

# Agenda



Councils working together

Meeting: Dorset Waste Partnership Joint Committee

Time: 10.00 am

Date: 12 September 2016

Venue: Council Chamber, Purbeck District Council, Westport House, Wareham, BH20 4PP,

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Anthony Alford (Chairman)	West Dorset District Council
Michael Roake (Vice-Chairman)	North Dorset District Council
Peter Finney	Dorset County Council
Robert Gould	Dorset County Council
Colin Bungey	Christchurch Borough Council
Margaret Phipps	Christchurch Borough Council
Ray Bryan	East Dorset District Council
Barbara Manuel	East Dorset District Council
David Budd	Purbeck District Council
Peter Webb	Purbeck District Council
Alan Thacker	West Dorset District Council
David Walsh	North Dorset District Council
Ray Nowak	Weymouth & Portland Borough Council
Kevin Brookes	Weymouth & Portland Borough Council

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## Notes:

- The reports with this agenda are available at [www.dorsetforyou.com/countycommittees](http://www.dorsetforyou.com/countycommittees) then click on the link "minutes, agendas and reports". Reports are normally available on this website within two working days of the agenda being sent out.
- We can provide this agenda and the reports as audio tape, CD, large print, Braille, or alternative languages on request.

- **Public Participation**

Guidance on public participation at County Council meetings is available on request or at <http://www.dorsetforyou.com/374629>.

### Public Speaking

Members of the public can ask questions and make statements at the meeting. The closing date for us to receive questions is 10.00am on 7 September 2016, and statements by midday the day before the meeting.

**Debbie Ward**  
Chief Executive

Contact: Denise Hunt  
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Date of Publication:  
Friday, 2 September 2016

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## 1. **Apologies for Absence**

To receive any apologies for absence.

## 2. **Code of Conduct**

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests.

- Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary interest.
- Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done on the form available from the clerk within 28 days).
- Disclose the interest at the meeting (in accordance with the County Council's Code of Conduct) and in the absence of a dispensation to speak and/or vote, withdraw from any consideration of the item.

The Register of Interests is available on Dorsetforyou.com and the list of disclosable pecuniary interests is set out on the reverse of the form.

## 3. **Minutes**

To confirm and sign the minutes of the meeting held on 13 June 2016.

## 4. **Public Participation**

### (a) **Public Speaking**

### (b) **Petitions**

## 5. **Dorset Waste Partnership Forward Plan 2016**

5 - 10

To consider a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership (attached).

## 6. **Financial Report September 2016**

11 - 20

To consider a report by the Treasurer and the Finance and Commercial Manager of the Dorset Waste Partnership (attached).

## 7. **Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)**

21 - 56

To consider a report by the Clerk to the Dorset Waste Partnership (attached).

## 8. **Inter-Authority Agreement (cost sharing - options)**

57 - 64

To consider a joint report by the Director and the Treasurer of the Dorset Waste Partnership (attached).

## 9. **Charging for "Recycle for Dorset" Containers**

65 - 82

To consider a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership (attached).

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|---|-----------|
| <b>10. Fixed Penalty Notices (FPNs) for Fly Tipping and Use of an External Company to Issue FPNs</b>              | 83 - 92   |
| To consider a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership (attached).        |           |
| <b>11. Vehicle Replacement Capital Programme</b>  | 93 - 102  |
| To consider a report by the Head of Service (Operations) of the Dorset Waste Partnership (attached).              |           |
| <b>12. Corporate Risk Register</b>  | 103 - 108 |
| To consider a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership (attached).        |           |
| <b>13. Garden Waste Service and Setting the 2017/18 Price</b>   | 109 - 128 |
| To consider a report by the Director of the Dorset Waste Partnership (attached).                                  |           |
| <b>14. Questions from Councillors</b>   |           |
| To answer any questions received in writing by the Chief Executive by not later than 10.00am on 7 September 2016. |           |

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## Dorset Waste Partnership Joint Committee

Minutes of the meeting held at Christchurch Borough  
Council, Civic Offices, Bridge Street, Christchurch,  
BH23 1AZ on Monday, 13 June 2016.

### **Present:**

Anthony Alford (West Dorset District Council) (Chairman)

### Members Attending

Margaret Phipps (Christchurch Borough Council), Ray Bryan (East Dorset District Council), Barbara Manuel (East Dorset District Council), David Budd (Purbeck District Council), Peter Webb (Purbeck District Council), Alan Thacker (West Dorset District Council), David Walsh (North Dorset District Council), Kevin Brookes (Weymouth & Portland Borough Council) and Graham Carr-Jones (North Dorset District Council).

### Other Members in attendance

Ian Roebuck, Weymouth & Portland Borough Council (Observer)  
Jeff Cant, Weymouth & Portland Borough Council (Observer)

### Dorset Waste Partnership Officers Attending:

Paul Ackrill (Commercial and Finance Manager), Ian Brewer (Operations and Commercial Services Manager), Gemma Clinton (Interim Head of Service - Strategy), Sian Critchell (Finance Manager), Grace Evans (Clerk), Jason Jones (Group Manager - Commissioning), Michael Moon (Head of Service (Operations)), James Potten (Communications and Marketing Officer), Karyn Punchard (Director), Andy Smith (Treasurer) and Denise Hunt (Senior Democratic Services Officer).

### Other Officers in attendance

Steve Mackenzie (Purbeck District Council), Lindsay Cass (Christchurch and East Dorset Borough Councils), Graham Duggan (Dorset Councils Partnership), Rupert Bamberger (South West Audit Partnership), Rebecca Kirk (Purbeck District Council), Larry Austin and Shelly Standhaft (Bournemouth Borough Council).

- (Notes:(1) Publication In accordance with paragraph 8.4 of Schedule 1 of the Joint Committee's Constitution the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date. Publication Date: **20 June 2016**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Joint Committee to be held on **Monday, 12 September 2016.**)

### **Election of Chairman**

15 **Resolved**  
That Anthony Alford be elected Chairman of the Joint Committee for the year 2016/17.

### **Appointment of Vice-Chairman**

16 **Resolved**  
That Michael Roake be appointed Vice-Chairman of the Joint Committee for the year 2016/17.

### **Apologies for Absence**

17 Apologies for absence were received from Robert Gould, Ray Nowak and Michael Roake.

### **Code of Conduct**

18 There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

### **Terms of Reference**

19 The Joint Committee noted its Terms of Reference.

### **Minutes**

20 The minutes of the meeting held on 29 February 2016 were confirmed and signed.

### **Exclusion of the Public**

21 **Resolved**

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for minute numbers 22 and 23 because it was likely that if members of the public were present, there would be a disclosure to them of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12A and the public interest in withholding the information outweighed the public interest in disclosing that information.

### **Strategic Waste Facility (Paragraph 3)**

22 The Joint Committee considered an exempt report concerning the Strategic Waste Facility with Bournemouth Borough Council.

**Resolved**

- (i) that the steps set out in the report be approved;
- (ii) that an update report on progress be received at future meetings.

**Reason for Decisions**

To allow the DWP to provide cost effective management of dry mixed recycle.

### **Strategic Waste Transfer Facility for Central Dorset**

23 The Joint Committee considered a report by the Director of the Dorset Waste Partnership which provided an update on the business case for the construction of a new strategic waste transfer facility in central Dorset. This would replace the current waste transfer station (WTS) in Blandford and include a modern Household Recycling Centre (HRC), depot and vehicle maintenance facility to replace the depot in Shaftesbury.

The Joint Committee considered the business justification in the appendix to the report which was exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Director reported that members of the Joint Committee had been invited to attend a site visit to the WTS in Blandford and had also been sent an e-mail video link in order to understand some of the practical difficulties with the existing arrangements.

The need for a waste transfer station had been set out in a previous options report to the Joint Committee in 2011, in order to increase flexibility and reduce reliance on facilities provided by third parties, some of which were due to end.

A greenfield site for a purpose built facility and other potential sites had been identified in the Waste Local Plan. Discussions were ongoing with the owners of the current WTS and the DCC/DWP site in Blandford and these options needed to be investigated and members kept informed of progress.

Members highlighted the need to move forward at pace, particularly given that 1200 new homes had been identified for Blandford in the Local Plan. Members who had participated in the site visit to the Blandford WTS had been made aware of the

limitations of the site and the detrimental impact on its operation.

The Chairman highlighted that the absence of adequate infrastructure had been identified as a high risk within the DWP risk register and suggested that it would be essential to ensure that the business case was maintained and up to date throughout this process.

*Following the discussion and confirmation that there were no questions in relation to the exempt appendix 4 of Item 10 - Finance Report June 2016, the Chairman advised consideration of exempt information by the Joint Committee had concluded and that the meeting would be open to the public and press from this point forward.*

### **Resolved**

- (i) that the proposal for a new strategic waste transfer facility in central Dorset as outlined in the business case to include a household recycling centre, waste transfer station, and potentially depot and vehicle maintenance workshop be approved;
- (ii) that taking an Option on a suitable site(s) in the Blandford area and land purchase subject to planning consent for the facility if this is considered beneficial by the Director of the DWP after consultation with the Chair of the Joint Committee be approved;
- (iii) that the application for prudential borrowing through Dorset County Council for construction of the new waste transfer facility be approved;
- (iv) that extension of the lease or negotiation of purchase of the freehold of the existing waste transfer and HRC site in Blandford, on terms to be agreed by the Director of the DWP after consultation with the Chair of the Joint Committee and the Director for Environment and Economy (DCC) as lessee be approved.

### **Reason for Decisions**

To secure a key site(s) in Blandford for the development of a strategic waste transfer facility in central Dorset which would provide the capacity to maximise the benefits of operational efficiency and resilience to provide business continuity now and in future years.

### **Public Participation**

#### 24 **Public Speaking**

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public statements received at the meeting in accordance with Standing Order 21(2).

#### **Petitions**

There were no petitions received in accordance with the County Council's petition scheme at this meeting.

### **Dorset Waste Partnership Forward Plan 2016**

25 The Joint Committee considered its forward plan and were informed of the following additional items to be considered at the meeting on 12 September 2016:-

- Bin Replacement Policy
- Fly Tipping Fixed Penalty Notices

In response to a question, officers advised that regular updates on a strategic waste transfer facility in central Dorset would be included in the Member newsletter until such time as a formal decision was required by the Joint Committee.

### **Noted**

## **Scheme of Delegation and 2017 Schedule of Meetings**

- 26 The Joint Committee considered a report by the Clerk to the Dorset Waste Partnership which recommended a scheme of delegation and schedule of meetings for approval.

The Joint Committee was advised that the scheme of delegation reflected the provisions of the current Inter Authority Agreement (IAA). This was an interim measure until such time as the new IAA was formally agreed and signed by the partner authorities. A further report would be considered in September 2016 with a revised Scheme of Delegation which would reflect the new IAA. Members were reminded that the Scheme of Delegation for People Management Matters applied to DWP staff as Dorset County Council was the host authority.

The Clerk reported that there were different requirements for the number of meetings set out in the current and proposed IAA, the latter requiring the Joint Committee to meet on at least one occasion to set the budget. She confirmed that the schedule of meetings set out in the report would meet the requirements of both and satisfied the budget setting process.

Members were updated that the latest meeting at which a partner authority would consider the IAA would take place on 27 July 2016 which would allow the new IAA to be signed and confirmed at the next meeting of the Joint Committee on 12 September 2016. In response to a question it was confirmed that arrangements for the DWP Scrutiny Group would be clarified at this time and that the Clerk would respond to the member following the meeting in relation to a specific point raised on the nature of the membership of this group.

### **Resolved**

- (i) That the proposed scheme of delegation be approved;
- (ii) That the proposed schedule of meetings be approved.

### **Reason for Decisions**

To support the delivery of effective public services through the Dorset Waste Partnership.

## **Financial Report June 2016**

- 27 The Joint Committee considered a joint report by the Treasurer and the Finance and Commercial Manager to the Dorset Waste Partnership. The Treasurer outlined the recommendations contained in the report.

A Member asked whether there would have been a difference in the underspend in the budget in 2015/16 had there not been a significant underspend in capital funding during the year.

The Treasurer confirmed that there would have been a different outturn in 2015/16 had capital funding not been deferred. As this funding had been carried forward it would not have an undue impact on the 2016/17 budget. The capital budget had been effectively postponed and was largely due to the delay in progression of the Blandford scheme.

### **Resolved**

- (i) That the outturn position for 2015/16 be noted;
- (ii) That the final capital expenditure position for 2015/16 be noted;
- (iii) That the discontinuation of the 1% reserve, in anticipation of the adoption of the new Inter Authority Agreement, and return appropriate shares to partners in accordance with Appendix 3 be approved;
- (iv) That transfer of the 2015/16 revenue underspend of £519,584 to a Budget



Equalisation Reserve be approved.

#### Reason for Decisions

The Joint Committee monitored the Partnership's performance against budget and scrutinised actions taken to manage within budget on behalf of partner Councils.

#### **Update on the Dorset Waste Partnership Medium Term Financial Plan (MTFP)**

28 The Joint Committee considered a report by the Director of the Dorset Waste Partnership providing an update on the financial position for the Medium Term Financial Plan.

The Finance and Commercial Manager introduced the report and advised that the Leaders and Chief Executives Group would be discussing the level of savings to be applied to the service in future and that the Commissioning Group had also been tasked to explore significant savings and consider what might be achievable pending a formal position agreed by the partner Councils. The outcome of these discussions would be reported back to the Joint Committee in September 2016.

A Member highlighted that service levels should not suffer in the rush to produce huge savings. The Chairman further expressed the opinion that there should be coherence in terms of looking at the overall service and ensuring that savings were explored from both the collection and disposal sides of the business and not just those parts of the operation that were easiest to cut.

#### **Noted**

#### **South West Audit Partnership - Half Yearly Review (including an update on the 37 point action plan)**

29 The Joint Committee considered a report by the Assistant Director of the South West Audit Partnership (SWAP) which provided an update on progress of recent audit work on the DWP Project Management and a follow up of SWAP recommendations from previous audits. Members were also advised of the planned programme of work in 2016/17. This was the first of 2 reports to be considered by the Joint Committee each year in order to provide an update on significant findings arising from audit work which would refer back to the 37 point management action plan wherever possible.

The Chairman asked about the status of work in relation to the Waste Management Facility and was advised that this was currently underway and was subject to the decision taken by the Joint Committee that day.

#### **Noted**

#### **Performance Indicator Monitoring - Quarter Four and Annual Performance (2015/16)**

30 The Joint Committee considered a report by the Interim Head of Service (Strategy) which set out the fourth quarter and annual performance statistics together and new KPI targets for 2016/17. A revised copy of Appendix 6 of the report had been circulated to the Joint Committee due to an incorrect calculation in some data contained in the graphs.

