

**TO: JOINT WASTE DISPOSAL BOARD
30 SEPTEMBER 2008**

**JOINT WORKING AGREEMENT
(Report by the Project Director)**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Joint Waste Disposal Board of proposed changes to the Joint Working Agreement between Bracknell Forest Borough Council, Reading Borough Council and Wokingham Borough Council.

2. RECOMMENDATIONS

- 2.1 **That Members note and approve the minor amendments proposed to the Joint Working Agreement.**
- 2.2 **That Members approve, subject to review by BFBC legal advisors, the first significant change described at Appendix 1 of this report**
- 2.3 **That Members approve, subject to review by BFBC legal advisors, the second significant change described at Appendix 1 of this report**
- 2.4 **That Members approve, subject to review by BFBC legal advisors, the third significant change described at Appendix 1 of this report**
- 2.5 **That Members approve, subject to review by BFBC legal advisors, the fourth significant change described at Appendix 1 of this report**

3. SUPPORTING INFORMATION

Background

- 3.1 The Joint Working Agreement defines the terms under which the 3 councils agree to work together and interact in relation to the principal contract of their joint waste PFI.
- 3.2 The Joint Working Agreement commenced on the same date as the Principal Contract (4 December 06) and is intended to remain until the point at which the last obligation of the Principal Contract has been complied with.
- 3.3 The Joint Working Agreement has been in place for nearly two years and the AGM of the JWDB is the appropriate meeting to conclude a review.
- 3.4 As with many similar documents, it is very difficult to draft something which must go straight into use with no live testing. The fact that so few significant changes are now proposed is a measure of how successfully the document was originally drafted.
- 3.5 There are 4 significant changes to the Joint Working Agreement proposed here. The purpose of these changes is to update, correct or add to the scope of the Agreement.
- 3.6 It is intended that, subject to the approval by Members, the proposed changes are then passed to the Legal Services Team at Bracknell Forest Borough Council. In this way the intent of the changes can be approved by Members but the exact wording agreed by our in-house Legal advisors.

Proposed Changes

- 3.7 There are a number of minor changes to grammar and spelling.
- 3.8 There are also a small number of changes to the Agreement to remove one-off time specific events (e.g. at the commencement of the Principal Contract). Neither these changes, nor those referred to at 3.4 change the nature and meaning of the Joint Working Agreement.
- 3.5 There are 4 significant changes to the nature and meaning of clauses contained in the Joint Working Agreement. They are listed below with the full, proposed wording included in the Appendix at the end of this report.
- 3.6 The four significant changes are
- (i) a change to the wording relating to the share of liabilities for Existing Contamination
 - (ii) a change to the method of apportioning LATS allowances between the councils
 - (iii) amendments to the wording relating to the apportionment of costs relating to the Household Waste Recycling Centre's
 - (iv) the addition of text relating to the apportionment of costs relating to Bring Banks.

BACKGROUND PAPERS

Joint Working Agreement (2006)

CONTACTS FOR FURTHER INFORMATION

Mark Moon, Project Director
0118 974 6315
Mark.moon@wokingham.gov.uk

Oliver Burt, Project Manager
0118 9399990
oliver.burt@reading.gov.uk