

TO: **JOINT WASTE DISPOSAL BOARD**  
**18 MARCH 2009**

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**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 it cannot authorise them.

#### Contacts for Further Information

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#### Document Reference

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