The report was introduced by the Interim Head of Service (Strategy) who highlighted areas in the fourth quarter and annual performance statistics indicated as red using the RAG system. She reported that the number of complaints had decreased overall, but remained high during 2015/16 and that work was continuing to reduce sickness levels. Incidences of fly tipping had also increased which followed a national trend. It was felt that this may have been due to restrictions placed on HRCs at neighbouring authorities, however, it would not be possible to measure this impact.

Members were advised that the direction of travel in relation to the cost of HRC's per

household had increased and not decreased as indicated in the report. Further clarification was also given on the direction of travel for performance indicators in relation to kerbside collected food waste and the number of fly tipping incidents.

It was proposed to e-mail the performance information in future to ensure that quarterly data was made available at an earlier stage and that members were kept up to date. The Chairman requested that this information was also communicated to the Partner Authorities so that they could include this information in their own performance reports whenever necessary.

### **Resolved**

- (i) That the fourth quarter and annual performance of the DWP against the agreed performance indicator targets be noted;
- (ii) That the 2016/17 targets for the agreed KPI's be approved;
- (iii) That quarterly and annual KPI information is received via email for 2016/17 onwards.

### **Reason for Decisions**

To inform the Joint Committee of the DWP performance against the performance indicator targets and allow for more timely reporting of information from 2016/17 onwards.

## **Corporate Risk Register**

- 31 The Committee considered a report by the Interim Head of Service (Strategy) presenting the current corporate risk register of the Dorset Waste Partnership.

A new risk to potential changes to the DWP through unitary and / or combined authority had been added to the register and officers were currently working out what this would mean for the DWP.

A Member asked about the significant risks around the budget outturn and the Treasurer confirmed that both the risk and residual risk remained high due to volatility in the budget.

### **Noted**

## **Bring Bank Review**

- 32 The Joint Committee considered a report by the Director of the Dorset Waste Partnership that set out the usage and costs of the bring bank service following introduction of the recycle for Dorset and subsequent rationalisation of bring bank sites.

The Director introduced the report which identified continued reduction in the use of the bring banks and increasing costs. The report recommended an option to remove banks for glass, paper, plastics and cans which formed part of the kerbside collections, whilst retaining banks for textiles (which generated an income), small electrical items, foil and beverage cartons, resulting in a saving of £121,000.

A map demonstrated that Dorset continued to be well served by HRCs and some supermarkets that provided bring banks.

### **Resolved**

- (i) That the removal of DWP bring banks for materials collected in the recycle for Dorset service and retention of bring banks for textiles, electronic goods, foil and beverage cartons at existing sites be approved;
- (ii) That authority be delegated to the Director of DWP, after consultation with the Chair of Joint Committee, for any further changes to the bring bank service.

Reason for Decisions

To further reduce the costs of the bring bank service following the introduction of the recycle for Dorset kerbside service.

**Questions from Councillors**

33 No questions were asked by councillors under host authority standing order 20(2).

Meeting Duration: 10.00 am - 11.45 am

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## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Interim Head of Service (Strategy)
<b>Subject of Report</b>	<b>Forward Plan 2016</b>
Executive Summary	<p>This paper sets out the Forward Plan for the Dorset Waste Partnership (DWP) for 2016. The Forward Plan is based upon the DWP Business Plan 2014/19.</p> <p>Members are asked to comment on items for future inclusion.</p>
Impact Assessment:	Equalities Impact Assessment; N/A
	Use of Evidence: DWP Business Plan 2014/19
	Budget: N/A
	Risk Assessment: N/A
	Other Implications: None

Recommendation	That the Joint Committee notes the DWP's forward plan and comments on the items included and suggests others for future meetings where appropriate.
Reason for Recommendation	To provide greater visibility of the DWP Forward Plan and to ensure decisions are taken in a timely and programmed manner to achieve the objectives of the Business Plan and meet the Joint Committee's needs.
Appendices	Appendix One: DWP Forward Plan 2016
Background Papers	None
Report Originator and Contact	Name: Gemma Clinton, Interim Head of Service (Strategy) Tel: 01305 224716 Email: g.clinton@dorsetwastepartnership.gov.uk

1. Background

- 1.1 The Joint Committee previously requested that the Work Programme be reported as a separate item so that progress could be more easily identified and the timing of key decisions highlighted.
- 1.2 The Forward Plan (Appendix 1) gives an indication of all reports to be submitted to Joint Committee during the calendar year to provide clarity on forthcoming projects and plans.

**Gemma Clinton**  
**Interim Head of Service (Strategy)**  
 Sept 2016

**Dorset Waste Partnership Joint Committee Forward Plan  
(Meeting Date – 7 November 2016)**



**Explanatory note:** This work plan contains future items to be considered by the Dorset Waste Partnership Joint Committee. It will be published 28 days before the next meeting of the Joint Committee.

This plan includes key decision to be taken by the Joint Committee and items that are planned to be considered in a private part of the meeting. The plan shows the following details for key decisions:-

- (1) date on which decision will be made
- (2) matter for decision, whether in public or private (if private see the extract from the Local Government Act on the last page of this plan)
- (3) decision maker
- (4) consultees
- (5) means of consultation carried out
- (6) documents relied upon in making the decision

28  
9  
5  
Any additional items added to the Forward Plan following publication of the Plan in accordance with section 5 of Part 2, 10 of Part 3, and Section 11 of Part 3 of The Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 are detailed at the end of this document.

**Definition of Key Decisions**

Key decisions are defined in the Inter-Authority Agreement as decisions of the Joint Committee which are likely to -

- "(a) result in the Dorset Waste Partnership (DWP) incurring expenditure which is, or the making of savings which are, significant having regard to the DWP's budget for the service or function to which the decision relates namely where the sum involved would exceed £500,000; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Dorset."

**How to request access to details of documents, or make representations regarding a particular item**

If you would like to request access to details of documents or to make representations about any matter in respect of which a decision is to be made, please contact the Senior Democratic Services Officer, Chief Executive's Department, County Hall, Colliton Park, Dorchester, DT1 1XJ (Tel: (01305) 224878 or email: [d.hunt@dorsetcc.gov.uk](mailto:d.hunt@dorsetcc.gov.uk)).

Date of meeting of the Cabinet (1)	Matter for Decision/ Consideration (2)	Decision Maker (3)	Consultees (4)	Means of Consultation (5)	Documents (6)
07/11/16  16/01/17	Key Decision - Yes <b>Open</b> Financial Report To provide an update on current financial issues relating to the Dorset Waste Partnership and make recommendations, if necessary, to Partner Councils.	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Management Board	Meetings and Discussions.	
07/11/16	Key Decision - Yes <b>Open</b> Medium Term Financial Plan 2016/17 - 2021/22	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Management Board	Meetings and discussions	
07/11/16	Key Decision - Yes <b>Open</b> Draft Revenue Estimates 2017/18	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Management Board	Meetings and discussions	
07/11/16	Key Decision - Yes <b>Open</b> Capital Programme 2016/17 - 2021/22	Dorset Waste Partnership Joint Committee	DWP Officers Management Board	Meetings and Discussions	
07/11/16	Key Decision - No <b>Open</b> Narrow Access Review	Dorset Waste Partnership Joint Committee	DWP Officers Management Board	Meetings and Discussions	



16/01/17	Key Decision - No <b>Open</b> Corporate Risk Register	Dorset Waste Partnership Joint Committee			
16/01/17	Key Decision - No <b>Open</b> South West Audit Partnership - Half Yearly Review (including an update on the 37 point action plan)	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Management Board	Meetings and discussions	
TBC	Key Decision - Yes <b>Open</b> Infrastructure Review To outline proposals for infrastructure, advise and make recommendations as required.	Dorset Waste Partnership Joint Committee	DWP Officers Management Board	Meetings and discussions	
TBC	Key Decision - No  Update on Commercial Waste Pricing Policy				
TBC	Key Decision- Yes Revised Dorset Waste Strategy	Dorset Waste Partnership Joint Committee	DWP Officers Management Board	Meetings and discussions	

### **Private Meetings**

The following paragraphs define the reasons why the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed and the public interest in withholding the information outweighs the public interest in disclosing the information to the public. Each item in the plan above marked as 'private' will refer to one of the following paragraphs.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.



## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officers	Treasurer to the Dorset Waste Partnership and Finance and Commercial Manager, Dorset Waste Partnership
<b>Subject of Report</b>	<b>Financial Report September 2016</b>
Executive Summary	<p>This report presents and discusses the following –</p> <p><u>The risks of variance in spend against the 2016/17 revenue budget of £34.205M, agreed by the DWP Joint Committee in January 2016, which is currently assessed, based on the end of July 2016 budget monitoring position, at a potential for underspend of £733k. This shows an improvement on the position reported to the June 2016 Joint Committee meeting. The current prediction of underspend representing about 2.1% of the original budget. This is based on information that is now available since the budget was agreed. The most significant items being :</u></p> <p>Renewal of the HRC contract: £302k favourable  Reduction in winter HRC opening hours: £158k favourable  Reduction in capital charges in respect of bin life: £250k favourable  Slippage in capital programme: £152k favourable  Recyclate price to date: £48k favourable  Unanticipated disposal costs: £150k adverse</p>

	<p><u>Capital Budget Monitoring for 2016/17</u> - Expenditure of £75k has been incurred to date against an approved capital budget of £5.614M as agreed at Joint Committee December 2016. In addition, there has been £263k of expenditure on vehicles that have slipped from 2015/16.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>This report contains no new proposals and has no equalities implications.</p>
	<p>Use of Evidence:</p> <p>The report is based on data from the County Council's financial system and the management information systems used by the Dorset Waste Partnership. This is supplemented by information from service managers where necessary.</p>
	<p>Budget:</p> <p>A revenue budget of £34.205m was agreed by the DWP Joint Committee for 2016/17 and includes a requirement to achieve savings of £397k. Budget monitoring for 2016/17, to date, shows that there is a forecast underspend of £733k, representing a more optimistic position from that reported to the June 2016 Joint Committee Meeting.</p> <p>The effects of the Capital expenditure programme for 2016/17 are reflected in the capital charges line of the revenue budget monitoring (above).</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this information using the County Council's approved risk management methodology, the level of risk has been identified as:</p> <p>Current Risk: HIGH Residual Risk HIGH</p> <p>This assessment relates to the potential volatility of, in particular, the revenue budget for 2016/17 where some factors (e.g. recycle costs) could move in a significant adverse direction for the remainder of the year.</p>
	<p>Other Implications:</p> <p>No other implications have been identified.</p>

Recommendations	The DWP Joint Committee is asked to: <ol style="list-style-type: none"> <li>1. To note the current 2016/17 revenue budget forecast.</li> <li>2. To note the capital expenditure position for 2016/17 to date.</li> </ol>
Reason for Recommendations	The Joint Committee monitors the Partnership's performance against budget and scrutinises actions taken to manage within budget on behalf of partner Councils.
Appendices	Appendix 1 – DWP Capital spend and commitments
Background Papers	None
Report Originator and Contact	<p>Name: Andy Smith, Treasurer to the Dorset Waste Partnership,            Tel: 01305 224031            Email: <a href="mailto:a.g.smith@dorsetcc.gov.uk">a.g.smith@dorsetcc.gov.uk</a></p> <p>Name: Paul Ackrill, Finance and Commercial Manager, Dorset Waste Partnership,            Tel: 01305 224121            Email: <a href="mailto:Paul.Ackrill@dorsetwastepartnership.gov.uk">Paul.Ackrill@dorsetwastepartnership.gov.uk</a></p>

## 1. Background

- 1.1 The Dorset Waste Partnership is now in its sixth year of operation. The Recycle for Dorset service has now been rolled out to all 201,000 properties in Dorset.
- 1.2 The Joint Committee of 14 December 2015 agreed a revenue budget of £34.205m for 2016/17.

## 2. 2016/17 Revenue Budget forecast

- 2.1 Based on 2016/17 data to date there is a forecast underspend for 2016/17 of £733k on an originally approved budget of £34.205M. Further detail is given on each identified variance in the paragraphs below.
- 2.2 The Joint Committee of 29<sup>th</sup> February 2016 received an update on Service Level Agreements for Support Services for the DWP, within the Financial Report. The update indicated that, following a robust costing and pricing exercise with Dorset County Council, the support service costs for DWP for 2016/17 would exceed the budget by £9k, as a result of additional services requested by the DWP. The work also identified a number of areas for potential support service cost savings that are currently being explored, with the intention to reduce costs for the 2017/18 budget.

- 2.3 Nationally advertised recruitment campaigns for senior posts have incurred £18k of unbudgeted expenditure.
- 2.4 The capital charges budget line will benefit by £250k from the decision to change bin life write off from 10 years to 15 years.
- 2.5 Recyclate prices vary each month depending on the market value at that time and the quality of the DWP material. The 2016/17 budget was set on the assumption of a price of £20 per tonne. Prices for the year to date have been favourable in relation to the budget set, with the effect of saving £48k in the year to date.
- 2.6 On 29<sup>th</sup> February 2016, the Joint Committee received a report regarding the award of a new HRC contract to take effect from 28<sup>th</sup> August 2016. The award of that contract will see a favourable budget variance of £302k in this financial year (£518k in a full year) and a further £158k in relation to the decision to reduce opening hours during the winter.
- 2.7 The current year budget anticipated that the use of the landfill site at Trigon (near Wareham) would cease at the end of August 2016, as that site prepares to close down permanently. The budget anticipated that the waste would primarily be diverted to the facility at NES (Canford) under a contract variation. Unfortunately, due to changes in ownership of the NES facilities, the contract variation is unlikely to be in place before January 2017, meaning that alternative (and more expensive) disposal arrangements need to be in place for the intervening months. An exact cost is not known as arrangements are being made at the time of writing, however it is prudent to expect an additional revenue cost of around £150k in total for those intervening months.
- 2.8 The capital budget for 2016/17 made certain assumptions regarding progress on the development and construction of a scheme for a new depot and other waste facilities at Blandford. Those assumptions now look optimistic, and it looks likely that the full extent of anticipated capital charges will not be incurred in 2016/17. A figure of £40k is shown as anticipated underspend, but will be subject to refinement as and when more information on the programme and costs for the scheme become known.
- 2.9 Vehicles ordered as part of the 2016/17 vehicle replacement programme are anticipated to arrive around November / December 2016. A favourable variance in capital financing costs of £112k is estimated to arise as a result.
- 2.10 The table below summarises the items where a significant variance has been identified.

