

**Oxfordshire Waste Partnership Joint Committee 12<sup>th</sup>  
October 2006**

**PRINCIPLES TO BE REFLECTED IN THE  
CONSTITUTION OF THE OXFORDSHIRE WASTE  
PARTNERSHIP**

**Purpose of the paper**

The OWP is asked to consider and recommend amendments to the proposals below.

A draft legal agreement and OWP constitution have been prepared by the lawyers of the partner authorities. They identified that further information was required in respect of the role and functions of the OWP and specific responsibilities of the partner organisations before they could complete their task. At an OWP meeting on 14<sup>th</sup> September Members asked for a comprehensive schedule of key issues to be brought to the next meeting for consideration.

It was suggested that these key issues could be incorporated into the draft legal documents for the OWP meeting of 12 October. There is, however, extensive work involved in finalising the legal documents which will not be completed until 13<sup>th</sup> October. If the Lawyers identify any issues of principle that need to be changed, prior to 12 October, they will be tabled for OWP consideration.

The proposals below address matters relating to the role and functions of the OWP and specific responsibilities of the partner organisations. Once amended and approved they will form part of the OWP constitution.

The sections below cover

1. Key principles of the Oxfordshire Waste Partnership
2. Role and functions of the committee
3. Dealing with disputes
4. Scrutiny
5. Role of committee members
6. Responsibilities of the host authority
7. Responsibilities of the accounting authority
8. Responsibilities of the employing authority
9. Funding arrangements
10. Role of executive officer
11. Role of officer strategy group
- 11. Vision and Objectives of the OWP (included here to inform consideration of the proposed principles)**

# 1. Key principles of the Oxfordshire Waste Partnership

The six partners of the OWP commit to


- a) Collaborate on the continuous development and delivery of an integrated waste strategy that achieves the partnership's stated vision and objectives for sustainable waste management
- b) Maximise the opportunities for delivering economies of scale and improved value for money for the benefit of council tax payers across Oxfordshire
- c) Development of the best overall waste management outcomes for Oxfordshire taxpayers and to development of incentivisation arrangements that help achieve this
- d) Monitor the effectiveness of the strategic policies in delivering the core objectives of the partnership
- e) Periodically review the options for the future delivery of services to meet the aims and objectives of the strategy
- f) Work together in a spirit of mutual trust, support and respect, and ensure that when difficulties or differences of opinion arise they are addressed quickly, honestly and openly.
- g) A process of prior consultation and liaison through the OWP when an individual authority is to give consideration to changes of policy on waste management issues and to give due consideration to representations from the partner authorities on such issues
- h) Share in a fair and equitable manner the costs and work involved in achieving the key principles and objectives
- i) Developing the OWP brand and recognition of the OWP as the overarching waste management body for Oxfordshire
- j) Ensure all partners engage fully in the work of the OWP and that each partner optimises the contributions they are able to make

## 2. OWP Joint Committee



The responsibilities of the OWP joint committee are;

### STRATEGIC

- a) Develop a strategic policy framework within which the partner authorities can each discharge their functions as waste disposal authority or waste collection authority, as the case may be
-  b) Discharge on behalf of the partner authorities, responsibilities in relation to County-wide waste promotional activities, public engagement, research, technical evaluations, achievement of the wastes element of the Local Area Agreement (LAA) stretch target. This does not preclude district authorities from undertaking public engagement or other activities on waste collection issues specific to their district

- c) Annually review and revise as necessary the objectives and strategic policies of the OWP for consideration and approval by the partner councils
- d) Contribute to achievement of sustainable development through waste minimisation, reduction of waste going to landfill on a year by year basis, development of alternative methods of disposal, and increased proportion of waste being recycled on a year by year basis
- e) Develop proposals for the future development of waste management that achieve the core objectives

## **FINANCIAL**

- f) Prepare, commit and oversee expenditure of pooled budgets to ensure the prioritised jointly operated waste functions described in b) above are delivered
- g) Agree a draft budget by 31 October for the forthcoming financial year to include the proposed contribution from each OWP partner, for consideration by partner authorities.
- h) Oversee the operation of the agreed partner incentivisation arrangements and monitor effectiveness of these arrangements
- i) Make recommendations to the partner councils to secure resources as required to meet the core objectives
- j) Annually review the costs of administering the OWP and determine the contributions of the partners ensuring that the distribution is equitable

