

JOINT WASTE DISPOSAL BOARD

NOTICE OF MEETING

WEDNESDAY 18 MARCH 2009

TO: ALL MEMBERS OF THE JOINT WASTE DISPOSAL BOARD

Please note that Members are invited to a tour of the Materials Recycling Facility at Smallmead starting at 4pm followed by refreshments.

You are invited to attend a meeting of the Joint Waste Disposal Board on **Wednesday 18 March 2009 at 5.00 pm** in the Education Centre, Smallmead Waste Recycling Centre, Reading. An agenda for the meeting is set out overleaf.

Mark Moon
Project Director

Members of the Joint Waste Disposal Board

Bracknell Forest Borough Council:	Councillor Mrs M Ballin Councillor Mrs D Hayes
Reading Borough Council:	Councillor R Duveen Councillor P Gittings
Wokingham District Council:	Councillor R Stanton Councillor S Weeks

EMERGENCY EVACUATION INSTRUCTIONS

If you hear the alarm:

- 1 Leave the building immediately
- 2 Follow the green signs
- 3 Use the stairs not the lifts
- 4 Do not re-enter the building until told to do so

JOINT WASTE DISPOSAL BOARD
Wednesday 18 March 2009 (5.00 pm)
Education Centre, Smallmead Waste Recycling Centre, Reading.

AGENDA

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|--|----------------|
| 1. APOLOGIES FOR ABSENCE | |
| 2. DECLARATIONS OF INTEREST | |
| <p>Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.</p> | |
| 3. MINUTES OF THE MEETING OF THE JOINT WASTE DISPOSAL BOARD - 17 DECEMBER 2008 | 1 - 4 |
| <p>To approve as a correct record the minutes of the Joint Waste Disposal Board held on 17 December 2008.</p> | |
| 4. URGENT ITEMS OF BUSINESS | |
| <p>To notify the Board of any items authorised by the Chairman on the grounds of urgency.</p> | |
| 5. PRESENTATION BY WRG ON EVENTS FOR 2009/10 | |
| 6. JWDB PROJECT UPDATE | 5 - 10 |
| <p>(Project Director)</p> | |
| 7. JOINT WORKING AGREEMENT | 11 - 12 |
| <p>(Project Director)</p> | |
| 8. JOINT WASTE AUTHORITY UPDATE | 13 - 22 |
| <p>(Project Director)</p> | |
| 9. BUSINESS, RESOURCE, EFFICIENCY AND WASTE (BREW FUNDING BID) | 23 - 26 |
| 10. EXCLUSION OF PUBLIC AND PRESS | |
| <p>To consider the following motion:</p> | |
| <p>That pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 11 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:</p> | |
| <p>(3) Information relating to the financial or business affairs of any particular person.</p> | |

11. **RISK REGISTER**
(Project Director)

27 - 30

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JOINT WASTE DISPOSAL BOARD 17 DECEMBER 2008 6.00 - 7.30 PM

Present:

Bracknell Forest Council

Councillor Mrs Dorothy Hayes (Vice Chairman)
Steve Loudoun, Chief Officer: Environment and Public Protection
Janet Dowlman, Waste and Recycling Manager

Reading Borough Council

Councillor Ricky Duveen
Kevin Holyer, Head of Environment and Consumer Affairs
Oliver Burt, Re3 Project Manager
Peter Butler, Streetcare Manager
Pete Thompson, Technical Support Manager Streetcare
Clare Ayling, Re3 Principle Finance and Admin Officer

Wokingham Borough Council

Councillor Rob Stanton (Chairman)
Councillor Simon Weeks
Mark Moon, Re3 Project Director
Pete Baveystock. Waste and Recycling Manager

Apologies for absence were received from:

Councillors Mrs Mary Ballin (Bracknell Forest Council) and Paul Gittings (Reading Borough Council)

11. Declarations of Interest

There were no declarations of interest.

12. Minutes of the Meeting of the Joint Waste Disposal Board - 30 September 2008

The minutes of the meeting of the Joint Waste Disposal Board held on 30 September 2008 were accepted by the Board and signed by the Chairman.

Joint Working Agreement

The Board was advised that with regards to West Berkshire patronage of Smallmead Household Waste Recycling Centre the Chief Executives of the Re3 Authorities had met with the Chief Executive of West Berkshire Council to discuss the concerns raised by Board. Further to this, the Project Manager would be meeting with officers from West Berkshire Council on 12 January 2009 to come to an agreement on the terms on which residents in West Berkshire could use the Smallmead facility. The need to ensure that there was an agreement in place by April 2009 that reflected the actual position in relation to the recharge of costs in relation to both sites was accepted. Members of the Board would be updated following the meeting in January.

Business Resource Efficiency and Waste Programme (BREW)

The Board was advised that the BREW strategy would be going out for public consultation in January 2009 following the detailed research project into the waste and support needs of nearly 10,400 businesses across the Re3 area. The Strategy would have 9 objectives under 5 headings and it was hoped that it would help in bringing a reduction in business waste to landfill.