Item	Significance (relative to the size of the overall budget)	Probability of occurrence	Current risk of variance £k	Notes / Management Action / Mitigation (where possible)
Support Service costs	Green	Highly Likely	9	Agreed additional support
Advertising costs	Green	Highly Likely	18	Need to advertise for Director and Head of Service (Strategy)

Savings arising in capital charges on bin life	Green	Certain	-250	Ongoing effect of change in bin life assumptions from 10 years to 15 years
Recyclate price savings to date	Green	Possible	-48	Current price below assumed price of £20 per tonne.
HRC new contract	Green	Certain	-302	Favourable contract price
HRC contract – reduced winter hours	Green	Certain	-158	Joint Committee decision
Additional disposal costs following landfill closure at Trigon	Amber	Possible	150	Arrangements were in place for this waste to be taken to NES at Canford under a variation to contract, however that contractor is unable to accept additional tonnage at the current time. Variation is expected to be in place by January 2017.
Further slippage on Blandford Waste Management Centre	Green	Possible	-40	DWP managers to advance scheme as quickly as possible
Slippage on vehicle purchases	Green	Possible	-112	DWP managers to advance purchases as quickly as possible
<b>TOTAL</b>			<b>-733</b>	<b>Forecast underspend</b>

The share of the current underspend by partner according to the agreed costs share would be –

Local Authority	Cost Share percentage (%)	Share of forecast underspend (£)
Dorset County Council	<b>64.32%</b>	471,466
Christchurch BC	<b>3.99%</b>	29,247
East Dorset DC	<b>5.94%</b>	43,540
North Dorset DC	<b>5.40%</b>	39,582
Purbeck DC	<b>4.07%</b>	29,833
West Dorset DC	<b>8.98%</b>	65,823
Weymouth & Portland BC	<b>7.30%</b>	53,509

### 3. Risks

- 3.1 At the time of writing, some risk is emerging around the price of vehicle diesel. The current year budget was set partly using forecasts from the FTA (Freight Transport Association), which indicated a relatively steady price of 87p per litre for most of 2016/17. Following the EU Referendum and movements in sterling, forecasts are now up to 91p per litre by the end of 2016/17 and increases beyond that. With a fuel budget of around £1.5m per annum, even small increases can impact the DWP budget significantly. The situation will continue to be monitored.

### 4. Savings

- 4.1 Included within the 2016/17 revenue budget was the need to achieve £397k of savings in a number of areas of operation. For reference, the table of savings is repeated below.

£131,250	Charging for non-household materials at HRCs (part year effect)
£74,000	Discontinue recycling credit payments
£15,000	Security arrangements
£166,667	Route optimisation – East Dorset and Christchurch (part year effect)
£10,000	Street sweepings to different destination
<b>£396,917</b>	<b>Total savings for 2016/17 budget</b>

- 4.2 All savings listed above are considered as ‘implemented’ and have been applied to the appropriate budget lines. The achievement of these savings can be considered as ‘certain’ with the exception of the savings associated with the route optimisation exercise at East Dorset and Christchurch, which has only just been implemented at the time of writing, and further monitoring is required to judge whether the expected levels of savings will be realised.



- 4.3 The level of savings for 2016/17 was relatively small compared to the total DWP budget. This level of saving was supported by the Joint Committee in view of the wider savings achieved by the Recycle for Dorset scheme, and other cost pressures within the DWP operating environment at that time, but with the expectation that DWP continue to develop cost saving initiatives for future consideration.
- 4.4 At the time of writing, the DWP, is awaiting direction from partner council Leaders and Chief Executives on the level of savings that the DWP is expected to deliver. Running parallel to this, DWP officers are working on savings priorities with guidance from Commissioning Group colleagues. This work is to be discussed further at an informal session with Joint Committee members on the afternoon of 12th September 2016.

## 5 Capital Budget 2016/17 to date

- 5.1 Capital spend and commitments for the year to date can be seen at Appendix 1.
- 5.2 Spend to date amounts to £338k. Of this, £263k of spend (on vehicles) is slippage from the previous financial year, meaning that £75k is spend against 2016-17 capital expectations. Commitments of just under £2.7m for vehicles place total spend and commitments to date at £2.774m against a forecast (as presented to Joint Committee in October 2015) of £5.6m for the full year.
- 5.3 Orders for the 2016/17 vehicle replacement programme have been placed. Although originally estimated at £3.3m, the vehicle requirements were further refined prior to the procurement exercise. The orders placed amounted to just under £2.7m.
- 5.4 Infrastructure spend is almost nil to date. The only major planned item is the development of a scheme at Blandford.
- 5.5 Capital spend, and the effect on the revenue budget, will continue to be monitored as the year progresses.

## 6. Budget Equalisation Reserve

- 6.1 At the end of financial year 2015/16, Joint Committee agreed to set up a budget equalisation reserve. The following funds are currently held in the reserve:

Local Authority	Amount held in Budget Equalisation Reserve (£)
Dorset County Council	<b>336,587</b>
Christchurch BC	<b>20,316</b>
East Dorset DC	<b>30,863</b>
North Dorset DC	<b>27,382</b>
Purbeck DC	<b>20,835</b>

West Dorset DC	<b>37,982</b>
Weymouth & Portland BC	<b>45,620</b>
<b>Total</b>	<b>519,584</b>

**Andy Smith**  
Treasurer to the Dorset Waste Partnership

**Paul Ackrill**  
Finance and Commercial Manager, Dorset Waste Partnership

August 2016

**DWP capital spend and commitments as at 25/07/2016**

	Spend to date £	of which is slippage from pre 2016-17	of which is spend against 2016-17 budget	commitments against 2016-17 budget	Total of spend against 2016-17 budget and commitments	Forecast of spend as per JC October 2015
Containers - r4d:	65,660		65,660		65,660	504,179
Containers - garden waste service:	8,682		8,682		8,682	165,000
Containers - commercial waste service:						68,000
Infrastructure:	916		916		916	1,550,000
Vehicles:	263,398	263,398	0	2,698,665	2,698,665	3,327,000
	<b>338,655</b>	<b>263,398</b>	<b>75,257</b>	<b>2,698,665</b>	<b>2,773,922</b>	<b>5,614,179</b>

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Councils working together

## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Legal Advisor to the Dorset Waste Partnership
<b>Subject of Report</b>	<b>Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)</b>
Executive Summary	This report recommends a scheme of delegation to the Joint Committee for adoption.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>There are no equalities issues arising from the recommended approval of the proposed Scheme of Delegation.</p>
	<p>Use of Evidence:</p> <p>The recommended scheme draws upon the arrangements for delegated decision making within each of the Partner Authorities.</p>
	<p>Budget/ Risk Assessment:</p> <p>There is no immediate budget impact arising from this report.</p>
	<p>Risk Assessment:</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</p>

Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)

	<p>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>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 Residual Risk LOW</p>
	<p>Other Implications:</p> <p>No other implications have been identified.</p>
Recommendation	<p>That the Joint Committee, in anticipation of the execution of the new Inter Authority Agreement:</p> <ul style="list-style-type: none"> <li>• adopts the Scheme of Delegation;</li> <li>• establishes a Joint Scrutiny Group with a recommendation for the Joint Scrutiny Group to adopt the proposed schedule of meetings and terms of reference;</li> <li>• recommends that Partner Authorities appoint elected members to the Group, details to be provided to the Clerk to the Joint Committee.</li> </ul>
Reason for Recommendation	<p>To support the delivery of effective public services through the Dorset Waste Partnership.</p>
Appendices	<p>Appendix 1 – Dorset Waste Partnership Scheme of Delegation Appendix 2 – Joint Scrutiny Group draft Terms of Reference</p>
Background Papers	<p>Dorset Waste Partnership Inter Authority Agreement</p>
Report Originator and Contact	<p>Name: Grace Evans, Legal Advisor to the Joint Committee Tel: 01305 225021 Email: <a href="mailto:grace.evans@dorsetcc.gov.uk">grace.evans@dorsetcc.gov.uk</a></p>

## **1. Inter Authority Agreement**

- 1.1 The terms of the new Inter Authority Agreement have been agreed by officer representatives of the Partner Authorities and is in the process of formal approval and signature. The final Partner Authority approval is expected on 5 October 2016, following which it is anticipated the new Inter Authority Agreement will be fully signed and executed.
- 1.2 Once executed the terms of the new Inter Authority Agreement will take effect retrospectively from 1 April 2016. The proposed use of the Dorset County Council Scheme of Delegation at Appendix 1 and description of arrangements for Joint Scrutiny below have been prepared in anticipation of the execution of the new Inter Authority Agreement, to take effect from the date of execution.

## **2 Scheme of Delegation**

- 2.1 Through the current and proposed revised Dorset Waste Partnership (“DWP”) Inter Authority Agreements the Partner Authorities have delegated their functions in relation to waste disposal, waste collection, treatment and recycling of household and commercial waste and street cleansing to the Joint Committee.
- 2.2 In addition to the core delegated functions the Joint Committee also undertakes the following activities on behalf of the Partner Authorities:
- a. 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;
  - b. approve and implement the Business Plan;
  - c. ensure that the legal and statutory functions delegated to it by the Partner Authorities are being discharged effectively within a risk management framework;
  - d. assist the Partner Authorities in meeting their respective responsibilities such as, but limited to, emergency planning and responding to civil emergencies and elections;
  - e. 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;
  - f. monitor performance of the DWP including customer satisfaction;
  - g. agree the Capital Programme, to allow the DWP Treasurer to take it through the Host Authority’s capital programme approval process;
  - h. 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.”;
  - i. appoint the Director;
  - j. approve the calculation of revenue and financial costs in accordance with the IAA.
- 2.3 The Partner Authorities and Host Authority each have different schemes of delegation.
- 2.4 In 2013 Dorset County Council adopted a new approach to its internal scheme of delegation; a new legal framework to enable the County Council to move away from a very detailed scheme of delegations to one which is much more flexible and gives staff greater freedom to make decisions.

## Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)

- 2.5 The Standing Orders and Rules of Procedure (which include financial regulations and contract procedure rules) of the Joint Committee are those of the County Council as Host Authority. In its role as Host Authority, the County Council is also employer of Dorset Waste Partnership staff, and so the County Council's scheme of delegation for people management applies to the DWP and has been adopted by the Joint Committee.
- 2.6 In line with those other arrangements it is proposed that the Joint Committee adopt the Scheme of Delegation of the County Council ("the Scheme"), with modifications to reflect the function, governance and status of the DWP. The Scheme is attached at Appendix 1.
- 2.7 The Scheme makes reference to Senior Managers and for the DWP this is the Director.
- 2.8 In place of the previous scheme of delegation for the DWP, which listed very specific things that the Director was permitted to do and authorise others to do on their behalf, this new Scheme takes as its starting point:
- A presumption that the Director has delegated authority to exercise functions and make decisions about the service areas for which they are responsible, including financial and other resources within the agreed budgets.
  - That the Director will delegate functions and decision making to the most appropriate levels within their services so that staff are free to do their jobs without having to needlessly refer questions through tiers of management.
  - A requirement that all staff will operate within the overall policies approved by the Joint Committee, County Council as Host and Partner Authorities, and the limitations described in the Scheme.
- 2.9 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.
- 2.10 Specific modifications to the Scheme for the Joint Committee include:
- 2.10.1 Section 2 of the Scheme describes decision making within the County Council. The Joint Committee has delegated functions and so it is envisaged that, as now, section 2 will only apply to matters reserved to the County Council outside of those Joint Committee functions.
- 2.10.2 Where the Scheme of Delegation refers to provision of information or registers held by the Democratic Services Manager, for the DWP this is the Clerk to the Joint Committee;
- 2.10.3 Where the Scheme refers to delegated decisions being exercised in accordance with policies, for the purposes of DWP these mean the overall policies approved by the Joint Committee and Partner Authorities (including the County Council as Host Authority);
- 2.10.4 If authority to act has been reserved to the Joint Committee or a Partner Authority(ies) then no member of staff may exercise delegated authority in relation to that matter without the approval of the decision making body.
- 2.10.5 In addition, and in line with the County Council's Standing Orders and Rules of Procedure "key decisions" are reserved to the Joint Committee. For the County Council, key decisions are those where the financial



- implications exceed £500,000 [or which are likely to have a significant effect on a division or divisions represented by at least two Joint Committee Members]. It is proposed the Joint Committee adopt the first part of this definition of “key decision”. The second part would result in most decisions becoming “key” and would be counter-productive.
- 2.10.6 Before exercising any delegated power staff must consider whether the decision to be made is of such a nature that it ought to be referred for a collective decision by the Joint Committee or Partner Authority(ies).
- 2.10.7 Through the Director clear communication must be maintained with the Chairman and Joint Committee Members who may require significant or sensitive issues to be referred to the Joint Committee or Partner Authority(ies) for decision.
- 2.10.8 There may be instances where time pressures are such that decisions which might otherwise be referred to the Joint Committee have to be made by the Director after consulting Joint Committee Members. Such decisions must be reported to the next available Joint Committee meeting.
- 2.10.9 Where the Scheme refers to consultation with a Cabinet Member for the DWP the reference is to the Chairman and Vice-Chairman of the Joint Committee.
- 2.10.10 The Scheme refers to communication and consultation with local members, and for the avoidance of doubt that is a reference to both County and District Councillors as local members and so is in the spirit of DWP and partnership working.

### **3. Specific Delegations**

- 3.1 The Director’s duties are set out within s.27 of the Inter Authority Agreement, which include but are not limited to responsibility:
- 3.1.1 to lead the DWP in the delivery of the Functions. Act as principal advisor to the Joint Committee on all issues relating to the services provided by the DWP. Be accountable for the effective, efficient and economic delivery of all aspects of DWP;
- 3.1.2 for delivery of decisions of the Joint Committee;
- 3.1.3 for preparation of reports and recommendations for consideration by the Joint Committee;
- 3.1.4 to support of the setting of the strategic direction of the Joint Committee and the context within which waste services are developed, managed and operated;
- 3.1.5 for monitoring and management of the performance of collection, recycling and disposal of household waste; beach, street, resort, highways cleansing; commercial and garden waste services; vehicle management and maintenance; enforcement and any Contracts;
- 3.1.6 for referral of any requests from contractors for a consent or approval to appropriate officers or the Joint Committee as appropriate and then communicate any decision back to the contractors under the Contracts. Such communications shall be within a timescale which is compatible with any time provisions detailed in the Contracts and in any event as soon as reasonably practicable;
- 3.1.7 for provision of a full assessment of the short, medium and long term financial, resource, service, legal and contractual implications of waste management services for the Joint Committee, the Host Authority and each Partner Authority;

## Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)

- 3.1.8 for preparation and submission for approval by the Joint Committee of an annual internal audit plan.
  - 3.1.9 to regularly report on the findings of any audits undertaken to the Joint Committee and to the section 151 officers of all of the Partner Authorities;
  - 3.1.10 for preparation of a strategic risk register relating to the functions of the Joint Committee and regularly submit this, together with details of any mitigation actions implemented, to the Joint Committee;
  - 3.1.11 for making such arrangements as necessary for the support of Senior Management Team and employees of the Host Authority directly engaged in the delivery of DWP services.
- 3.2 The Director is responsible to the Host Authority for compliance with Host Authority procedures, and any relevant codes of practice, legislation, mandatory guidance and regulation.
- 3.3 The Director is responsible to both the Host Authority and the Joint Committee for carrying out the role and duties of the Director in accordance with this Agreement, the Job Description, Person Specification and Context Statement for the role of the Director.
- 3.4 Dorset Waste Partnership staff when considering the exercise of delegated authority must be alert to this accountability and consult with their Director where decisions are likely to be sensitive or significant, such that the Director needs to consult with relevant Joint Committee Members.
- 3.5 For the avoidance of doubt, delegations to the Director of the Dorset Waste Partnership and officers authorised by him include, but are not limited to:
- 3.5.1 to take appropriate action under Parts II and IV of the Environmental Protection Act 1990 and Parts 2, 3, 4 and 5 of the Clean Neighbourhoods and Environment Act 2005 Anti-Social Behaviour, Crime and Policing Act 2014 and any Regulations and Orders made thereunder;
  - 3.5.2 to take all statutory action connected with the removal, storage and disposal of abandoned vehicles and other matters under the Refuse Disposal (Amenity) Act 1978;
  - 3.5.3 to undertake all action (including any determinations necessary in respect thereof) in connection with applications in respect of commercial waste (including waste of mixed hereditaments including a private dwelling).

