

**TO: JOINT WASTE DISPOSAL BOARD
10 JANUARY 2007**

**JOINT WASTE DISPOSAL BOARD -
DECISIONS TO BE MADE IN RESPECT OF THE PROJECT AGREEMENT
(Borough Solicitor)**

1 PURPOSE OF DECISION

- 1.1 To advise the Board of the changes to Appendix 1 of Schedule 4 to the Joint Working Agreement and to request that Members consider the proposed delegations with a view that those delegations should be approved.

2 RECOMMENDATIONS

- 2.1 **That the delegations detailed in Appendix A to Schedule 4 of the Joint Working Agreement shall be varied so that they are replaced by those delegations detailed in Annexe 1 to this report.**
- 2.2 **That the delegations in Annexe 1 to this report be approved.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 Clause 7.1 of the Joint Working Agreement (which was executed by the Councils on 31 October 2006) states that "the delegation of responsibilities detailed in Schedule 4 to the Joint Working Agreement and Appendix A to that Schedule shall apply in respect of those matters detailed within Schedule 4 and Appendix A". The clause further states that, at the first meeting of the Joint Waste Disposal Board, the Board shall be responsible for considering and confirming (with or without alteration) the delegations detailed in Appendix A to Schedule 4.
- 3.2 When the Councils executed the Joint Working Agreement on 31 October the legal officers representing each of the Councils agreed that Appendix A to Schedule 4 would be subject to further amendments following execution of the Joint Working Agreement. The need for this arose because changes were made to the Project Agreement during final negotiations which, due to time constraints, could not be reflected within Appendix A to Schedule 4. Therefore, at the time of execution of the Joint Working Agreement Appendix A was in need of updating.
- 3.3 Appendix A has now been updated so that it reflects the changes that were made to the Project Agreement immediately prior to signature. Amended Appendix A is attached as Annexe 1 to this report.
- 3.4 If the Board approve the revised Appendix A, with or without changes, this will avoid the need for a Deed of Variation to be executed by the Councils to update Appendix A. This would seem to be a quicker and simpler means of achieving an updated Appendix and also give Members the opportunity to review the delegation of decisions within that Appendix at the same time.

- 3.5 The rationale behind the delegations within Appendix A (and the amended Appendix A) have been discussed and agreed by the legal officers of each of the Councils. The delegations are regarded as being both workable and capable of safeguarding the Council against critical decisions being made at an inappropriate level. Members are, therefore, recommended to adopt the delegations within revised Appendix A.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative would be to redraft Appendix A to Schedule 4 of the Joint Working Agreement and include that redraft within a Deed of Variation which is executed by all of the Councils. This is a feasible option but would take longer to achieve. Should the Board wish to make alterations to Appendix A, such alterations could be included within the Deed of Variation.

5 IMPACT ASSESSMENT

- 5.1 There are no implications arising directly from this report.

6 STRATEGIC RISK MANAGEMENT ISSUES

- 6.1 There are no strategic risk management issues arising directly from this report.

Background Papers

Joint Working Agreement.

Contacts for Further Information

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Report on Delegations