

**TO: JOINT WASTE DISPOSAL BOARD  
25 JUNE 2008**

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

**1. INTRODUCTION**

- 1.1 The Department for Communities and Local Government's Strategic Partnering Taskforce's final report, published in 2004, described strategic partnerships as one of the main service delivery options available to local authorities in their quest for efficient and effective high quality services.
- 1.2 In 2006, a group of excellent-rated councils that had been set up to look at the barriers and potential solutions to joint working between local authorities, published their findings. Their key finding was that the limited legal basis for joint working between authorities could, they felt, cause difficulties in working with the private sector.
- 1.3 In response, Government has passed legislation (The Local Government and Public Involvement in Health Act 2007) setting out powers to allow the establishment of Joint Waste Authorities (JWA).
- 1.4 Despite the experiences and findings of the aforementioned excellent-rated councils, the re3 councils have been in a formal partnership since 1999. In that time we have secured significant investment in waste management facilities, procured a long-term contract with a private sector partner and have worked together less formally on issues such as communications campaigns, education, waste strategies and currently on business waste.
- 1.5 The re3 councils have recently responded to a consultation from DEFRA on the subject of JWA's. The results of the consultation will be used to produce guidance for local authorities wishing to become a JWA.
- 1.6 This report looks at the likely characteristics of a JWA with specific reference to, and discussion of, the potential benefits for the re3 councils.

**2. RECOMMENDATIONS**

- 2.1 **That the contents of this report be noted.**
- 2.2 **That Members request further investigations be carried out on the subject of Joint Waste Authorities leading to a decision report being brought back to the JWDB before the end of 2008.**

**3. SUPPORTING INFORMATION**

**Background**

- 3.1 The draft guidance document from DEFRA says that JWA's should seek to modernise and improve waste services through integration. The guidance also

suggests that the establishment of a JWA should contribute to the sustainability/carbon agenda.

- 3.2 The guidance asks that proposals maintain or improve the following:
- Performance against local authority waste obligations, e.g. LATS;
  - The quality of waste management services delivered to residents at affordable cost;
  - Responsiveness to local issues.
- 3.3 The draft guidance document goes on to say that a JWA must be responsible to a managing board in almost exactly the same way that the management of our PFI contract is to the Joint Waste Disposal Board.
- 3.4 In fact, the re3 councils have already taken the majority of any necessary steps towards establishing a JWA in setting up the administration of our PFI contract. We have in place an administrative structure, financial arrangements and a shared service. As far as we can tell, none of the existing arrangements would require substantive changes.
- 3.5 There are some advantages to JWA status which are not currently accessible to the re3 councils, via their partnership. The advantages could, officers feel, assist the councils in the further improvement and development of their relationship on waste management.
- 3.6 A JWA would be able to pool targets and LATS obligations, simplifying the reporting procedures and, for the re3 councils, the existing mechanisms for sharing the benefits from contractual facilities such as Lakeside. It would not prevent the individual efforts of member councils/residents from being recognised.
- 3.7 The pooling of targets also means that Borough boundaries need not be a limit to collection service efficiency. Member councils would, if they so chose, have more freedom to collectively arrange their waste collection resources on the basis of greatest efficiency rather than on being constrained by a Borough boundary.
- 3.8 A JWA has corporate body status and so could manage existing contracts on behalf of member authorities. It could also let contracts on behalf of its member authorities, simplifying the process of future shared services if, or as, appropriate.
- 3.9 A JWA would enable councils to consider a reorganisation and pooling of their staff involved in waste management. For the re3 councils, there are almost certainly some advantages to greater co-ordination and avoiding duplication at this level, both in terms of the councils retained waste responsibilities and those relating to the PFI contract.

### **Options**

- 3.10 Officers are in the process of arranging a meeting with DEFRA to discuss the process of application for JWA status in further detail.
- 3.11 In addition to meeting DEFRA, the re3 councils will scrutinise the results of the recent consultation when they are published.
- 3.12 In most circumstances, applying for JWA status might be done on the basis of improvements that a group of authorities are making, or are planning to make.

- 3.13 As councils who have already moved towards JWA status in everything but name, we'd like DEFRA to clarify whether or not the re3 councils can apply for JWA status in recognition of the existing partnership.
- 3.14 Each of the criteria at 3.2 above could be satisfied by the improvements delivered, or being delivered, by our PFI contract.
- 3.15 If a retrospective qualification is permitted, the advantages to JWA status (described above at 3.5 to 3.9) would then be accessible to the re3 councils to assist them in further developments and improvements.
- 3.16 Qualification as a result of existing partnership would allow re3 more flexibility in moving forward with subsequent developments and improvements. Officers feel that JWA status is something worth working towards, even if we are not able to qualify retrospectively.

### **Financial**

- 3.17 There are no direct financial implications to this report.

### **BACKGROUND PAPERS**

None.

### **CONTACTS FOR FURTHER INFORMATION**

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