## **4 Joint Scrutiny arrangements**

- 4.1 The new Inter Authority Agreement provides for any decision of the Joint Committee, except those agreed as urgent, to be subject to the formal scrutiny arrangements of each Partner Authority, including call in.
- 4.2 The Inter Authority Agreement also provides for the establishment of an informal Joint Scrutiny Group to support the Joint Committee by providing informal pre-decision scrutiny together with scrutiny of the performance of the DWP including financial performance and risk management.
- 4.3 Each Partner Authority is entitled to appoint an elected member, not being a Joint Committee Member, to be its representative on the Joint Scrutiny Group. Details of the appointed member and any substitute are to be given to the Clerk to the Joint Committee.

## Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)

- 4.4 The quorum for a meeting of the Joint Scrutiny Group shall be five Members, which shall include at least one Member appointed by each of five different Partner Authorities.
- 4.5 The Director, members of the Senior Management Team, together with the Treasurer, Legal Advisor and the Clerk, shall be entitled to attend meetings of the Joint Scrutiny Group to advise on relevant matters.
- 4.6 At the first meeting of the Joint Scrutiny Group, and annually, the Joint Scrutiny Group shall:
  - 4.6.1 elect from among the Joint Scrutiny Group Members the Chairman and Vice-Chairman;
  - 4.6.2 adopt Terms of Reference; and
  - 4.6.3 approve the schedule of meetings for the remainder of the year.
- 4.7 The Joint Committee are invited to propose a schedule of meetings for the Joint Scrutiny Group. The Joint Committee may feel that quarterly meetings to follow a Joint Committee meeting may be appropriate, with the first meeting to be arranged as soon as possible following the Joint Committee meeting of 7 November 2016.
- 4.8 Suggested terms of reference for the Joint Scrutiny Group are attached for review and comment by the Joint Committee.
- 4.9 The proposed Joint Scrutiny Group arrangements, including schedule of meetings and terms of reference are to be recommended to the Joint Scrutiny Group, for adoption at their first meeting, with Partner Authorities to appoint elected members to the Group, details to be provided to the Clerk to the Joint Committee.

Grace Evans  
Legal Advisor to the Joint Committee

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## **Scheme of delegation for Dorset County Council – 2013**

### **1. Foreword**

- 1.1 A “peer review” commissioned by the Leader and the Chief Executive and undertaken in July 2013 provided valuable insight and an external view from leading members and officers of other local authorities and the LGA about how Dorset County works. The peer review confirmed our many strengths, in particular our people and our ambition to bring about necessary change. It also identified that we were process heavy and that we did not have the right framework to help ensure that decisions are made at the right level and are not unnecessarily referred through tiers of managers before anything can be done.
- 1.2 The new approach set out in this document is an attempt to tackle one specific problem, the very detailed, restrictive and list based scheme of delegation which has been in place from 2002 until the adoption of this new scheme.
- 1.3 Local authority decision making takes place within a sometimes complex legal framework within which staff are accountable to elected members and those members are accountable to the communities who elect them. This document describes how within a legal framework the Council has been able to move away from a very detailed scheme of delegations to one which is much more flexible and gives staff greater freedom to make decisions.
- 1.4 In place of a scheme of delegation listing very specific things that directors are permitted to do and are permitted to authorise others to do on their behalf this new scheme of delegation takes as its starting point:
- A presumption that senior managers have delegated authority to exercise functions and make decisions about the service areas for which they are responsible.
  - That senior managers will delegate functions and decision making to the most appropriate levels within their services so that staff are free to do their jobs without having to needlessly refer questions through tiers of management.
  - A requirement that all staff will operate within the overall policies approved by the County Council and the limitations described in the scheme of delegation.
- 1.5 Reviewing the scheme of delegation has also provided an opportunity to be clear about the respective roles of elected members of the Council and the staff. This has included reinforcing the crucial role of local members as the representatives of their communities by including very specific requirements on staff to engage and to consult with local members before exercising any delegated authority which would have a particular local impact.

### **2. How decisions are made**

- 2.1 The County Council operates the Leader and Executive model of decision making under the Local Government Act 2000. Under this approach the County Council’s budget and its overall policy framework are decided by the full County Council. The County Council also elects the Leader (for the four

year life of the Council) and is the forum for debate on the most important issues affecting Dorset. The full County Council is also responsible for agreeing any changes to the Council's constitution, of which this scheme of delegation is a part.

2.2 The Leader appoints other members to form a Cabinet (also known as the Executive) and the law requires that the Cabinet must comprise as a minimum the Leader and two other members and as a maximum the Leader and nine other members.

2.3 In appointing members of the Cabinet and allocating special areas of responsibility the Leader will be asked to have regard to the Council's directorate and service structure so that where possible individual Cabinet members have responsibility for the following portfolios:-

- (a) Cabinet member for Adult Social Care
- (b) Cabinet member for Children's Social Care;
- (c) Cabinet member for Corporate Resources;
- (d) Cabinet member for Communications;
- (e) Cabinet member for Education;
- (f) Cabinet member for Environment;
- (g) Cabinet member for Public Health and Community Services.

2.4 Within the overall policy framework and budget framework set by the full Council the law provides that most functions are the responsibility of the executive. A list of functions which are not to be the responsibility of the executive (for instance planning decisions which are made by the Planning Committee) and the relevant decision making body in each case is Appendix 1 to this scheme of delegation. Appendix 2 comprises a separate list of functions which may (but need not be) the responsibility of the executive i.e. local choice functions and again the decision making body is listed in each case. Appendix 3 sets out the responsibility for those functions which are not to be the sole responsibility of the executive, mainly the approval of key plans and strategies, which are recommended by the Cabinet to the full Council.

2.5 Each Cabinet member with special responsibility for functions of the County Council has responsibility to exercise political leadership in relation to those functions and to be publicly accountable for them. Decisions are made collectively by the Cabinet under the Chairmanship of the Leader and so the Cabinet as a whole have a wider, shared responsibility for all Cabinet decisions.

2.6 Decisions are made by the whole Cabinet but recommendations are presented to Cabinet by the relevant portfolio holder. Each portfolio holder is expected to work closely with the relevant Director responsible for his or her portfolio service areas. Individually and collectively portfolio holders should take account of advice from senior managers before reaching their own decision.

2.7 Any action by a Cabinet member shall be in accordance with:-

- (i) the overall policies approved by the County Council and/or the Cabinet;
- (ii) the County Council's Procedure Rules.

2.8 Cabinet portfolio holders are also expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview Committee or other Committee.

### **3. Delegations to officers**

3.1 Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the Leader (in relation to executive functions) and the Council (in relation to other matters) to delegate its functions to officers to exercise on behalf of the Leader and the Council. In addition there are some functions which the law says must be exercised by specific officers.

3.2 The Council's "statutory officers" are the Chief Executive as head of paid service, the Chief Financial Officer and the Monitoring Officer. They and the Council's directors and heads of service are the "senior managers" for the purposes of this scheme and are accountable to elected members for how functions are exercised and how decisions are made within the service areas for which they are responsible.

3.3 The Council's old scheme of delegation was very detailed, listing specific functions delegated to officers, often by reference to individual Acts and regulations. The scheme was difficult to maintain and keep up to date and it was sometimes found that there were gaps meaning that action could not be taken when it needed to be because there was no specific authority.

3.4 The Localism Act 2011 gave local authorities a general power of competence, that is a power to do anything that an ordinary individual may do, unless the law contains some prohibition or limitation on acting. This scheme of delegation is modeled on the general power of competence in the sense that its starting point is a presumption that the senior managers have delegated authority to exercise functions and make decisions in relation to the service areas for which they are responsible. This ability to act now gives staff great freedom and flexibility and is subject only to the requirements, financial thresholds and other limitations set out in section 4 and the remainder of this scheme.

3.5 Any power conferred upon a senior manager may be exercised by any other member of staff authorised by them in writing, the details of all such delegations to be contained in a register maintained by the relevant senior manager up to date copies of which shall be supplied to the Democratic Services Manager annually on 1 April and whenever the register is altered.

3.6 In giving the senior managers a general authority to act and in enabling them to authorise other officers to act on their behalf the intention is that the Council as a whole will become more effective and "fleet of foot", with decisions made at the appropriate level without having to be referred unnecessarily to elected members and through tiers of managers.

3.7 All delegated authority must though be exercised in accordance with the requirements in section 4 of this scheme, below.

#### **4. Conditions and limitations on the exercise of delegated authority by officers**

- 4.1 These conditions and limitations apply not only to senior managers but also to anyone else authorised by them to exercise delegated authority on their behalf. In authorising others to act on their behalf the senior managers must draw attention to the requirements of these conditions and limitations and through line management ensure that they are complied with.
- 4.2 Any action by a senior manager under delegated powers shall be in accordance with:-
- (i) the overall policies approved by the County Council, the Cabinet or a sub-committee of the Cabinet.
  - (ii) the County Council's Procedure Rules.
  - (iii) the principles for decision making in paragraph 4.6, below.
- 4.3 If authority to act has been reserved to the full Council, the Cabinet, a Committee or sub-committee then no member of staff may exercise delegated authority in relation to that matter without the approval of the decision making body.

The authorisations which are reserved are described in the appendices. In addition, and in accordance with Part 2, Article 13 of the Constitution, "key decisions" are executive decisions reserved to the Cabinet, in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution. Key decisions are those where the financial implications for the County Council exceed £500,000 or which are likely to have a significant effect on a division or divisions represented by at least two members. Exceptionally the Chief Executive has delegated authority to act in cases of urgency, including making key decisions.

- 4.4 Regulations now require that where officers exercise delegated authority and make executive decisions then the reasons must be recorded and published online. The County Council takes a proportionate approach to these requirements and only requires the recording of specific decisions under delegated powers and not routine activity where staff are simply doing their jobs. A record form and guidance are available from Democratic Services
- 4.5 Before exercising any delegated power staff must consider whether the decision to be made is of such a nature that it ought to be referred for a collective decision by the Cabinet. Through the Director clear communication must be maintained with the Cabinet member so that the Cabinet member may provide a "political steer" and if necessary require significant or sensitive issues to be referred to the Cabinet for decision. Similarly consideration must be given to the need in appropriate cases to consult the relevant overview committee or regulatory committee chairman. There may be instances where time pressures are such that decisions which might otherwise be referred to the Cabinet have to be made by Senior Managers after consulting a cabinet member. Such decisions must be reported to the next available Cabinet meeting.
- 4.6 Directors have responsibility for advising elected members and the Chief Executive on the strategic direction of the Council and they have an overall responsibility for groups of services and are accountable to elected members



for the performance of those services. Heads of service and their staff when considering the exercise of delegated authority must be alert to this accountability and consult with their director where decisions are likely to be sensitive or significant, such that the Director needs to consult with the relevant Cabinet member.

- 4.7 Before exercising any delegated power staff must also consider whether the decision to be made will have a particular local impact such that the local member should be consulted prior to any decision being made. The requirements in the County Council's scheme for engaging and consulting with local members must be complied with. If the local member consulted in this way so requires it then the matter must be referred to the Cabinet or appropriate Committee for decision.
- 4.8 Delegated decisions must not involve the adoption of a new policy or a major extension of an existing policy of the County Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that responsibility for a decision should be taken by the County Council, the Cabinet or a subcommittee of the Cabinet. In particular key decisions are to be referred to the Cabinet.
- 4.9 All decisions made by Officers under delegated powers shall be in accordance with the County Council's principles of decision making, as follows:-
- (i) proportionality ie the action should be proportionate to the desired outcome.
  - (ii) due consultation and the taking of appropriate professional advice
  - (iii) respect for human rights and equalities law
  - (iv) presumption in favour of openness
  - (v) clarity of aims and desired outcomes
  - (vi) the decision reflects the balance of evidence or legal or financial position
  - (vii) the requirement to be able to provide reasons for decisions.
- 4.10 There are circumstances where the County Council may enter into partnership arrangements with other local authorities and with health bodies for the shared delivery of services. These arrangements may involve pooled budgets, delegations of the lead commissioning role and shared staffing and management structures. Under these arrangements it may be necessary for a senior manager to give delegated authority to act to someone employed by the partner body and not by the County Council. In such cases particular care must be taken to describe in writing the limits of the extent of delegated authority to act on behalf of the County Council and the details must be included in the register maintained by the relevant senior manager.
- 4.11 The County Council acts as lead authority or host for a number of partnerships involving the joint exercise of executive functions. Before exercising any delegated power to act in relation to partnership activity staff

must consider the appropriate consultation to be undertaken with elected members, including consultation with district local members. If necessary, this will involve consulting with the appropriate Chairman or lead member for the partnership in place of, or in addition to, consultation with the appropriate member of the County Council's Cabinet.

- 4.12 Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader is to be consulted. Similarly, in the absence of the Chairman of an Overview Committee or the Chairman of one of the regulatory committees the Vice-Chairman is to be consulted. In the absence of an individual portfolio holder the Leader should be consulted.

## **5. Delegations to fulfill the County Council's duties in the Civil Contingencies legislation**

- 5.1 In order to comply with the statutory requirements of the Civil Contingencies Act which identifies the County Council as a category 1 responder in a declared emergency or major incident, the senior managers (when acting in a decision making capacity at the Local Resilience Forum Strategic Command Group or at Dorset County Council's own Gold emergency group) are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a key decision) and to suspend aspects of business as usual to comply with the County Council's duties in the Act.

- 5.2 Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chairman and Vice Chairman of the Cabinet, the portfolio holder for Corporate Resources, the relevant service portfolio holder and senior manager will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Cabinet as is appropriate in the circumstances of the emergency.

