

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 administrating 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