

Appendix 1 To HCW/16/9

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 ViceChairman 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, reuse, 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