## **6. General Indemnity**

All elected members and staff involved in decision making on behalf of the County Council are protected by a "general indemnity" which protects each of them from personal liability for the consequences of action taken in good faith on behalf of the Council. The detail of this indemnity is set out in appendix 4, below.

## **7. Specific delegations**

- 7.1 The starting point for the delegated authority to staff to act is the general authorisation in section 3, above given to the senior managers and other staff authorised by them in writing. There are though instances where the statutory officers and some other senior managers retain very specific powers to act. These are listed in Appendix 4, below.

## **8. Regulation of Investigatory Powers Act 2000(RIPA)**

- 8.1 The power to authorise surveillance under RIPA is an instance where the law imposes very strict limitations on which senior managers are permitted to act. These are listed in Appendix 5.

## **9. Delegations of people management matters under Manager Self Service**

- 9.1 The Scheme of Delegation operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post e.g. management level 1 posts also have delegated power within their line management structures for all matters delegated to managers at levels 2 through to 5.
- 9.2 Details of the people management delegations given to particular levels of managers are listed in Appendix 6.
- 9.3 There has been a tendency in the past for higher level managers to expect matters to be referred to them for decision even though others had delegated authority to act on their behalf. The clear expectation now is that decisions must be made at the appropriate level, as set out in the table in Appendix 6.

## **10. Delegations of decisions with financial implications**

- 10.1 Delegations are to be exercised within the framework of financial regulations and contract procedure rules currently in operation.
- 10.2 As with the scheme of delegation for people management matters under manager self service, this scheme operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post. However, as with people management matters, the expectation is that decisions are made at the appropriate level in accordance with the table set out in Appendix 7 and that decisions should not be referred unnecessarily up the "chain of command".

## **11. Advice and interpretation**

- 11.1 The intention is that this scheme of delegation should be readily understood by all. It is though a legal document and any questions about its interpretation should be referred to the County Council's legal service.
- 11.2 Where necessary a final decision on the meaning and interpretation of this document (which is part of the County Council's Constitution) will be made by the Monitoring Officer.

## Appendix 1

Responsibility for functions which are not to be the responsibility of the executive.

<b>Function</b>	<b>Decision-making Body</b>
1. Functions relating to town and country planning and development control as specified in Section A, Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 As Amended by the Amendment Regulations 2001 (SI 2001 No. 2212) (together known as the Functions Regulations).	Planning Committee
2. All functions of the County Council relating to licensing and registration as set out in Section B, Schedule 1 to the Functions Regulations.	Licensing and Registration Committee
3. Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1971, to the extent that those functions are discharged otherwise than in the Council capacity as employer as specified in section C to Schedule 1 of the Functions Regulations.	Licensing and Registration Committee
4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations.	Licensing and Registration Committee (other than powers delegated under the Scheme of Delegation to the Chief Executive)
5. All the functions of the County Council specified in Sections E, F and G to Schedule 1 to the Functions Regulations in relation to:-  (a) the names and status of areas and individuals; (b) the making, amending, revoking or re-enacting of by-laws; (c) the promotion of or opposition to local personal Bills.	County Council

6. All the functions of the County Council in relation to pensions in Section H of Schedule 1 to the Functions Regulations.	Personnel Appeals Committee (other than the powers delegated under the Scheme of Delegation to the Chief Financial Officer on the advice of the Investment Advisory Panel). Staffing Committee for the Chief Executive and Directors.
7. All functions of the County Council relating to public rights of way and to applications for modification of the definitive Map (including creating rights of way, bridleways etc. and re-classifying roads as public paths) in Section I of Schedule 1 of the Functions Regulations.	Roads and Rights of Way Committee
8. The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
9. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
10. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation.	County Council
11. Power to make Standing Orders and Standing orders as to contracts.	County Council (on recommendation from the Standards Committee)
12. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets.	County Council
13. Power to make payments or provide other benefits in cases of maladministration.	Standards Committee
14. The functions of the County Council to make limestone pavement orders.	Planning Committee
15. The functions of the County Council relating to the preservation of trees and protection of hedgerows.	Planning Committee

<p>16. (a) Determination of terms and conditions on which staff hold office (including procedures for dismissal)</p> <p>(b) Appointment of Directors and Deputy Chief Executive and recommendation of appointment of Chief Executive.</p>	<p>Staffing Committee</p> <p>Staffing Committee</p>
<p>17. Confirmation of appointment of Chief Executive.</p>	<p>County Council</p>
<p>18. Appointment of all staff not covered by paragraphs 16 and 17 above.</p>	<p>Appropriate Director or his/her nominees under powers delegated under the Scheme of Delegation</p>
<p>19. Establishment of an Independent Remuneration Panel and approval of the Scheme for Members' Allowances upon recommendation of the Independent Panel.</p>	<p>County Council</p>
<p>20. Power to appoint officers for particular purposes (appointment of 'proper officer').</p>	<p>County Council</p>
<p>21. Duty to designate officer as the Head of the authority's Paid Service, and to provide staff etc.</p>	<p>County Council</p>
<p>22. Duty to designate officer as the Monitoring Officer, and to provide staff etc.</p>	<p>County Council</p>
<p>23. Duty to designate officer as the Chief Financial Officer and to provide staff etc.</p>	<p>Staffing Committee</p>

## Appendix 2

Responsibility for functions which may (but need not be) the responsibility of the executive, i.e. local choice functions

<u>Function</u>	<u>Decision-making Body</u>
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Functions Regulations.	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the County Council in respect of:-  Personnel matters  Children's and Adult Services matters	Personnel Appeals Committee  Children's and Adult Services Appeals Committee
3. Any function relating to contaminated land.	Cabinet
4. The making of arrangements pursuant to sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Education Act (appeals against exclusion of pupils).	Cabinet
5. The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Education Act (admission appeals).	Cabinet
6. The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Education Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet
7. The making of arrangements under Section 20 (questions on police matters at Council meetings) of the Police Act 1996 (b) for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet

<p>8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under Section 3) to the Police Act 1996.</p>	<p>County Council</p>
<p>9. Leading the County Council's search for efficiency.</p>	<p>Cabinet supported by the Overview Committees</p>
<p>10. Making arrangements for the execution of Highways work.</p>	<p>Director for Environment in accordance with the Scheme of Delegation</p>
<p>11. Appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub committee of such a body;</p> <p>and the revocation of any such appointment.</p>	<p>Cabinet in respect of bodies with Executive functions save that the County Council will reserve to itself the appointments to the following bodies:-</p> <p>(a) LGA;</p> <p>(b) South West Regional Assembly</p> <p>The County Council in respect of other outside bodies.</p>
<p>12. Making agreements with other local authorities for placing staff at the disposal of those other authorities.</p>	<p>Staffing Committee</p>



### Appendix 3

Responsibility for functions, not to be the sole responsibility of the executive

<b>FUNCTION APPROVAL OF THE FOLLOWING PLANS AND STRATEGIES</b>	<b>DECISION-MAKING BODY</b>
1. Corporate Plan (Our Role in Dorset)	County Council
2. Children and Young People's Plan	County Council
3. Community Strategy	County Council
4. Crime and Disorder Reduction Strategy	County Council
5. Plans and strategies which together comprise the Development Plan including the Bournemouth, Dorset and Poole Waste Local Plan and the Bournemouth, Dorset and Poole Minerals Local Plan	County Council
6. Youth Justice Plan	County Council
7. Economic Development Plan	County Council
8. Lifelong Learning Development Plan (Adult Learning Plan)	County Council
9. The Dorset Waste Strategy	County Council
10. Food Law Enforcement Service Plan	County Council
11. Local Cultural Strategy	County Council
12. Local Transport Plan	County Council
13. Budget	County Council
14. Asset Management Plan	County Council
15. Treasury Policy Management Statement	County Council
16. Capital Programme	County Council
17. Approval for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan	Planning Committee
18. Arrangements for school provision in Dorset	County Council

## Appendix 4

### 1. General Indemnity

1.1 The County Council gave a general indemnity in 1992 to any member of staff acting in good faith in the course of their employment, in the following form. This indemnity was modified in 2005 to extend to members as well as employees of the Council. At the same time it was also extended to provide financial support for members and officers to enable them to:-

- (1) resist criminal proceedings
- (2) resist defamation proceedings

### 2. Exceptions

2.1 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-

fraud, dishonesty or criminal offence committed by the member or employee;

any neglect, act, error or omission by the member or employee otherwise than in the course of his/her employment; and

2.2 The indemnity will not apply if a member or employee without the express permission of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

2.3 In pursuance of the above indemnity, the Council undertake not to sue (or joint others in an action as co-defendant versus) a member or an officer of the Council in respect of any neglect, error or omission by him/her in the course of his/her role as a member or as an employee, but subject to the same exceptions as in 2 above.

2.4 The above indemnity and undertaking shall be without prejudice to the right of the Council: -

- (1) through the Standards and Governance Committee to take action in respect of a locally referred allegation of a breach of the Code of Conduct for Members or the breach of a local protocol, or
- (2) to take disciplinary action against an employee in respect of any neglect, act, error or omission.

The above indemnity and undertaking apply:

Retrospectively to any neglect, act, error or omission which may have occurred before this date; and after the retirement or resignation of the member or employee concerned, as well as during their term of office or employment with the council.”

## **Appendix 5**

### **1. Powers to be delegated to the senior managers**

- 1.1 To make applications for planning permission, after consultation with the Director for Corporate Resources as Chief Financial Officer, the Monitoring Officer and the Director for Environment, through the Asset Management Group.
- 1.2 To appoint private consultants of any profession within his or her own service areas where the senior manager has insufficient staff or there is a need for particular specialist assistance. In making any such appointments the senior manager must comply with contract procedure rules and may not engage professional services where that discipline or profession is the responsibility of another senior manager.
- 1.3 To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to the approval of the Personnel Appeals Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.
- 1.4 To submit applications for external funding in support of County Council priorities subject to the County Council's contribution being less than the threshold for a key decision (£500,000) and funding being included within an approved budget and where a change of the County Council's policy is not required.

### **2. Powers to be delegated to the Chief Executive**

- 2.1 To be Head of Paid Service for the purposes of Section 4(1) of the Local Government and Housing Act 1989.
- 2.2 To be Proper Officer in relation to the following provisions in the Local Government Act 1972:
  - (a) Section 83(1)(2) and (3) - the officer to whom a person elected to the office of Chairman, Vice-Chairman or Councillor of the Council shall deliver a declaration of office.
  - (b) Section 84 - the officer to whom a person elected to any office under the Act may give written notice of resignation.
  - (c) Section 88(2) - the officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.
  - (d) Section 89(1)(b) - the officer who receives notice of casual vacancies from two local government electors.
  - (e) Schedule 12, Part 1 Paragraph 4(2)(b) - the officer who shall sign a summons to attend a Council Meeting.
  - (f) Schedule 12, Part 1 Paragraph 4(3) - the officer to receive notices from members regarding the address to which summonses to meetings are to be sent.

- 2.3 To be **Proper Officer** in relation to the provisions of the Regulations under Sections 15 to 17 of the Local Government and Housing Act 1989 regarding:
- (a) the receipt of Notices from Members concerning:
    - (i) the constitution of political groups;
    - (ii) the membership of political groups;
    - (iii) the wishes of political groups;
    - (iv) the review of the allocation of seats to political groups;
  - (b) the notification to political groups of:
    - (i) the allocation of seats to political groups;
    - (ii) the vacation of a seat allocated to a political group.
- 2.4 To authorise in cases of urgency the acquisition or disposal of land or any other step or transaction (not limited to land and property matters) which she considers to be in the best interests of the County Council, (which shall include making “key decisions”) after consultation with the Chairman and Vice-Chairman of the Cabinet and after having taken advice from the Chief Financial Officer and the Monitoring Officer.
- 2.5 To act as County Returning Officer for County Council elections.
- 2.6 To decide requests from members for dispensations to speak and vote at meetings in accordance with the County Council’s procedure approved by the County Council on 19 July 2012 to meet the requirements of the Localism Act 2011.
- 2.7 To decide on individual cases for exemptions from political restriction to meet the requirements of the Localism Act 2011.
- 3. Powers delegated to the Chief Financial Officer**
- 3.1 To be Proper Officer in relation to the following provisions of the Local Government Act 1972:-
- Section 115(2) - the officer who shall receive all money due from every officer employed by the Council.
  - Section 146(1) - the officer in relation to transfers of securities on alteration of area, etc.
- 3.2 To be Proper Officer under Section 151 of the Local Government Act 1972 responsible for the proper administration of the County Council's financial affairs.
- 3.3 To be Chief Financial Officer for the purposes of Section 6 of the Local Government and Housing Act 1989.
- 3.4 To incur overdraft on the Council's bank accounts, the net pooled balance

not to exceed £10M overdrawn at any one time.

- 3.5 To be responsible for Internal Audit under the Accounts and Audit Regulations 1996.
- 3.6 To make investment decisions for the Dorset County Pension Fund in accordance with a strategy agreed by the Pension Fund Investment Committee.
- 3.7 To remit income in the following classes:-
- (a) arrears of contributions in respect of children and young persons in care;
  - (b) charges to residents in homes, hostels and boarding establishments.
- 3.8 Superannuation
- admission to the Scheme
  - application of interchange rules
  - surrender of allowances
  - re-introduction of child's pension
- 3.9 To agree to grant terms and conditions under Section 31 of the Local Government Act 2003 for and on behalf of the County Council.
- 3.10 To authorise sponsorship and advertisement arrangements for any County Council property.
- 3.11 (a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:-
- (i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;
  - (ii) the additional pension the employee would have received but for the enforced early retirement;
  - (iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury.

In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned.

Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Director shall consult with the Cabinet Member for Corporate Resources before making a determination.

- 3.12 To approve applications under Regulation E5(6)(b) of the Superannuation Regulations 1986 where the second marriage is dissolved or the husband dies subject to the wife not being materially better off by reason of her second marriage.

#### **4. Powers to be delegated to the Monitoring Officer**

- 4.1 To act as the person specified by the County Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Deputy Monitoring Officer).