Comments on the Strategy were welcomed before its consideration by the Board at its next meeting in March 2009.

13. **Project Update**

The Board considered a report which provided an update on project activities since the last meeting on 30 September 2008. The Project Manager highlighted the following:

- (i) The fall in demand for recycled materials has resulted in a fall in the price payable for recycled materials, however, many of the support and enforcement agencies involved in waste management were supporting the recycling industry.
- (ii) The PFI contract was currently predicting a projected out turn against the budget of £387,000 under spend due to reductions in tonnage to be disposed of. This is now projected to be around 208,000 tonnes. The Waste Recycling Group had incurred £28,000 of performance deductions due to problems with one of their bring bank contractors, although this issue was being resolved. There was a projected overspend potential of £30,000 in the management budget that was identified as a contingency in the event of there needing to be additional legal advice, but this now seemed unlikely to be needed.
- (iii) It was noted that the overall rating for Smallmead was excellent, with 99% of respondents rating it as good or very good, and Longshot Lane received 82% of respondents rating it as good or very good.
- (iv) In November Smallmead had closed for around a day and a half due to a higher than allowable level of landfill gas. Monitoring of the level of gas would continue and Re3 was satisfied that the measures put in place would control the risk. As the regulatory authority, Reading Borough Council would also be ensuring that the risk was being managed.

Members of the Board requested that future budget papers gave a more detailed explanation of the background to both sets of budget figures.

It was agreed that the Chairman would write to the Leader of Bracknell Forest Council to contact Grundon's in order to update the position on the Lakeside Energy-From-Waste facility regarding the late running contract agreement.

RESOLVED that progress made since the last meeting on 30 September be noted. the last meeting on 30 September be noted.

14. **Planning and Licensing Report**

The Board received a report that informed them of the progress made in the areas of the Engineering Procurement Contract and Planning since their last meeting on 30 September 2008.

The Board noted that the issue of the connection from the site to the main sewer at Smallmead had now been resolved and this work should be complete by 19 December.

It was also noted that there had been an achievement in that the total man hours worked at Longshot Lane and Smallmead had reached 10,533 hours without a Lost Time Accident.

RESOLVED that the progress made in the areas of the Engineering Procurement Construction Contract and Planning since the last meeting on 30 September 2008 be noted.

15. **Joint Waste Authorities Report**

The Board received an update on the progress towards a Joint Waste Authority. Final guidance on the application and process would be issued in January and officers had been advised by the Department for Environment, Food and Rural Affairs that the deadline for making an application was extendable beyond 31 March 2009.

The Project Director advised the Board that there may be the opportunity for some funding via the South East Regional Improvement and Efficiency Partnership to help with the Joint Waste Authorities application.

The Steering Group would be responsible for developing an outline plan to move the process forward.

The Board agreed that it would be investigated as to whether funding could be secured to undertake a study on the implications of collecting food waste so as to inform any retendering exercise in relation to refuse collection.

RESOLVED that

- (i) The decision on how consultation with residents on the issue of a Joint Waste Authority as described in paragraphs 3.9 and 3.10 of the report of the Project Director be delegated to the Steering Group.
- (ii) It be agreed to establish a Steering Group made up of the Chairman, Vice-Chairman and a Reading Borough Council member representative from the Board, and three officers being one from each Authority, to meet monthly to manage the process leading to the submission of an application for Joint Waste Authority (Disposal) status.
- (iii) It be agreed to receive an issues and options report on, and the findings of the consultation, at the next Joint Waste Disposal Board meeting in March 2009 with a view to making an appropriate recommendation to all three Councils.

16. **Exclusion of Public and Press**

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements)(Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 9 which involved the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

17. **Risk Register**

The Board noted the exempt information detailed in the risk register.

CHAIRMAN

TO: JOINT WASTE DISPOSAL BOARD
18th March 2009

JOINT WASTE DISPOSAL BOARD - PROJECT UPDATE
(Report by the Project Director)

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Joint Waste Disposal Board of progress since the last meeting of the Board on 17th December 2008.

2. RECOMMENDATIONS

- 2.1 **To note progress made since the last meeting on 17th December 2008.**

3. SUPPORTING INFORMATION

Operations

- 3.1 Since the last JWDB meeting in December, the Smallmead MRF has been certified as complete and has opened. The three councils have been delivering material, directly and indirectly to the MRF.
- 3.2 The sharp fall in demand for recycled materials, which we discussed at the last meeting, was most pronounced immediately after Christmas. In the last month it appears to have abated somewhat and WRG have been able to continue to market material delivered by the councils throughout the period.

