



Councils working together

## Dorset Waste Partnership Joint Committee

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| Date of Meeting          | 13 June 2016   |
| Officer                  | Clerk to the Dorset Waste Partnership  |
| <b>Subject of Report</b> | <b>Scheme of Delegation and 2016/17 Schedule of Meetings</b>   |
| Executive Summary        | This report recommends a scheme of delegation and schedule of meetings to the Joint Committee for approval.  |
| Impact Assessment:       | Equalities Impact Assessment:<br><br>An EqIA screening form has been completed by the County Council as part of the process of adopting a new scheme of delegation for people management. The County Council did not consider that a full EqIA was required.<br><br>There are no equalities issues arising from the recommended approval of the proposed Scheme of Delegation or Schedule of Meetings. |
|                          | Use of Evidence:<br><br>The recommended scheme draws upon the arrangements for delegated decision making within each of the Partner Authorities.   |
|                          | Budget/ Risk Assessment:<br><br>There is no immediate budget impact arising from this report.  |

Dorset Waste Partnership Scheme of Delegation and 2016/17 Schedule of Meetings

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|   | <p><b>Risk Assessment:</b></p> <p>It is important for the successful delivery of services and for accountability that there is a clear scheme identifying those matters that are reserved for decision by the Joint Committee, those delegated to the Director of the Waste Partnership with any sub-delegation to appropriate members of staff and those that may be taken by members of staff . Without a clear scheme of delegation there is a risk that decisions might be challenged on the basis that the decision maker had no authority to act.</p> <p>The current and proposed revised Inter Authority Agreements require the approval of the Joint Committee to the yearly schedule of meetings. It is important for the Joint Committee to meet in accordance with the provisions of the Inter Authority Agreement to support effective and efficient decision making.</p> <p>Having considered the risks associated with this decision using the County Council’s approved risk management methodology, the level of risk has been identified as:</p> <p>Current Risk: LOW<br/>Residual Risk LOW</p> |
|   | <p><b>Other Implications:</b></p> <p>No other implications have been identified.</p>   |
| <p><b>Recommendation</b></p>                | <p>That the Joint Committee:</p> <ul style="list-style-type: none"> <li>a) approve the proposed Scheme of Delegation;</li> <li>b) approve the proposed schedule of meetings.</li> </ul>  |
| <p><b>Reason for Recommendation</b></p>     | <p>To support the delivery of effective public services through the Dorset Waste Partnership.</p>  |
| <p><b>Appendices</b></p>                    | <p>Appendix 1 – Dorset Waste Partnership Scheme of Delegation<br/>Appendix 2 - Scheme of Delegation for people management functions within the Host Authority</p>  |
| <p><b>Background Papers</b></p>             | <p>Dorset Waste Partnership Inter Authority Agreement</p>  |
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## **1. Scheme of Delegation**

- 1.1. Through the current and proposed revised Dorset Waste Partnership (“DWP”) Inter Authority Agreements the Partner Authorities have delegated the collection, management, disposal, treatment and recycling of waste and street cleansing to the Joint Committee.
- 1.2. In addition to the core delegated functions the Joint Committee also undertakes the following activities on behalf of the Partner Authorities:
  1. hold the Director to account for the management the Contracts for the delivery of an integrated waste management service across the County of Dorset in so far as such service relates to all or any of the areas of the Partner Authorities through the Senior Management Team and in accordance with legislation and the terms of the IAA;
  2. approve and implement the Business Plan;
  3. ensure that the legal and statutory functions delegated to it by the Partner Authorities are being discharged effectively within a risk management framework;
  4. assist the Partner Authorities in meeting their respective responsibilities such as, but limited to, emergency planning and responding to civil emergencies and elections;
  5. monitor, review, agree and recommend to each Partner Authority the Waste Strategy, Business Plan and Medium Term Financial Plan in accordance with the terms of the IAA;
  6. monitor performance of the DWP including customer satisfaction;
  7. agree the Capital Programme, to allow the DWP Treasurer to take it through the Host Authority’s capital programme approval process;
  8. approve Key Decisions, defined in the Dorset Waste Partnership Scheme of delegation as “decisions where the financial implications for the Joint Committee exceed £500,000 [or which are likely to have a significant effect on a division or divisions represented by at least two members].”;
  9. appoint the Director;
  10. approve the calculation of revenue and financial costs in accordance with the IAA.
- 1.3 The Partner Authorities and Host Authority have adopted different schemes of delegation. The Scheme of Delegation of the Joint Committee at Appendix 1 to this report has continued to operate, despite the different approaches.
- 1.4 There is a clear expectation that before exercising any delegated power the Director must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Joint Committee. Where a local councillor is consulted about the exercise of delegated authority and requests this then the matter must be referred back to the Joint Committee for decision.
- 1.5 Powers delegated to the Director may be exercised by other officers authorised by him in writing specifically for that purpose. The draft Scheme of Delegation recognises that it is important that there should be both a written record of such delegations to other officers of the DWP and that these should be detailed in a register kept by the Democratic Services Clerk to the Joint Committee.
- 1.6 There are a number of other important safeguards in relation to the exercise of delegated authority. Delegation of a function to the Director does not preclude the Joint Committee from requiring a particular issue (which would otherwise have been dealt with under delegated powers) to be referred back to them. Most importantly delegated decisions made by officers must not involve the adoption of any new policy

or a major extension of an existing policy of the Joint Committee or a Partner Authority.

- 1.7 The Scheme at Appendix 1 reflects the provisions within the current Inter Authority Agreement. Whilst the Joint Committee has agreed the principle of revisions within the proposed Agreement, the formal Agreement has yet to be approved and signed by each Partner Authority. Therefore the Scheme of Delegation at Appendix 1 is recommended to the Joint Committee for adoption.

## **2. People Management**

- 2.1. As the County Council is employer of DWP staff (as Host Authority), its Scheme of Delegation for people management applies to DWP. This reflects that whilst operational delegations might vary from service to service, people management delegations needed to be consistent across the County Council for all staff groups.
- 2.2 On 23 July 2015 the County Council adopted a new version Scheme of Delegation for People Management attached at Appendix 2. The Scheme delegates *all* people management decisions to the lowest possible officer level, usually the line manager. Under the scheme all people management decisions, including those relating to formal action such as written warnings, suspension and dismissal may be made by managers at any tier of the management structure (provided they have received the appropriate training).

## **3. Schedule of Meetings**

- 3.1. The current and proposed revised Inter Authority Agreement requires the approval of the Joint Committee to a yearly schedule of meetings. The current Agreement requires the Joint Committee to meet at least 4 times each year. The proposed revised Agreement refers to the Joint Committee setting the number and schedule of meetings for the year, although there must be at least one for budget setting purposes. The Joint Committee has agreed the principle of the revisions within the proposed Agreement, although the formal Agreement has yet to be approved and signed by each Partner Authority.
- 3.2. The Joint Committee is recommended to agree a schedule of 5 meetings, which includes budget meetings, and so complies with the requirements of both the current and proposed revised Agreement:
- June
  - September
  - Mid November – draft budget meeting
  - Mid January – budget approval
  - March.

Grace Evans  
Legal Clerk to the Joint Committee