#### To be 'proper officer'

- 4.2 In relation to the following provisions:-
- (i) The Local Government Act 1972:-
    - (a) Section 225(1) - the officer with whom documents shall be deposited.
    - (b) Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed while in the custody of the Council, or of any part of such document.
    - (c) Section 234 - the officer who may authenticate documents on behalf of the Council.
    - (d) Section 236(10) - the officer who shall send copies of bylaws to district councils and receive the same from district councils.
    - (e) Section 238 - the officer who shall certify a printed copy of a bylaw of the Council.
  - (ii) The Local Government (Access to Information) Act 1985 and the Local Government Act 2000 and associated regulations.
- 4.3 To act as "Monitoring Officer" under Section 5 of the Local Government and Housing Act 1989, and the Local Government Act 2000.
- 4.4 To institute, defend or settle legal proceedings or disputes in contemplation of legal proceedings on behalf of the County Council, to appear on behalf of the County Council, at public inquiries and at any other tribunal, to engage Counsel, and to take all necessary action in connection with such proceedings or contemplated proceedings.
- 4.5 To authorise the sealing or signature of any order, deed or other document necessary to give effect to a decision of the Council, or a committee, sub-committee or officer acting under delegated powers.
- 4.6 To authorise Trading Standards Officers within the Adult and Community Services Directorate to institute legal proceedings, lay informations and make complaints, and appear on behalf of the County Council before any Court of Summary Jurisdiction.
- 4.7 To issue on behalf of the County Council certificates under the provisions of the Local Government (Contracts) Act 1997 with the issue of any such certificate to be reported to the next following meeting of the Cabinet.
- 4.8 To determine applications to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).

- 4.9 After consultations with the Chairman of the Roads and Rights of Way Committee, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving County Council properties)
- 4.10 To confirm published public path orders to which no objections have been received (in cases not involving County Council properties).
- 5. Powers delegated to the Director for Children's Services and Chief Financial Officer**
- 5.1 To authorise any arrangements concerning a licensed deficit for a school exceeding £50,000 or any extension of the period of three years within which a school must set a recovery plan to overcome a significant budget deficit.
- 6. Powers delegated to the Director for Environment and Chief Financial Officer**
- 6.1 In exceptional cases of urgency, to modify the Capital Programme to incorporate:-
- (i) any significant change in the specification or scope of a capital scheme at any time;
  - (ii) any significant change in the estimated cost of a project prior to contract letting;
- after consultation with the Cabinet member for Environment, and subject to the changes being reported to the next meeting of the Cabinet.
- 7. Powers delegated to the Head of Human Resources and Exchequer Services**
- 7.1 To act as the person specified by the County Council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes about first instance decisions on pension matters.
- 8. Powers delegated to the Head of Community Services**
- 8.1 Proper Officer for Registration matters
- 8.2 Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act
- 9. Powers delegated to the Head of Planning**
- 9.1 To make all development control decisions, subject to the following exceptions which would require the decision of the Planning Committee:-
- (i) Applications where the officers are recommending consent but the District Planning Authority has expressed a view that the application should be refused;

- (ii) Applications where the officers are recommending consent but the development does not accord with the Development Plan and/or the relevant Government policy;
- (iii) Applications where the applicant is the County Council and the application is for a major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010;
- (iv) Application which requires an Environmental Impact Assessment;
- (v) All applications to which there is an objection from the local County Council member(s) be referred to the Planning Committee and not dealt with under delegated powers;
- (vi) Any application from which compensation is likely to arise from the determination of a review of the Mineral Planning Permissions (ROMPS) Application;
- (vii) Applications recommended for consent but where the Appropriate Assessment does not accord with the advice of Natural England;
- (viii) Where a material objection has been raised against the application and the planning issues raised in that objection cannot be resolved through a planning condition or legal agreement but officers are nevertheless recommending consent.

9.2 The Head of Planning will retain the discretion to bring any other matter he deems appropriate before the Planning Committee.



## Appendix 6

### Regulation of Investigatory Powers Act 2000 (RIPA)

The officers listed below are authorised under the Regulation of Investigatory Powers Act to permit surveillance for the purposes listed. The authorising officer must satisfy him or herself that the statutory tests for the authorisation of directed surveillance, the acquisition of communications data or the use of a covert human intelligence source have been met and that the use of the technique is necessary and proportionate. However, no such techniques may be used without the additional authorisation of a Justice of the Peace. The Director for Corporate Resources has delegated authority in relation to legal proceedings and has authorised certain officers in legal services and the trading standards service to make applications to a Justice of the Peace where one of the authorising officers listed below has permitted this.

**Note: the Authority of the senior managers to authorise surveillance is legislative and cannot be delegated to other officers to exercise on their behalf.**

<u>Post</u>	<u>Purpose of Authorisation</u>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Director for Corporate Resources (Chief Financial Officer)	All purposes for Corporate Resources Services (and including where there is a likelihood of acquiring confidential information but only in the absence of both the Chief Executive and the Monitoring Officer)
Director for Adult and Community Services	All purposes for Adult and Community Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Children's Services	All purposes for Children's Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Environment	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Head of Planning	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

## Appendix 7

Delegations are to be exercised only within the framework of guidance and controls currently in operation. In particular, any exercise of authority under this scheme must be in accordance with guidance and procedures published on Insite (the corporate information framework) and take account of any supplementary advice provided by the Head of Human Resources and Exchequer Services and his/her staff.

Management Level for MSS		Proposed Delegation (all to be used in line with any relevant guidance on Insite)
0	Chief Executive, Directors and Statutory Chief Officers	(a) Early retirement recommendation.  <p style="text-align: center;">and</p>
1	Senior managers reporting direct to Level 0 (normally Heads of Service)	(a) Lease Cars – agreement to early termination of contract. (b) Redundancy recommendation. (c) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). (d) Overpayments – recommendation for write off. (e) Approval of giving lectures by employees at courses during office hours and retention of any fees received.  <p style="text-align: center;">and</p>
2	Officers reporting to Level 1 (typically service managers)	(a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). (b) Premature retirement on grounds of permanent ill health recommendation. (c) Flexible retirement recommendation. (d) Payment of honoraria (paragraphs 35(b)(i) and (ii)).  <p style="text-align: center;">and</p>
3	Officers reporting to Level 2 (typically team managers)	(a) Accelerated incremental progression in exceptional cases/merit increments. (b) Creation of new post within existing budget (subject to establishment control). (c) Creation of new post from new funding (subject to establishment control). (d) Changes to post (subject to establishment control).  <p style="text-align: center;">and</p>
4	Officers reporting to Level 3 (typically assistant team managers)	(a) Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position. (b) The payment of 'planned overtime'/additional hours to employees to whom they have line

		<p>management responsibility for.</p> <ul style="list-style-type: none"> <li>(c) Granting of special leave of absence with/without pay.</li> <li>(d) Granting of approval for employees to undertake private work (outside of office hours).</li> <li>(e) Ex gratia payments.</li> <li>(f) Acting up arrangements.</li> <li>(g) Move to a different position within the establishment.</li> <li>(h) Review of discrete post of job evaluation request.</li> <li>(i) Labour market increments request.</li> <li>(j) Annual Leave carry forward.</li> <li>(k) Occupational Health referral.</li> <li>(l) Travel status authorisation.</li> <li>(m) Maternity leave approval.</li> <li>(n) Paternity leave approval.</li> </ul> <p style="text-align: center;">and</p>
5	Officers reporting to Level 4 (typically team leaders)	<ul style="list-style-type: none"> <li>(a) Incremental progression - approval of competency increments through the salary grade.</li> <li>(b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level).</li> <li>(c) Sick leave (including return to work and trigger point interviews etc.)</li> <li>(d) Annual leave approval.</li> <li>(e) Change to employment within current position.</li> <li>(f) Performance and Development Review completion.</li> <li>(g) Notification of staff leaving.</li> <li>(h) Exit interviews.</li> <li>(i) Probation sign off.</li> <li>(j) Flexible working – approval of change to working patterns.</li> <li>(k) Travel expenses claim authorisation.</li> </ul>
<p><b>Specific delegations to the Head of Human Resources and Exchequer Services</b></p> <ul style="list-style-type: none"> <li>(a) Extension to full and half sick pay</li> <li>(b) Approval of injury allowance payments</li> <li>(c) Redundancy payments for teachers</li> </ul>		

## Appendix 8

Officer Role	Management Level	Proposed Delegation (to be used in accordance with Contract Procedure Rules and Financial Regulations and relevant Guidance)
<b>Signing contract documents</b>		
Head of Legal and Democratic Services as Monitoring Officer		<ul style="list-style-type: none"> <li>(a) Signing of contracts under seal of any value.</li> <li>(b) Signing of contracts valued in excess of £500,000.</li> <li>(c) Signing of inter authority, collaboration, partnering and framework agreements.</li> <li>(d) Approval to terminate contracts early with a value in excess of £500,000.</li> <li>(e) Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract.</li> <li>(f) Authorisation and signing of letters of intent committing the County Council to expenditure in excess of £500,000.</li> </ul>
Chief Executive, Directors and Statutory Chief Officers	0	<ul style="list-style-type: none"> <li>(a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care.</li> <li>(b) Approval to terminate contracts early with a value not exceeding £500,000.</li> <li>(c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract.</li> <li>(d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.</li> </ul>
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	<ul style="list-style-type: none"> <li>(a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care.</li> <li>(b) Approval to terminate contracts early with a value not exceeding £500,000.</li> <li>(c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract.</li> <li>(d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.</li> </ul>

<b>Expenditure</b>		
Director for Corporate Resources as s.151 Officer		Authorisation of expenditure over £500,000 in conjunction only with the exercise of the Chief Executive's delegated authority in Appendix 5 paragraph 2.4 in cases of urgency.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of expenditure over £100,000 and not exceeding £500,000.
Officers reporting to Level 1 (typically service managers)	2	Approval of expenditure over £50,000 and not exceeding £100,000.
Officers reporting to Level 2 (typically team managers)	3	Approval of expenditure over £1,000 and not exceeding £50,000.
Officers reporting to Level 3 & 4 (typically assistant team managers)	4 & 5	Approval of expenditure not exceeding £1,000.
<b>Exemptions</b>		
Head of Legal and Democratic Services as Monitoring Officer And Director for Corporate Resources as s.151 Officer		Approval of requests for exemption to the Contract Procedure Rules for contracts valued over £100,000 but not exceeding EU procurement thresholds.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of requests for exemptions to the Contract Procedure Rules for contracts with a value not in excess of £100,000.
<b>Procurement Tender Evaluation Models</b>		
Head of Dorset Procurement		Authorisation of procurement tender evaluation models for contracts with a value in excess of £100,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Authorisation of procurement tender evaluation models for contracts with a value not exceeding £100,000.

<b>Specific Officer Delegations</b>
<b>Director for Corporate Resources as Section 151 Officer</b>
Approval of finance appraisals for all supplier tenders for procurements contracts valued over £150,000.
Approval of financing routes.
Approval of finance lease agreements.
Approval of disposal of assets not otherwise covered in the scheme not exceeding £500,000 in value.
<b>Delegations to the Head of Legal and Democratic Services as Monitoring Officers</b>
Responsibility for safe custody of the County Council's seal and the execution of documents under seal.
<b>Delegations to the Head of Procurement</b>
Approval of EU procurement routes for over EU threshold procurement.
<b>Delegated to the Corporate Fleet Manager</b>
Approval of acquisition and disposal of all vehicles with a value not exceeding £500,000.
<b>Delegated to the Head of Property Management</b>
Approval for the acquisition and disposal of interests in land and buildings with a value not exceeding £500,000.

**Note**

All staff must respect the lead advisor role of any senior manager responsible for a particular service area and must not commission advice or services other than through the service in question. By way of illustration legal advice and support is only to be provided by or commissioned through the Head of Legal and Democratic Services and the same applies to other professional disciplines.

## **Joint Scrutiny Group Terms of Reference**

The Joint Scrutiny Group is an informal group, with decision making powers, established to:

[provide constructive, proactive and objective consideration of the Joint Committee's:

- i) Financial, risk, governance and internal control framework
- ii) Ethical principles and standards]

OR

[scrutinise and review decisions made or actions taken in connection with the discharge of any of the functions of the Joint Committee.]

Membership:

To include one member of each Partner Authority.

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Councils working together

## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Director, Dorset Waste Partnership Treasurer to the Dorset Waste Partnership
Subject of Report	<b>Inter-Authority Agreement (Cost Sharing – options)</b>
Executive Summary	<p>This report considers options for sharing the costs of the Dorset Waste Partnership between partners for the financial year 2017/18 and onwards.</p> <p>This is following the conclusion of the roll out of the Recycle for Dorset service and previous commitments made to reviewing the methodology to ensure that it is as fair and equitable as possible to all seven partners of the Dorset Waste Partnership.</p> <p>Initial ideas and background information were discussed at the first meeting of the Member Cost Sharing Working Group, held on 29<sup>th</sup> February 2016 and the options presented below, with some subsequent refinement of Option 3, were discussed at a later meeting of the Working Group, on 13<sup>th</sup> June 2016.</p> <p>There has subsequently been informal consultation on options between relevant officers and Members of partner authorities.</p> <p>The view of the Cost Sharing Working Group was that a short list of cost sharing options should now be presented for consideration by the Joint Committee, in preparation for the 2017/18 budget setting cycle.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>This report contains no new proposals that have equalities implications.</p>

Inter-Authority Agreement (Cost Sharing – options)

	<p>Use of Evidence:</p> <p>The report is based on data from the County Council's financial system and the management information systems used by the DWP. This is supplemented by information from service managers where necessary.</p> <hr/> <p>Budget:</p> <p>The Dorset Waste Partnership has a net revenue budget for 2016/17 of £34.2M.</p> <p>This report discusses options for how costs could be shared between partners from 2017/18 onwards and puts forward a recommended option.</p> <hr/> <p>Risk Assessment:</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: MEDIUM Residual Risk LOW</p> <hr/> <p>Other Implications:</p> <p>None</p>
<p>Recommendation</p>	<p>It is recommended that Option 2 (Current (2016/17) cost share percentages are adopted, adjusted in future for changing household numbers, as indicated on the annual 'CTB1' returns).</p>
<p>Reason for Recommendation</p>	<p>To ensure that future cost sharing of Dorset Waste Partnership costs is as fair and equitable as possible.</p>
<p>Appendices</p>	<p>Appendix 1 – Cost Sharing Summary and detail of options</p>
<p>Background Papers</p>	<p>None</p>
<p>Report Originator and Contact</p>	<p>Name: Karyn Punchard, Director, Dorset Waste Partnership, Tel: 01305 225459 Email: <a href="mailto:k.punchard@dorsetwastepartnership.gov.uk">k.punchard@dorsetwastepartnership.gov.uk</a></p> <p>Name: Andy Smith, Treasurer to the Dorset Waste Partnership, Tel: 01305 224031 Email: <a href="mailto:a.g.smith@dorsetcc.gov.uk">a.g.smith@dorsetcc.gov.uk</a></p>

## Inter-Authority Agreement (Cost Sharing – options)

### 1. Background

- 1.1 The annual net revenue costs of the Dorset Waste Partnership have been shared between all seven partners in accordance with a complex cost sharing formula which has been used for a number of years during the roll out of the Recycle for Dorset Service. Capital costs of the partnership have been financed in a variety of ways, taking account of previous partner capital budget allocations and the particular financing needs of individual partners
- 1.2 The present formula is, arguably, overly complex and lacks transparency and easy interpretation.
- 1.3 Now that the Recycle for Dorset Service is fully rolled out and previous 'ad hoc' capital financing arrangements have come to a natural end, with all future capital requirements ultimately financed through the DWP revenue budget, it is timely to review the cost sharing methodology and to apply an updated system from 2017/18 onwards.
- 1.4 Both Members of the Joint Committee and relevant officers of partner authorities have previously supported the need for a review.
- 1.5 Set out in Section 3 below are five options, together with the advantages and disadvantages of each option.

