent council or made and seconded by any Member of the Committee with all Members present holding voting rights being able to vote. The inaugural Chairman will be the County Council or Torbay Council appointee with the Vice Chairman being a District Council Member. This would then alternate, with a District Council Member as Chairman with a County Council or Torbay Member as Vice-Chairman and rotate annually.
The County Council shall be the Administering Authority for the Committee. The County Council's Procedure Rules (Standing Orders) and Financial Regulations shall apply to the Committee's procedures and activities.

7. The Committee shall have the power to co-opt other representatives to serve in a non-voting capacity. These would be Associate Members without voting rights but the ability to speak.
8. The County Treasurer shall hold a separate account for the Committee.

2. Terms of Reference

The purpose of the Committee is:-

1. To promote sustainable, cost effective and efficient service delivery through a shared approach to resource and waste management in Devon.
2. To take ownership of and be responsible for the development, implementation and review of the Resource and Waste Management Strategy for Devon Action Plan.
3. To exercise those responsibilities delegated to the Committee and to make recommendations to the respective Authorities including through the Chief Executives and Leaders group on matters of strategic importance including future strategy, collection, treatment and disposal of wastes; and to implement and further develop initiatives as requested by this group and joint consultative committees.
4. To share resources wherever practicable, having due regard to the opportunities for economies of scale to ensure effective use of resources including joint procurement opportunities to deliver savings to the public purse.
5. To continue to develop and implement behavioural change & education initiatives to ensure that communities are well informed and are actively encouraged to maximise their opportunities for waste minimisation, reuse and recycling & composting.
6. To consider and adopt funding policies for the Committee's Budget.
7. To administer payments from the Committee's Budget in accordance with the County Council's Financial Regulations to finance waste management activities; to receive accounts relating to Joint Schemes; and to consider the annual budget for the Committee.

3. Working Arrangements

1. Funding the Committee
 - (a) The County Council will withhold an agreed percentage of the recycling credit payment due to the District Councils (credits paid to voluntary groups are excluded from this calculation), with additional contributions from Devon County Council and Torbay Council. This amount will be accounted for separately and held by the County Treasurer on behalf of the Committee. The amount withheld will be agreed by the Committee annually, and will be calculated to produce an agreed budget for supporting waste management projects in Devon. The contribution will be calculated by applying the agreed percentage of the applicable recycling

credit rate for the area. In the event that the amount withheld is insufficient to fund agreed countywide projects, the shortfall will be made up by an adjustment in the following financial year.

- (b) The Committee's budget will comprise the payments described in 1(a), plus existing balances held.

2. **Membership of the Committee**

If any of the parties wishes to cease making a financial contribution [as specified in paragraph 1(a) above], it shall be able to do so at the end of the financial year, on giving at least 6 months' prior written notice to that effect to each of the other parties and on such cessation and shall automatically cease to be (voting members) of the Committee from that date;

it shall be released from further contributions on condition that it accepts liability whether financial or otherwise for the effect of its action upon any commitments or other arrangements entered into in good faith by member authorities [on behalf of the Committee] with third parties prior to such cessation and shall automatically cease to be (voting members) of the Committee from any such agreed date.

- 3. Each party shall take out and maintain a public liability policy of insurance in respect of its activities as a member of the Committee in such sum and upon such terms as it shall see fit.
- 4. Reports for the Committee are to be considered by a Senior Waste Officer Group comprising of waste service managers from each of the respective Authorities which shall meet as required by the programme of Committee meetings. The Senior Waste Officer Group shall set up Working Parties as necessary to consider specific project areas, which will report back to the Senior Waste Officer Group and subsequently to Committee. A Recycling Officers' Forum, made up similarly, will report to the Senior Waste Officer Group on waste minimisation, re-use, recycling & composting initiatives and performance, and attend the Committee on an annual basis.
- 5. Minutes of the Committee shall be submitted to the relevant Cabinet/Executive or Committee of each constituent Council.
- 6. The County Council's Head of Service responsible for Waste shall collate annual recycling statistics for the Committee's consideration