Finance and Performance

- 3.3 The PFI is currently projecting an under spend of £490,000 against budget. (See Finance Appendix 1). The projected under spend is primarily due to contract tonnage being significantly lower than forecast.
- 3.4 Annual contract waste for 2008/09 is now expected to reach approximately 205,000 tonnes, compared with the annual forecast of 215,000 tonnes.
- 3.5 Landfill tonnage from Council collections and the Household Waste Recycling Centres (HWRCs) is down by over 6,000 tonnes compared to forecast in the period April 2008 to January 2009.
- 3.6 Recyclate tonnage from Council deliveries and the HWRCs is also down by 3,700 tonnes compared to forecast in the same period.
- 3.7 Green waste tonnage from Council deliveries and the HWRCs is actually up by 500 tonnes compared to forecast in the period.
- 3.8 WRG continued to incur significant performance deductions throughout Quarter 3 due to ongoing issues with one of their bring bank contractors. However, WRG have recently replaced the problematic contractor, which has resolved the issue.

- 3.9 The PFI Management Budget is currently projecting an under spend of £10,600. See Finance Appendix 1.
- 3.10 The £30,000 provision for additional legal fees that had previously been set aside has not been required due to the resolution of the Lakeside EfW issue (see paragraph 3.18).
- 3.11 Current recycling rates are; Bracknell 41.1%, Reading 35.3% and Wokingham 37.3%.

Risk Register

- 3.12 The councils Management Team have developed a Risk Register to identify and plan the management of areas of risk associated with the PFI contract.
- 3.13 The Risk Register is appended to this report for information.
- 3.14 Fire detection – The O&M (Operating and Maintenance) manuals relating to the fire detection system have been found to be inconsistent between Phase 1 (HWRC and Transfer Station) and Phase 2 (MRF and offices). These inconsistencies have meant that WRG can not be confident that the system would be attended immediately (by the installers or a retained maintenance contractor) in the event of a default being identified. As a result, WRG have commissioned an independent report with the intention of clarifying matters and ensuring that we are confident going forward. We are currently awaiting the results of the report. The re3 Project Director has written to WRG to raise our concerns and seek resolution.
- 3.15 Landfill Gas - WRG and the EPC Contractor have taken steps to address the implications of the detection of a build-up of gas in the HWRC prior to Christmas. The temporary ducting (used during construction) has now been sealed, to reduce pathways into the facility. Monitoring by WRG continues and as no further incidents have been reported. WRG continue to report progress to both the councils and the Environment Agency.

Lakeside

- 3.16 Members will be aware that, following consultation with officers from the re3 councils, WRG had negotiated an extension to the Longstop Date for the commissioning of Lakeside.
- 3.17 Consequently they drafted a letter, confirming the terms of the extension, and were awaiting its signature and return.
- 3.18 The letter has now been returned with signatures from both parties (WRG and Lakeside) and the councils have written to WRG confirming our approval of their acceptance of the terms of the extension.
- 3.19 As a result, the Longstop Date has been extended until December 31st 2009.

Food Waste Processing

- 3.20 At the last meeting of the Joint Waste Disposal Board, Members asked that a report be commissioned to investigate the viability of food waste collections for the

partnership and, subsequently, that a business case for such a development be created.

- 3.21 Officers have successfully applied to WRAP (The Waste and Resources Action Plan) for a free consultancy.
- 3.22 WRAP are an arm of DEFRA and carry out a wide range of in-depth work in support of local authorities and the development of waste management.
- 3.23 The first stage of the work has begun and involves the councils providing some detailed information about existing collections in order that the implications to existing services, and the potential local level of food waste, can be ascertained. Accurate and comprehensive responses will be needed to ensure a reliable result.

BACKGROUND PAPERS

Reports to Joint Waste Disposal Board, December 2008

CONTACTS FOR FURTHER INFORMATION

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2008/09 Waste PFI Outturn Projection - Current Allocations with Weighted Average	
	Actual Spend 2008/09 £
Apr-08	1,470,385
May-08	1,644,272
Jun-08	1,575,387
Jul-08	1,566,531
Aug-08	1,511,792
Sep-08	1,529,496
Oct-08	1,479,116
Nov-08	1,388,548
Dec-08	1,404,653
Jan-08 (Provisional)	1,531,010
Feb-08 (Forecast)	1,367,727
Mar-08 (Forecast)	1,514,756
YTD TOTAL	<u>17,983,674</u>
Qtr1 Performance Deductions	-10,080
Qtr2 Performance Deductions	-27,920
Qtr3 Performance Deductions	-21,090
Additional Rates (1)	330,000
EfW Compensation Claim for Additional Costs (4)	288,563
Longshot Lane Drainage Costs (5)	68,123
2008/09 PROJECTED OUTTURN	<u><u>18,611,270</u></u>
2008/09 Budget	19,102,414
2008/09 Projected Underspend	-491,144
(1) Additional Rates - Forthcoming increase due to new facilities opening	
(4) Additional Costs for displaced EfW tonnes - per WRG's compensation claim	
(5) Longshot Lane Drainage Costs	
Note: Management Budget/Costs not included	

re3 PFI Management Budget	
	Actual Spend 2008/09 £
Actual Spend Apr-08 - Jan-09	133,002
2008/09 Projected Outturn	206,530
2008/09 Budget	217,200
2008/09 Projected Underspend	-10,670