### 2. Potential for Local Government Reorganisation

- 2.1 The cost sharing methodology provides a mechanism to identify costs to be financed by each partner through their own council tax income, revenue support grant and retained business rates.
- 2.2 Although both County and District / Borough council tax levels appear on the same council tax bill for a given resident, there is an obvious sensitivity for each partner in the amounts that each partner is required to pay, given the existing two tier organisation of local government in Dorset.
- 2.3 As Members will be aware there are a number of discussions currently taking place around the future structure of local government in Dorset. A number of unitary council options are being discussed which may lead to some form of unitary government system for both rural Dorset and the Bournemouth and Poole conurbation. Timetables have yet to be determined, but a possible date for a new local government structure in Dorset could be April 2019.
- 2.4 Against this background some Members expressed a view at the first working group meeting that there may be a case for adopting a 'status quo' option, rather than setting up a new complex cost sharing mechanism that may only be needed for, perhaps, two years.
- 2.5 A unitary government system for Dorset would negate the need for a cost sharing system as the presumption would be that waste services would fall under the appropriate unitary council.

### 3. Options

#### 3.1 Option 1 – No Change to Current (2016/17) Cost Share Percentages.

Against the background described above a simple option is to keep to the existing 2016/17 cost share percentages – but these would be fixed for each partner as shown in Appendix 1.

The advantages of this method would be that it would be easily understood, would not introduce turbulence in partner budgets, with existing percentages allowed for in future partner medium term financial plans, and may be more appropriate than other options, given the potential for local government reorganisation described above.

## Inter-Authority Agreement (Cost Sharing – options)

The disadvantages of this method include no consideration of different urban and rural factors (e.g. collection costs) that have been highlighted by some Members of the Joint Committee and no consideration of changing factors, such as variations in household numbers, between District and Borough partners over future years.

### 3.2 Option 2 – No change, apart from allowing for future variations in household numbers between partners in future years.

Again, against the background described above, a further option would be for no change to existing (2016/17) cost share percentages except for adjustments for the latest household numbers for each district and borough. Relevant percentages are shown in Appendix 1.

The advantages of this method would be that it is easy to understand, would not introduce significance turbulence to partner budgets, may be appropriate, given the potential for local government reorganisation, and continues the part of the previous methodology that also made changes for updated household numbers. This option is also the closest to the existing cost sharing methodology.

The disadvantages of this method include no consideration of different urban and rural factors associated with waste collection (e.g. collection costs) or street cleansing budgets, that have been highlighted by some Members of the Joint Committee

### 3.3 Option 3 – Fix the Dorset County Council percentage at the 2016/17 figure but make adjustment to District / Borough share in accordance with urban and rural factors.

A further option would be to fix the Dorset County Council percentage at its current (2016/17) figure but adjust other partner percentages for the urban / rural nature of each district and borough. Urban and rural factors are only applied to domestic waste collection costs i.e. excluding other waste collection costs, such as street and resort cleansing. Relevant percentages are shown in Appendix 1.

The advantages of this method would be that it gives certainty for Dorset County Council but makes allowance for the different urban and rural factors in other partner areas.

The disadvantage of this method is the considerable turbulence in cost share percentages for districts and boroughs compared to the current (2016/17) percentages i.e. there would be significant winners and losers from adopting this method.

### 3.4 Option 4 – Cost share percentage related to statutory responsibility for elements of service, with urban / rural factors used to help determine District and Borough cost shares.

There has been previous discussion about basing future cost sharing on the statutory responsibility of each partner. In broad terms this would attribute waste disposal costs to Dorset County Council and waste collection, street and resort cleansing to other partners. The thinking being that funding for each partner is broadly related to statutory responsibility through the local government finance system.

An analysis of costs (shown at Appendix 1) by statutory responsibility would suggest that the Dorset County Council share would only be 54.73% (rather than the current 64.32%) illustrating the shift in resources towards waste collection to achieve greater efficiencies across the whole waste service.

The advantage of this method is that it attempts to relate the elements of the waste service to statutory responsibility and, broadly, to the results of the local government finance system.

The disadvantage is that there is no acknowledgement that services provided by the DWP need to be viewed more holistically, there having been a deliberate policy to apply greater resources to waste collection in order to achieve greater savings in waste disposal. This

## Inter-Authority Agreement (Cost Sharing – options)

undermines the idea of relating costs by activity to statutory responsibility. Considerable turbulence in cost share percentages is also displayed by this option.

### 3.5 Option 5 – Option 4, but with a subjective adjustment (£1m) to cost between partners to take account of investment in collection systems.

This option makes a subjective adjustment of costs of £1M in favour of Districts and Borough to acknowledge the greater proportion of resources now invested in waste collection activities to achieve greater efficiencies in waste disposal.

The advantage of this method is that it attempts to relate the elements of the waste service to statutory responsibility and, broadly, to the results of the local government finance system and also makes some allowance for the shift in resources from waste disposal to waste collection to achieve a more efficient total service.

The disadvantages are that the adjustment in costs of £1M is subjective and lacks empirical evidence and considerable turbulence in cost share percentages is also displayed by this option.

## 4. Sensitivity Analysis

- 4.1 A number of the options illustrated above result in considerable turbulence in the cost share percentages resulting for each partner.
- 4.2 The DWP revenue budget for 2016/17 is £34.2M so a 1% shift in cost share percentages between partners amounts to £342,000. A 0.1% shift amounts to £34,200, which for a small district or borough council is still a significant amount equivalent to around a 1% change in the level of council tax that they charge.
- 4.3 As a rule of thumb, each additional household incurs an additional marginal collection costs of around £50 per year.
- 4.4 It also should be noted that this discussion relates only to the relative share of total costs for partners, and that the effect, in budgetary terms, cannot be known with certainty until the draft budget is produced for each year. Figures for a five year period are shown at Appendix 1, however these should be considered as illustrative only, as neither the MTFP figures nor the demographic projections of housing growth are certain.

## 5. Conclusions

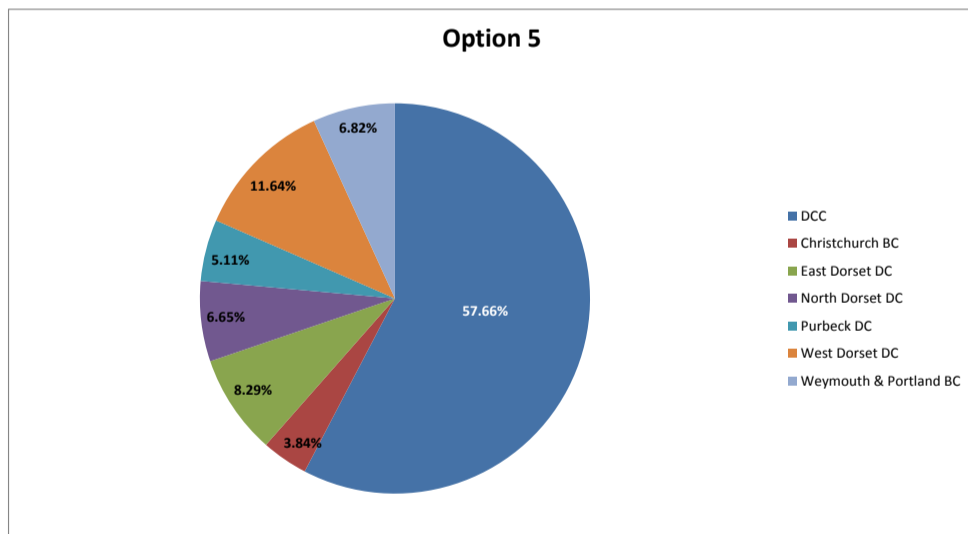
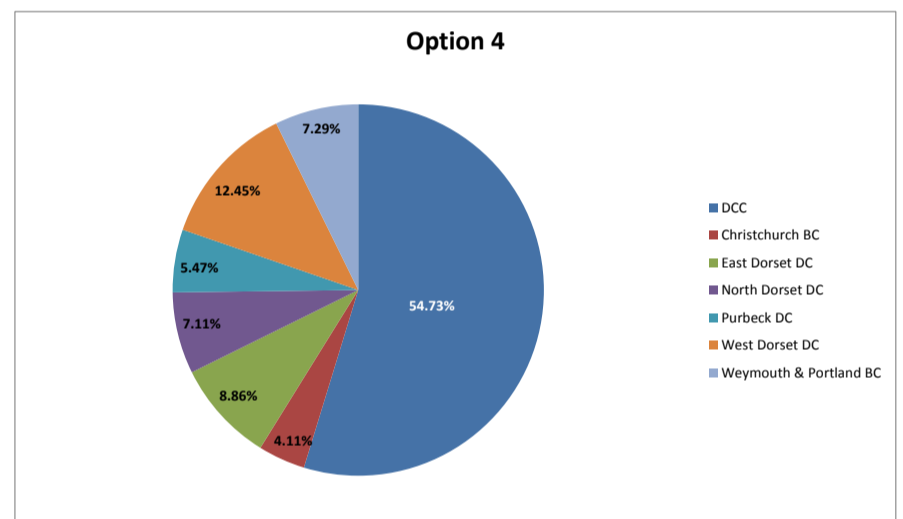
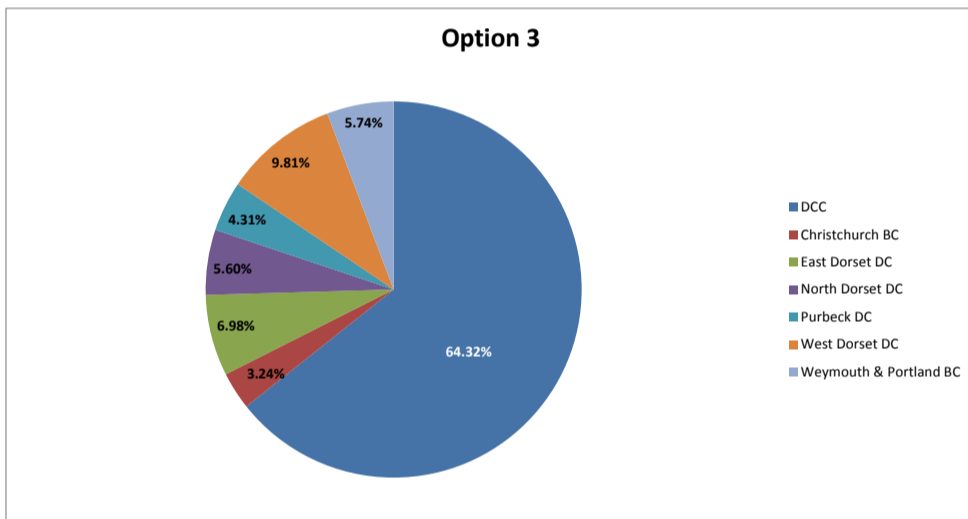
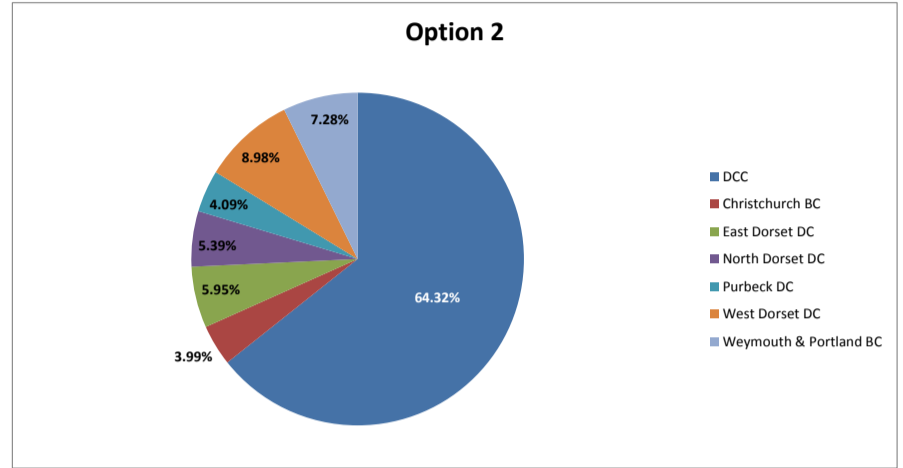
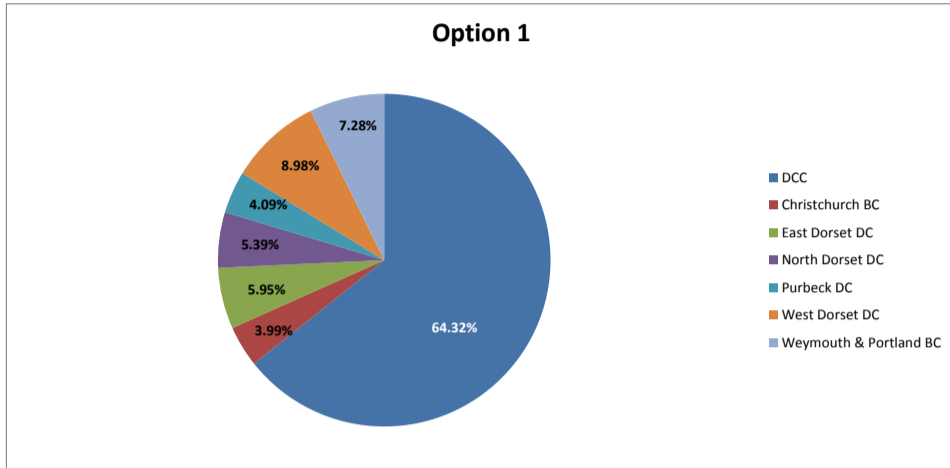
- 5.1 The high degree of sensitivity of any change in cost share percentages led to a conclusion at the member workshops that future cost share percentages have to remain very similar to the existing percentages, because such a degree of change while being welcome to 'winning' partners will be unacceptable to 'losing' partners. If a more turbulent option was selected there would have to be some form of damping mechanism to transition from the existing cost sharing methodology to the new method, which is a further complexity.
- 5.2 On balance, therefore, the question of turbulence rules out Options 3, 4 and 5 and Option 2 is recommended in favour of Option 1 in that it continues to recognise the effect of changing household numbers for what may be a relatively short time before a new model for local government for Dorset may be adopted, negating the need for cost sharing.