## **OPERATIONAL**

- k) Take decisions as required on the matters presented, voting on such matters if any voting member present requests it. Voting is by a show of hands with the Chair having a casting vote in the event of a tie. In the event that any proposition would have contractual or financial implications for a partner authority, then the vote of that member in favour of the proposal is required.
- l) Continually seek more efficient and cost effective ways of delivering the waste objectives including opportunities for joint procurement and shared services
- m) Prepare and jointly deliver an annual action plan that delivers the OWP objectives and strategic policies, for approval by the partner councils
- n) Consider and comment on progress reports from the LAA Clean/ Green group and report to PSB on progress towards the LAA 'Clean/ Green' targets
- o) Commission research and public opinion surveys into matters relevant to the core objectives
- p) Issue press releases and carry out publicity as the committee deems necessary for the furtherance of the core objectives

### 3. Disputes

- a) The OWP has a responsibility to reach decisions. In the event that a dispute arises that cannot be resolved through the OWP constitutional process, the matter concerned will, before any other remedy is sought, be referred to a joint meeting of the OWP committee, the Leaders Group and Chief Executives group
- b) a partner wishing to invoke the dispute process must indicate to the secretary in advance of the meeting or at the time, that it has a fundamental objection to a proposal
- c) If notice of a dispute is given then the committee is not entitled to take a decision on that proposal but must defer the decision for 21 days during which time the Chief Executive of the partner council concerned must prepare a further analysis in writing of the reasons why their authority is not prepared to accept the proposals in question
- d) An urgent joint meeting of the committee with Leaders and Chief Executives will be convened to try to resolve the matter, bearing in mind the commitment to joint working, partnership and the core objectives

### 4. Scrutiny

- a) OWP decisions are deemed to be the decisions of the partner authorities and are subject to the call-in procedure of each authority.
- b) OWP decisions will be notified to partner authorities within 5 working days. Each authority should publish decisions within 2 days of receipt and call-in requests should be made to the administration of the partner authority within 5 days of publication. Partner authorities should immediately notify the OWP host of the call-in.

### 5. Committee members

The role of each committee member is

- a) to ensure their respective authorities abide by the agreed principles of the OWP and support the roles and functions of the OWP
- b) to attend all meetings of the OWP joint committee, and, if unable to attend, to nominate a deputy, in writing, to the host authority in advance of the meeting. Only the appointed cabinet members or their properly appointed deputies are entitled to vote at joint committee meetings.
- c) to demonstrate commitment to and act as a champion for the achievement of the objectives of the OWP

- d) to be a good ambassador for the committee
- e) to attend committee meetings regularly, vote on items of business and make a positive contribution towards the achievement of the core objectives
- f) to act as an advocate for the committee in seeking any necessary approval from their authority to the annual action plan
- g) keep up to date with legislative changes and statutory and non-statutory guidance

## **6. Host Authority**

One partner will act as host authority for the OWP, with the responsibility rotating alphabetically every two years. The authority next in line to host the OWP will act as deputy chair of the partnership.

Responsibilities of the host authority are to;

- a) chair and provide a secretarial function for OWP meetings
- b) organise committee meetings and venues
- c) distribute papers and reports
- d) take minutes and ensure that business at meetings is conducted in accordance with legal requirements
- e) monitor compliance with the provisions of the legal agreement and advise the OWP and partner authorities of all material issues

## **7. Accounting Authority**

One partner will be appointed as the accounting authority for the OWP. Unless otherwise determined by the OWP, Oxfordshire County Council will be the accounting authority

Responsibilities of the accounting authority are to

- a) Prepare draft and final budgets for OWP for each financial year, including the proposed contribution from each partner. The final budget will be prepared once partner contributions have been confirmed.
- b) Produce budget monitoring and other financial management information agreed by OWP
- c) produce a set of accounts and balance sheet at the end of each financial year
- d) account for all income and expenditure of the OWP (including both revenue and capital)

- e) collect income due to the OWP and make payments on behalf of the OWP, including banking arrangements.
- f) complete and certify any government or other returns submitted by the OWP
- g) provide an annual cost breakdown of the OWP accounting services for OWP approval and inclusion in the budget, these costs to be met from OWP core funding
- h) The financial and other internal control systems of the OWP together with its annual accounts will be subject to audit. The OWP will appoint one of the partners to carry out the audit work. In the absence of an appointment the accounting authority's internal audit section will undertake the work. The costs of the accounting authority (and auditing authority if different) in providing these services shall be met by the OWP from its core funding

## **8. Employing authority**

Cherwell District Council will be the employing authority for the OWP. It will

- a) perform the role of employer for staff employed by the OWP
- b) advise the OWP on staffing and related administrative and budgetary requirements to support the OWP
- c) monitor compliance with legislative requirements relating to employment of staff and advise the OWP and partner authorities of all material issues.