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TO: JOINT WASTE DISPOSAL BOARD
18 MARCH 2009

JOINT WORKING AGREEMENT (Project Director)

1 INTRODUCTION

- 1.1 At its meeting on 30 September 2008 the Joint Board endorsed a number of amendments to the Joint Working Agreement. However, following that meeting there have been continuing discussions between the Chief Executives of the three participating authorities over the apportionment of the costs associated with the Longshot Lane and Smallmead sites.
- 1.2 This report seeks the endorsement of the Board to the amended proposals agreed by the Chief Executives. In light of the legal advice referred to at paragraph 3.4 it will be necessary for each authority to seek Executive authority to the proposed variations to the Joint Working Agreement.

2 RECOMMENDATION

- 2.1 That the Board commend to the relevant Executive authority for each of the three authorities the amendments to the Joint Working Agreement:-
- (a) proposed as "Significant Changes 1 and 2" and endorsed by the Board at its meeting on 30 September 2008, and
 - (b) proposed in Section 3 of this report.

3 SUPPORTING INFORMATION

The Board Decision of 30 September 2008

- 3.1 A copy of the appendix to the report to the Board on proposed amendments to the Joint Working Agreement is appended to this report. No alterations are proposed to the first two "Significant Changes" ie those concerning the apportionment of liability for environmental contamination at Smallmead and Longshot Lane and LATS allowances.

Revised Proposals

- 3.2 In respect of the allocation of tonnages to Civic Amenity Sites there have been continuing discussions between the authorities Chief Executives and it is proposed that the following principles should apply:-
- from the date when the works at Longshot Lane commenced until the date when the facility is complete the tonnages at Smallmead and Longshot Lane should be aggregated. Each authority will bear that percentage of the **aggregated amount** as currently apportioned to the authority under the JWA.
 - for the period 1 April 2009 to 31 March 2010 the costs will be apportioned

according to the percentages of use established in the 2007 user satisfaction survey.

- for the period 1 April 2010 to 31 March 2011 the percentage to be applied will be determined according to the 2008 user satisfaction survey.
- during 2010 surveys will be carried out to establish the levels of use of the Civic Amenity Sites by persons resident in respective administrative areas of the participating authorities. The scope and methodology of the survey as well as the appointment of the contractor appointed to carry out the survey will be determined by the Project Manager in consultation with relevant officers in the three authorities. Surveys will be completed over three 1-week periods or such other period as may be necessary to reflect operational need in January/February, June/July and October/November. The levels of use established by the survey shall be used to determine the proportion of payments to be made by each party for the two year period commencing 1 April 2011.
- the process set out in the bullet point above will be repeated biennially with the results from a survey being used to determine the apportionment of costs for the two year period commencing on 1 April after the date of the survey.
- as originally proposed by the report of 30 September 2008, the tonnages at Longshot Lane arising from residents outside of the three authorities area will be allocated equally between Bracknell and Wokingham and at Smallmead equally between Reading and Wokingham.

Authority to Approve Variations

3.3 The Terms of Reference of the Board sets out its overarching role in the following terms:

“The function of the Committee is to administer the operation of the waste disposal arrangements of the Councils in accordance with the Joint Working Agreement and in accordance with the Principal Contract”.

It is clear from the foregoing that the Board does not have power to approve amendments to the Joint Working Agreement. The authority to approve such amendments resets with the relevant Executive authority of each Council. Accordingly, although the Board may commend amendments in cannot authorise them.

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Document Reference

CO/Ctees&Gps/JWDB/JointWorkingAgreement18-3-09 (b)

TO: JOINT WASTE DISPOSAL BOARD
18th March 2008

JOINT WASTE DISPOSAL BOARD – JOINT WASTE AUTHORITIES
(Report by the Project Director)

1. INTRODUCTION

- 1.1 The Local Government and Public Involvement in Health Act 2007 sets out powers to allow for the establishment of Joint Waste Authorities (JWA).
- 1.2 The creation of a JWA brings with it some facilities or freedoms which can help the re3 councils to work effectively and achieve service improvements and to share common burdens. This report describes the likely characteristics of a JWA for waste disposal with specific reference to, and discussion of, the potential benefits for the re3 councils.
- 1.3 As agreed by the Joint Waste Disposal Board on the 25 June 2008, the re3 Authorities made a non binding expression of interest in applying to establish a JWA during the summer of 2008. A final application, should one be made, must be submitted by the end of July 2009.
- 1.4 The re3 partnership is considered, by DEFRA and the other partnerships who have expressed an interest in creating a JWA, to be advanced and at the forefront in respect of joint working within local authority waste management.
- 1.5 While the re3 partners are only proposing a JWA for disposal, other authorities are intending to create JWA's based on collection, disposal and street cleansing.

2. RECOMMENDATIONS

- 2.1 **That Members request the development of a business case for the creation of a Joint Waste Authority (for disposal), a decision on the approval of which would be made at the next JWDB in June 2009.**
- 2.2 **That Members request the development of an implementation plan for the creation of a Joint Waste Authority (for disposal), a decision on the approval of which would be made at the next JWDB in June 2009.**
- 2.3 **That Members agree to receive a presentation on, and analysis of, the results of the public consultation exercise on a re3 Joint Waste Authority at the next JWDB Meeting in June 2009.**
- 2.4 **That Members agree to consider the completed, draft application to DEFRA for the creation of a re3 Joint Waste Authority for disposal at the next JWDB meeting in June 2009.**
- 2.5 **That Members indicate, subject to the approval of the documents described at 2.1, 2.2, 2.3 and 2.4 above, their preparedness to make a decision (at the next JWDB Meeting in June 2009) on whether the re3 partnership should apply to the appropriate Secretary of State to create a Joint Waste Authority for disposal.**

3. SUPPORTING INFORMATION

Background

- 3.1 Waste management is one of the most significant costs to the council budget and, largely through the collection element, has one of the highest service profiles. The pressure to provide a robust future for waste disposal, was the major driver to the establishment of re3 and the PFI bid.
- 3.2 Through the work leading to our joint PFI contract for waste management we have evidenced how partnerships can achieve results that may otherwise be beyond a single local authority. However, whilst we are acting as one, in legal terms we remain 3 waste organisations and have to act accordingly. In some aspects of our operation we are prohibited from acting as one even if there were very good reason to do so and all wanted to.
- 3.3 Becoming a JWA could help overcome this and provides other benefits. It provides the necessary legal framework within which authorities can formalise co-operation with each other to deliver the full range of improvements that become possible through joint working.
- 3.4 We have already taken the majority of any necessary steps towards establishing a JWA in the governance arrangements for our PFI contract. We have in place a joint board, an administrative structure, financial arrangements and a shared service.
- 3.5 Following the release of the final guidance we now understand that, none of the existing arrangements would require substantive changes.
- 3.6 Appendix 1 describes the detail contained within the Guidance.
- 3.7 Appendix 2 describes the information and documentation we would need to provide in support of any application.
- 3.8 In addition to the requirements described within Appendix 2, the re3 councils would need to gauge the opinion of 'relevant electors' and illustrate how they have taken that opinion on board.
- 3.9 Subsequent to the last meeting of the JWDB, and the resolutions that came from it, Officers have been successful in securing £50,000 of funding for a consultation exercise and procuring consultants to undertake the consultation on our behalf.
- 3.10 DEFRA have asked that the re3 councils develop and review a consultation model which can be utilised by other authorities in preparation for their own applications to form a JWA.
- 3.11 The reason for considering a JWA as having potential benefits for our partnership is that it requires a minimum of change and has some specific benefits to the re3 partners now and in developing the partnership to meet future, shared challenges.
- 3.12 In the first instance a JWA would, subject to mutual agreement, enable the re3 councils to consider:
 - Being able to pool indicator targets.

- Better sharing the mechanisms for meeting our individual and collective obligations in respect of LATS.
- Simplified reporting procedures for statutory indicators.
- An easy to effect and equitable sharing of financial, performance and environmental benefits arising from the Lakeside Energy from Waste facility.
- Opportunities to generate service efficiencies from reviewing current management arrangements and/or improvements to joint working across the whole waste agenda.
- Reviewing and updating the current arrangements in terms of management and governance (something identified as a need by both officers themselves and auditors)..

3.13 Subsequent to the creation of a JWA for waste disposal, the re3 councils would be able to investigate further, via the JWA, the potential of the following opportunities:

- Shared management of waste collection contracts, pooling and potential rationalisation of 'client' resources and co-location of staff.
- Shared procurement of refuse related products e.g. containers, vehicles etc;
- Letting shared contracts for existing services such as clinical waste and bulky waste and also for any potential new services such as glass collections and food waste collections (as such services became necessary);
- Rescheduling of refuse collection rounds to arrange waste collection resources on the basis of greatest efficiency rather than being constrained by a Borough boundary, and/or;
- Letting a shared refuse and recycling collection contract, sharing depot space and realising efficiencies.

3.14 In discussion with DEFRA, officers have managed to ascertain that additional functions (collection and/or street cleansing) could be added, subject to approval by the Secretary of State and the agreement of all parties within the existing JWA. In this way, the re3 councils would be able to further develop joint working, should they wish to do so at some future date.

3.15 It has also been confirmed that a JWA can be dissolved. Parties entering into a JWA should not do so with the intention of dissolving it but it may be reassuring to the re3 councils to know that it is not an irreversible step. Dissolution may be sought by either the parties within it, or by the Secretary of State.