## **9. Funding Arrangements**

Funding of the OWP to deliver the functions within the strategy and action plan is the responsibility of the partner authorities. The required level of funding will be estimated annually by the OWP and advised to the partner authorities by 31<sup>st</sup> October in the year preceding the budget requirement. The partner authorities will agree the level of funding for the OWP. Unless otherwise determined by the OWP the following arrangements will apply

- a) 50% of OWP funding will be provided by the waste disposal authority and 10% by each of the waste collection authorities
- b) These funds will be pooled and used for core funding and development activities
- c) Core funding will cover the ongoing costs of maintaining the OWP, including staff costs, the costs of meetings and accounting and audit fees.
- d) The development fund will resource projects and initiatives agreed by OWP in accordance with its governance arrangements. It is intended to provide an annual budget for relatively small scale initiatives, such as promotion.

- e) The accounting, host and employing authorities will be reimbursed by the OWP for expenditure properly incurred in carrying out their responsibilities for the OWP
- f) The partners will commit to the core funding and a base level of development funding for a rolling period of at least three years
- g) If the OWP undertakes further major projects then it will decide how these are to be funded and make recommendations to each partner for agreement.

## **10. Executive Officer**

The Executive Officer for the OWP will be the Oxfordshire Waste Partnership Coordinator

The role of the OWP Coordinator is

- a) to project manage delivery of strategic objectives and OWP action plan
- b) to analyse, monitor and report to the OWP on strategic, operational and financial information
- c) through effective communications, liaison and networking ensure effective partnership working
- d) develop opportunities for joint working and delivery of services where this will improve efficiency and effectiveness
- e) optimise external funding opportunities and manage waste projects
- f) ensure effective administration of OWP committee

## **11. Officer Strategy Group**

The committee will be supported by an officer strategy group (OSG) consisting of one lead officer responsible for waste management at a strategic level in each partner council. The chair and vice-chair of the OSG will be from the partner councils that hold the committee chair and vice-chair respectively

The role of the OSG is to

- a) prepare reports and recommendations for consideration by the committee, including setting of strategic direction and the framework within which projects are developed and managed
- b) Set up and oversee other officer working groups (eg Operations and Projects Groups) on a task and finish basis as necessary to deliver the core objectives. OSG will determine the terms of reference and required outputs of

such groups and will ensure these are delivered to timescale. Any such working groups will be accountable to the committee through the OSG

- c) direct, monitor and control the progress of the action plan at a strategic level
- d) advise the committee on progress in delivering the action plan and objectives
- e) consider and make recommendations on waste management issues to government and other agencies where this is felt to be consistent with the objectives of the OWP
- f) ensure that all partner councils are making sufficient progress to meet their respective obligations and commitments and identifying remedial action where this is not the case
- g) produce an annual report that considers the performance of the OWP, against its objectives, annual action plan, and operation and effectiveness of the joint committee, and make recommendations for improvement as necessary. This report will be considered at an annual joint meeting of the Committee, Leaders Group and Chief Executives Group


## **12. Vision and Objectives of the Oxfordshire Waste Partnership**

### **Vision**

Oxfordshire is pursuing a clear vision for sustainable waste management and resource use. We aim, first, to minimise the amount of waste that arises and then to maximise reuse, recycling and composting. We intend to treat all remaining waste before disposal so that further value can be recovered and so that the impact of final disposal is minimised.

### **Objectives**

The core objectives of the OWP are to

- a) Ensure waste is managed in accordance with the waste hierarchy: reduce waste first, then reuse, recycle and compost resources, recover value and, as a last resort, dispose of waste;
- b) Promote waste reduction, reuse and recycling initiatives to Oxfordshire communities to help everyone manage their own wastes;
- c) Seek the most appropriate and  sustainable solution for waste that protects the environment, including minimising the transport of waste;
- d) Meet or exceed performance required by statutory and locally agreed targets;

- e) Work together through the provision of co-ordinated services and infrastructure for waste collection, treatment, transfer and disposal to maximise the efficient use of resources within Oxfordshire Ensure that waste facilities are suitably sized and distributed and that site identification is informed in accordance with the Minerals and Waste Development Framework and the Regional Spatial Strategy;
- f) Assist the development of markets, especially those that are local, for recovered materials;
- g) Enable customer satisfaction through delivery of effective and efficient services to Oxfordshire residents that minimise the overall tax burden at the best possible value;
- h) Develop flexible and comprehensive waste management services that are robust and deliverable throughout Oxfordshire now and in the long term;
- i) Lobby Central Government and work with local business to improve the efficient use of resources, reduce the impact of activities on resource consumption, which results in the production of municipal waste, and encourage them to take responsibility for the wastes they produce.