Next Steps

3.16 Appendix 3 describes the steps required to take us from our current position to making an application to form a JWA at the end of July 2009.

3.17 We already operate according to Joint Working Agreement, which governs decision making and finance. While there is an opportunity to amend the Joint Working Agreement to address any weaknesses we may identify, it would probably need only minor

amendments. As such the most significant pieces of work, still outstanding, are a business case and an implementation plan.

- 3.18 DEFRA are intending to provide a template business case, and we already have a good idea what will need to be included within it (see Appendix 2).
- 3.19 An implementation plan is intended to describe the structure of a JWA and the links into the 'parent' authorities.

Financial

- 3.20 DEFRA have funded the re3 partnership to conduct a consultation exercise and develop a model for use by the other partnerships who intend to create a JWA.
- 3.21 The creation of a JWA would need to be formally approved by WRG and their financial backers. We have been advised by WRG, that they envisage no obstacles to approval but that they would incur up to £20,000 in Legal costs which they would, via the contract expect the councils to cover.
- 3.22 Until a final business case and implementation plans are completed the exact financial benefits of creating a JWA are difficult to quantify.
- 3.23 Because the proposal relates to the management of our shared PFI contract, the timescales against which potential savings might be modelled are far longer than those which might commonly be used in, for example, assessing a normal, seven-year waste collection or street cleansing contract. As an example, a JWA for disposal would help the authorities address the challenge over equitable reporting of tonnage sent to Lakeside EfW. On an annual basis this would save no more than £40,000 per annum (in potential haulage costs). Modelling that saving over the remaining years of the PFI contract, however, makes a more compelling case.

BACKGROUND PAPERS

Report to Joint Waste Disposal Board 18th June 2008

Progress Report to Joint Waste Disposal Board 30th September 2008 (specifically paragraphs 3.21 to 3.25)

Report to Joint Waste Disposal Board 17th December 2008

CONTACTS FOR FURTHER INFORMATION

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JOINT WASTE DISPOSAL BOARD – Joint Waste Authorities
18 MARCH 2009

GUIDANCE PROPOSALS FOR JOINT WASTE AUTHORITIES IN ENGLAND

- 1 The long awaited Guidance that accompanies the relevant regulations has now been published (28 January 2009). The Guidance has mandatory status and is broken into four sections, ie:

Introduction

- Section 1 Local Government and Public Involvement in Health Act 2007.
- Section 2 Statutory Guidance on what proposals should seek to achieve and the matters authorities should take into account in making proposals.
- Section 3 Joint Waste Authorities (Proposals) Regulations 2008.
- Section 4 General issues relating to proposals for Joint Waste Authorities.

- 2 The introduction sets out the benefits of JWAs. These are:

- (i) It will be a separate legal entity. It can employ its own staff and enter into contracts in its own right on behalf of others. By so doing there is no need for one constituent authority to act as administering or contracting authority taking on the associated risks and liabilities.
- (ii) As statutory bodies they will be recognised by the Secretary of State. Established by order they have structural stability which should appeal to investors/the industry. They will be named partners giving them a statutory role in the negotiation and delivery of LAAs.
- (iii) They will have the reporting duties on behalf of all thus providing opportunities for efficiencies.

- 3 Section 1 to the Guidance sets out the legal provisions relating to JWAs. It confirms that JWAs are to be governed by elected members from the constitutional authorities and that reasonable steps must be taken to consult on proposals to become a JWA. The Guidance also makes it clear that all waste disposal functions must be transferred and indicates a strong desire to see waste collection and disposal as one. Our proposal is just for a combined waste disposal authority at this stage. The option of extending this to other services eg waste collection or street cleansing, are not being progressed at this stage. There is therefore a risk that our application could fail.

- 4 Section 2 sets out the detail as to what a proposal should seek to achieve and what should be taken into account in formulating a proposal. One of the benefits to re³ in forming a JWA is in respect of LATS. They would be pooled but in so doing the JWA

would become liable for non compliance. The means to ensure equitable benefit and liability is a matter that will need careful consideration.

- 5 The Section goes on to detail the amendments to the Local Government Act 1972 in relation to the duties and responsibilities of a JWA and how it is to be run, can have property interests, is bound by the disclosure provisions of the HSW Act 1974 and FOI Act 2000, can contract for goods and services, must seek continuous improvement, has liability.
- 6 Section 4 deals with general issues in several related areas to the process eg duty to involve LAAs, Multi Area Agreements, Comprehensive Area Assessments, Overview and Scrutiny (O&S) implications (*NB* these remain with the constituent authorities), Code of Conduct implications (as O&S), transfer of staff.

Background Papers

Guidance: Proposals for JWA in England 2009

**JOINT WASTE DISPOSAL BOARD – Joint Waste Authorities
18 MARCH 2009**

JOINT WASTE AUTHORITY - THE REGULATIONS

- 1 The Joint Waste Authorities (proposals) Regulations 2009 come into force on 18 February 2009. They are made under the provisions contained in the Local Government and Public Involvement in Health act 2007.
- 2 The Regulations provide for the submission of proposals under Section 205 of the Act provided they address laid down criteria. That criteria includes for addressing the following:
 - 1 Name of the proposed JWA
 - 2 Date of proposed establishment
 - 3 Area of proposed authority
 - 4 Functions to be transferred to the JWA by each party to the agreement
 - 5 Details of membership
 - 6 Date of first proposed meeting
 - 7 Voting procedures
 - 8 Staffing arrangements, terms and conditions, etc
 - 9 Details of cost apportionment arrangements for setting up/running of the JWA
 - 10 First years funding need and proposals for partner contribution
 - 11 Transfer of assets and liabilities
- 3 As can be seen from the above list there is little that re³ does not already provide for that would make such an application difficult, either to make or consider favourably. This confirms that we are effectively almost operating as a Joint Waste Disposal Authority.
- 4 The Regulations go on in Schedule 2 to outline the detail of what information is expected to accompany a proposal. This detail includes the following additional detail:
 - (1) A letter from the Chief Executive confirming that the local authority has approved the making of the proposal.
 - (2) Details of the consultation undertaken on the draft of the proposal in relation to the electors and any interested persons in its area, the issues raised and how they have been addressed.
 - (3) Details of any other joint waste arrangements.
 - (4) Details of relevant contracts at the time of the proposed JWA.
 - (5) Landfill obligations - compliance with.

- (6) Details of any agreement proposed in respect of the settlement of any penalty incurred by the JWA under Section 9 of the Waste and Emissions Trading Act 2003.
 - (7) Details of any PFI credits and how they are to be transferred to the JWA.
 - (8) Potential cost savings.
 - (9) Potential environment benefits.
 - (10) Strategy for the maintenance or improvement of the current standard of service for controlled waste.
 - (11) Details of the communication strategy.
- 5 From the detail outlined in Para 4 above it is clearer as to what additional work/information is required in order to progress any further application.

Background Papers

The Joint Waste Authorities (Proposals) Regulations 2009

**JOINT WASTE DISPOSAL BOARD – Joint Waste Authority
18 MARCH 2009**

JOINT WASTE AUTHORITY - TIMETABLE FOR APPLICATION

- 1 The process of application commenced last year. The re³ Partnership expressed what is perhaps best considered as an informal "Non-Binding Expression of Interest". That expression was accepted and the Partnership now has to consider whether or not to submit a formal Expression of Interest.
- 2 This paper sets out the process and timetable that has to be followed in respect of our original expression in relation to becoming a Joint Waste (Disposal) Authority.
- 3 The original deadline for the submission of an interest was 31 March 2009. This has now been extended to 31 July 2009. Even at this stage there is no obligation to go on and submit a formal proposal to the Secretary of State.
- 4 The process requires the applications and relevant information with Defra ideally by 31 July 2009. This would enable Defra to consider the expression with a view to them being able to support a proposal should the applicant wish to continue.
- 5 In the interim period running up to 31 July 2009 applicants are expected to develop their business case. It is expected that in the submission of the Expression of Interest, the business case is being or is about to be produced.
- 6 Should an expression of Interest be supported then it is expected that it would take a year to assess and lay the relevant information. Therefore the earliest that a Joint Waste authority could be formed is 31 July 2010.
- 7 To enable us to progress our business case an application for funding is being made to Defra.

The table below describes the steps between now and an application to create a re3 JWA the end of July 2009.

WHAT	WHEN	WHO
Appoint consultants to undertake development of consultation model and public consultation exercise	9 th March 2009	SL, CA, OB
Report on JWA's (previously presented to the Dec 2008 JWDB) taken to each of the CMT's at the re3 councils, for information, discussion and feedback.	BFBC – Mar 09 RBC – WBC -	SL, KH, MM
Chairmans Briefing – consider reports to Board inc JWA	10 th March	MM, OB
JWDB – report on progress towards JWA and next steps. Need to specifically capture any concerns/requirements from Members	18 th March	Re3 Mgmt Team
Legal and financial review of implications, and assessment of support requirements for a JWA	March/April 2009	Re3 Mgmt Team and advisors
Approve consultation model, proposed by consultants (25 th March 2009).	25 th March 2009	Mmbr/Officer Steering

		Group
Public Consultation Exercise	April/May 2009	Consultants
Prepare Business Case - for internal use and required for application to Sec of State (this describes the nature of our proposed JWA and the benefits it will deliver)	April 2009	OB, SL, CA
Implementation Plan - for internal use and required for application to Sec of State (this describes the changes we'll make to existing structures and other measures in creating our JWA)	May 2009	OB, SL
Officer Approval – this will probably have to be an 'in principle' approval made by CMT?	May/early June 2009	SL, KH, MM
Consultation results (preliminary)	3 rd June 2009	Consultants
Prepare decision report to JWDB	3 rd to 10 th June 2009	OB, SL
Chairman's Briefing	10 th June 2009	MM, OB
Presentation to Board of the consultation results	17 th June 2009	OB, Consultants
JWDB Approval	17 th June 2009	
Exec/Council Approval	June/July 09	
Application to Secretary of State	DEADLINE 31 st July 2009	OB, SL

Background Papers

- 1 Joint Waste Authorities - Expressions of Interest and Making a Proposal - Q/A Defra 2008/09.
- 2 The Joint Waste Authorities (Proposals) Regulations 2009.
- 3 Guidance: Proposals for Joint Waste Authorities in England 28-1-09.

TO: JOINT WASTE DISPOSAL BOARD
18TH March 2009

THE BUSINESS RESOURCE AND EFFICIENCY AND WASTE (BREW) CENTRE 2009/10 FUNDING ROUND

1 INTRODUCTION

- 1.1** The purpose of this report is to inform the Joint Waste Disposal Board of the bid submitted by Wokingham Borough Council on behalf of re3 and partners for funding as part of the BREW Centre 2009/10 funding round

2 RECOMMENDATIONS

- 2.1** To note the bid submitted by Wokingham Borough Council on behalf of re3 and partners as shown in Table 1 of this report.

3 SUPPORTING INFORMATION

- 3.1** Applications for funding as part of the BREW on proposals for the 2009/10 funding round had to be submitted by 9th March 2009.
- 3.2** Organisations could apply for up to £30,000 and were able to work in partnership with others to apply for multiples of £30,000 . e.g. 4 authorities working in partnership could receive up to £120,000.
- 3.3** In an earlier bidding round the project team of re3 and Business Link secured funding to develop a Business Waste Strategy and Action plan and engaged the services of the consultant Scot Wilson to carry out research and preparation for the project.
- 3.4** Wokingham Borough Council in partnership with the other re3 partners, Reading Borough Council, Bracknell Forest Borough Council, Business Link and the Corporate Environmental Advisory Centre (CEAC) have submitted a further bid to implement some of the projects suggested in the action plan that meet the priorities identified in the strategy.
- 3.5** Table 1 below identifies proposed projects, the strategic priority that they fulfil the lead organisation that will deliver the project and the associated funding required.
- 3.6** Table 2 sets out the priorities identified in the Draft Business Waste Strategy.

Table 1

Project	Priorities supported	Delivery group	Lead Organisation	Funding Requirement
<u>Communications campaign</u> <ul style="list-style-type: none"> • Development of business information leaflet utilising the information from existing survey results • re3 Website Development • Local recycling directory • Deliver information campaign on Duty of Care and signposting 	1,2,3,5,6,7,9	Scott Wilson	Wokingham Borough Council	£8,000
	1,2,3,5,6,7,9	Re3/Wokingham Borough Council	Wokingham Borough Council	£8,000
<u>Direct waste management support for businesses</u> <ul style="list-style-type: none"> • Awareness & signposting • Discounted waste training courses for businesses • Business waste audits • Follow up and ongoing support • Activity & outcome reporting 	1,2,5,8,9	Business Link and other Partners	Wokingham Borough Council	£25,000
<u>Other Projects</u> <ul style="list-style-type: none"> • Carry out further investigations into the feasibility of collecting and processing food waste • Encouraging businesses to work together to reduce waste management costs. Trialling project on local business park • Manage project outcomes on behalf of re3 	1,2,3,4,5,6,7,8,9	Scott Wilson	Wokingham Borough Council	£6,000
	1,2,3,4,6,9	Scott Wilson	Wokingham Borough Council	£3,000
	1,2,3,4,5,6,7,8,9	Wokingham Borough Council	Wokingham Borough Council	£8,000
			Total Project	£58,000

Table 2

Priorities Identified In The Draft Business Waste Strategy.
1. Councils will support awareness rising of the legal obligations of businesses with respect to waste.
2. The re3 councils will seek to support business in reducing their waste.
3. The councils will seek to encourage and support local reuse /reprocessing of waste materials including support of third sector organisations where appropriate.
4. The re3 Councils will seek to either directly provide or facilitate the provision of suitable recycling collection and bring services to businesses
5. re3 will seek to consolidate the individual Councils provision of information relating to business waste.
6. The councils will seek further opportunities for joint working on waste issues –between the three local authorities. As well as across the business and household waste streams.
7. The re3 Councils will seek to support the progress of the waste data strategy and influence legislative developments.
8. The Council will seek to support the collection of Business contact data to facilitate communication with business via their partnership with Business Link.
9. The Councils will assign resources to drive the strategy forward and where possible, monitor progress.

BACKGROUND PAPERS

Draft Business Waste Strategy

CONTACTS FOR FURTHER INFORMATION

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