**Karyn Punchard**  
Director, Dorset Waste Partnership

**Andy Smith**  
Treasurer to the Dorset Waste Partnership  
August 2016

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	Option 1	Option 2	Option 3		Option 4		Option 5	
	No change	Keep DCC % same, change collection split based of household number changes each year	As per option 2 but with rural/ urban split affecting districts & boroughs	% and £ Change between option 3 and 2	DCC paying disposal only and rural/ urban split	% and £ Change between option 4 and 2	As per Option 4 with £1,000,000 investment from DCC into collection	% and £ Change between option 5 and 2
	£ Split based on 16/17 Budget		£ Split based on 16/17 Budget		£ Split based on 16/17 Budget		£ Split based on 16/17 Budget	
	% Split	Budget	% Split	Budget	%	£	% Split	Budget
DCC	64.32%	22,000,452	64.32%	22,000,452	0.00%	-0	57.66%	19,721,271
Christchurch BC	3.99%	1,364,767	3.99%	1,364,767	-0.75%	-257,782	3.84%	1,313,718
East Dorset DC	5.95%	2,035,179	5.95%	2,035,179	1.03%	352,889	8.29%	2,834,047
North Dorset DC	5.39%	1,843,632	5.39%	1,843,632	0.21%	72,220	6.65%	2,273,645
Purbeck DC	4.09%	1,398,972	4.09%	1,398,972	4.31%	1,473,399	5.11%	1,748,562
West Dorset DC	8.98%	3,071,581	8.98%	3,071,581	9.81%	3,355,299	11.64%	3,981,913
Weymouth & Portland BC	7.28%	2,490,101	7.28%	2,490,101	-1.54%	-525,474	6.82%	2,331,528
<b>Total</b>	<b>100.00%</b>	<b>34,204,683</b>	<b>100.00%</b>	<b>34,204,683</b>	<b>0.00%</b>	<b>0</b>	<b>100.00%</b>	<b>34,204,683</b>



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## Dorset Waste Partnership Joint Committee

Date of Meeting	12 <sup>th</sup> September 2016
Officer	Interim Head of Service (Strategy), Dorset Waste Partnership
<b>Subject of Report</b>	<b>Charging for 'Recycle for Dorset' containers</b>
Executive Summary	This report reviews the legislation in place enabling local authorities to charge for household waste receptacles and makes recommendations regarding the Dorset Waste Partnership (DWP) adopting this approach for certain 'Recycle for Dorset' containers.
Impact Assessment:	Equalities Impact Assessment:  Please see appendix one
	Use of Evidence:  Environmental Protection Act 1990 (EPA), S46: Receptacles for household waste
	Budget:  Predicted income of approximately £124,000 per annum (from April 2017). However, a cost of £40,500 will be incurred through additional admin resource and development of the necessary I.T. Therefore, the net saving will be £83,500.
	Risk Assessment:

## Charging for 'Recycle for Dorset' containers

	<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 Residual Risk MEDIUM</p>
	<p>Other Implications:</p> <p>None</p>
<p>Recommendation</p>	<p>That the Joint Committee:</p> <ol style="list-style-type: none"> <li>1) Approve the proposals identified in paragraph 3.5 of this report to commence charging for certain 'Recycle for Dorset' containers</li> <li>2) Amend the 'Recycle for Dorset' policy wording relating to additional refuse sacks as identified in paragraph 3.5 (iii) of this report</li> <li>3) Delegate authority to the Director of DWP, in consultation with the chair of Joint Committee, to review the level of charges and make any further policy changes regarding charging for containers</li> </ol>
<p>Reason for Recommendation</p>	<p>Implementing the proposed policy and charges would allow the DWP to recover the costs of purchasing and delivering household waste containers as permitted by the EPA 1990 (s 46), resulting in an avoided financial burden of approximately £124,000 per annum (minus an estimated £40,500 for admin and I.T requirements).</p> <p>Without the introduction of a charging policy for these waste containers, the DWP will continue to incur this cost. As detailed in this report, this cost could be passed to housing developers and customers.</p>
<p>Appendices</p>	<p>Appendix one: Equality Impact Assessment Appendix two: Examples of other local authority charges</p>
<p>Background Papers</p>	
<p>Report Originator and Contact</p>	<p>Name: Lisa Mouny/Louise Bryant Tel: 01305 224636 / 01305 224633 Email: <a href="mailto:l.mouny@dorsetwastepartnership.gov.uk">l.mouny@dorsetwastepartnership.gov.uk</a> / <a href="mailto:l.bryant@dorsetwastepartnership.gov.uk">l.bryant@dorsetwastepartnership.gov.uk</a></p>

## **1. Introduction**

- 1.1. The DWP has been tasked with making some very challenging savings in coming years. In order to deliver these savings, all budgets are being scrutinised. This report considers potential savings in the cost of supplying wheeled bins and containers for the 'Recycle for Dorset' waste and recycling collection service.
- 1.2. Now that the 'Recycle for Dorset' service is in place across the entire DWP area, there is an on-going requirement for bin swaps and replacement of damaged and lost containers. The 'Recycle for Dorset' scheme offers residents a number of non-standard variations, such as larger bins for larger families. Whilst this level of flexibility made the introduction of the scheme more attractive to Dorset residents, there are on-going revenue and capital costs as a result.
- 1.3. Additionally, with a considerable amount of new properties being built each year (estimated 1,300 new properties per annum), there is an on-going and significant financial burden associated with supplying and delivering containers to these properties.
- 1.4. The DWP has already put in place arrangements for residents to collect the smaller containers (recycling boxes and food caddies) themselves from partner offices and local stockists wherever possible. Over 80% of small containers are now collected representing a considerable saving for the DWP in avoided delivery and administration costs that may be in the region of £100,000 per annum.

## **2 Legislation**

- 2.1. The Environmental Protection Act 1990 (EPA) underpins the introduction of a policy to charge for household waste containers, specifically Section 45 and Section 46: Receptacles for household waste. The EPA sets out by law what Local Authorities and individual responsibilities are in relation to waste collection and containment.
- 2.2. Under Section 46 of the EPA, a Council may serve notice on the occupiers of the premises from which it collects household waste, requiring those occupiers to place their waste in receptacles of a particular kind and of a particular number. The Council may specify the size, type and colour of these receptacles, and that a charge can be made to the householder for the specified containers.
- 2.3. The DWP cannot force the householder to buy their waste containers from the Council, but can enforce the householder to buy the appropriate size, colour and specification of the bin. This ensures that containers specifications meet the operational requirements of our collection vehicles and are able to be emptied safely.
- 2.4. Should a householder refuse to purchase the appropriate waste containers, the DWP could withhold provision of the waste collection service and would need to invoke the powers available to it under Section 46 of the Environmental Protection Act 1990 by service of notice on the occupier to provide suitable containment.
- 2.5. Charging for containers is now commonplace across the UK with many local authorities recouping the cost of replacement and new containers. Examples of charges of other authorities are detailed in appendix 2.

## **3. Proposals for charging**

- 3.1. Agreeing the charges proposed in this report below may generate income in the region of £124,000 per annum for the DWP. The charges and income identified include the

## Charging for 'Recycle for Dorset' containers

cost of the container, delivery and collection where appropriate, administration, cost of taking payment, and cost of calls to Dorset Direct. The charges would be reviewed annually.

Charges will be made for the supply of the containers only, and the containers will remain the property of the DWP at all times and should not be removed from the premises under any circumstances. Effectively the DWP is providing the containers on a long term loan arrangement.

- 3.2. The new charges could be in place from 1<sup>st</sup> April 2017. A new e-form will be required to enable payments to be taken. Due to the new charging structure between DCC core services and DWP there may be a one-off cost of around £15,000 associated with the IT development for this new project.
- 3.3. There will be additional on-going administration resource needed to manage the additional customer contact and processes. It is proposed that a grade 7 administration officer is recruited to manage this, which will cost approximately £25,521. Key tasks of this new administration officer will include liaising with housing developers, managing any complaints, dealing with payments, organising annual reviews of eligibility for service and managing processes leading to notices being issued.
- 3.4. This additional admin resource and I.T development will reduce the overall saving of £124,000 to just under £83,500. However, should it be decided to extend the charging mechanism to cover lost and damaged containers as detailed in paragraph 4, the level of saving achieved will increase.
- 3.5. Officers recommend the following charges be approved by Joint Committee:

- i. New developments: estimated income £50,000 per annum

It is proposed to charge a fixed fee of £54 per household for the supply of a full set of containers for a new build property (wheeled bin, bag and box or communal service). Whilst local authorities can only require payment from the householder under the EPA, DWP officers will work with developers to establish their requirements and where possible, encourage the developer to fund the cost of new containers for their developments. Discussions with the DCC planning department have ascertained that there is no clear way within planning legislation to require the developers to fund the cost of the containers. There is a risk therefore that this cost will not be covered by the developer and will ultimately fall on the householder to pay.

- ii. Larger refuse bins for properties with five or more residents – estimated income £44,000 per annum

The 'Recycle for Dorset' policy entitles families of five or more to apply for a larger 240l refuse bin instead of the standard 140l bin. It is proposed to charge a fee of £33 for this container swap. Only families eligible under the policy will be entitled to apply and pay for this larger container. In exceptional circumstances where a 360l bin is required, the charge would be £55.

## Charging for 'Recycle for Dorset' containers

### iii. Additional refuse sacks (ARC) for families with a 140l bin and one or more children in nappies – estimated income £29,000 per annum

It is proposed to revise the policy for eligibility to these sacks to restrict the availability of the ARC sacks to families who are not entitled to a larger 240l refuse bin (i.e. 5+ in household), and to charge for these sacks at £13 for 26 sacks. The household must re-apply and pay annually to receive this entitlement.

Amend policy wording to: *Families with one or more children in disposable nappies under three years of age, who are not entitled to a larger capacity rubbish bin for a large family, can apply to the DWP for additional residual waste capacity.*

### iv. Smaller recycling bins – nominal income

Members have previously agreed to stop providing smaller recycling bins to reduce flexibility in the scheme and the associated cost. In instances where a smaller 140l recycling bin requested as a personal preference, a charge of £20 is made. It is proposed to increase this to £28. Where there is an operational need to provide the resident with a smaller recycling bin no charge will be made. This decision would be at the Operations Manager's discretion. Examples where this may apply would be to enable a resident to continue using a wheeled bin instead of putting them on an assisted collection, or an assessment by a DWP officer determining that a particular property is not suitable for a larger wheeled bin due to space or access issues.

### v. Larger recycling bin requests – nominal income

Where a resident opted for a smaller recycling bin at implementation, a charge of £20 is currently made if they later decide they need a larger bin. It is proposed to increase this to £28.

### vi. Replacement of lost or damaged communal bins – income up to £5,000

Communal wheeled bins (770l and 1100l bins) are expensive and it is proposed that a charge is made for replacing lost or damaged containers: 770l at £114 and 1100l at £146. A separate charge may be identified at a later date for replacement lids and pins.

## 4. **Lost and Damaged containers**

4.1. At this time we are not proposing to introduce charges for replacement of lost or damaged containers. This is primarily due to the volume of containers within this category (estimated to be 9,000 in 2015/16). Whilst this would result in additional income in the region of £180k per annum, there are concerns about the potential negative impact on recycling rates (if we charge for replacement recycling containers), as well as the significant additional operational, I.T and administration resource that would be required to manage this operation.

4.2. Additional investigatory work is required to determine the costs of these potential implications which could outweigh or reduce the benefits. Additional data will now be gathered through the e-forms which are being adapted to capture more information as to the reasons behind the lost/damaged containers. This will provide a more informed picture and assist the decision making on this point in the future.

**Karyn Punchard, Director, Dorset Waste Partnership  
August 2016**

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# Equality Impact Assessment

## Section 1 - Context Setting

**1. Title of strategy, policy, project, service** (Now known as ‘the proposal’)

Charging for ‘Recycle for Dorset’ containers – the paper to be presented to the Joint Committee on 12<sup>th</sup> September recommends the DWP charges for certain ‘Recycle for Dorset’ containers as permitted by the Environment Protection Act 1990 (s46)

**2. Service and lead officer:**

Gemma Clinton, Interim Head of Strategy, Dorset Waste Partnership

**3. Officers involved in the EqIA:**

Lisa Mounty / Louise Bryant, Service Development Manager  
 Sarah Wasey, Business Development Officer

**4. What does the proposal assess?**

- |                          |  |
|--------------------------|--|
| Existing:                | <input type="checkbox"/>                   |
| New/proposed:            | <input type="checkbox"/>                   |
| Changing/Update/revision | <input checked="" type="checkbox"/>        |
| Other                    | <input type="checkbox"/> please list below |

**5. What are the aims and objectives of the proposal?**

The DWP has been tasked with making some very challenging savings in coming years and in order to deliver these savings, all budgets are being scrutinised.

The ‘Recycle for Dorset’ service is offered to all households with no charge made for the service. The service comprises of:

- Weekly collection of food from a 23 litre food container
- Fortnightly 240 litre wheeled bin collection of paper, cardboard, cans, aerosols, plastic bottles, pots, tubs and trays

## Appendix 1

- Fortnightly collection of glass from a recycling box
- Fortnightly collection of refuse from a 140 litre wheeled bin

Under Section 46 of the Environment Protection Act, a Council may serve notice on the occupiers of the premises from which it collects household waste, requiring those occupiers to place their waste in receptacles of a particular kind and of a particular number. The Council may specify the size, type and colour of these receptacles, and that a charge can be made to the householder for the specified containers.

Now that the service has been implemented and all households have been provided with containers, potential savings in the cost of supplying non-standard wheeled bins and containers for the 'Recycle for Dorset' waste and recycling collection service are being considered.

The 'Recycle for Dorset' scheme currently offers residents a number of non-standard variations, such as bigger residual bins for larger families or additional refuse sacks for families with one or more children in disposable nappies. Whilst this level of flexibility made the introduction of the scheme more attractive to Dorset residents, there are on-going revenue and capital costs as a result.

The 'Recycle for Dorset' policy entitles families of five or more to apply for a larger 240l refuse bin instead of the standard 140l bin. The DWP proposes to charge a fee of £33 for this container swap. Only families eligible under the policy will be entitled to apply and pay for this larger container. In exceptional circumstances where a 360l bin is required, the charge would be £55.

The DWP would like to revise the current policy for eligibility for additional refuse sacks (ARC) to restrict the availability of these to families who are not entitled to a larger 240l refuse bin (i.e. 5+ in household). The charge for these sacks will be £13 for 26 sacks. The household must re-apply and pay annually to receive this entitlement.

Additionally, with a considerable amount of new properties being built each year, there is an ongoing and significant financial burden associated with supplying and delivering containers to these new households.

Implementing the proposal would allow the DWP to recover the costs of purchasing and delivering non-standard household waste containers as permitted by the EPA 1990 (s46), resulting in a saving of approximately £124,000 per annum.

### 6. Who will be involved in the implementing and/or delivery of the proposal?



DWP officers only

**7. Who could be impacted (either negative or positive) with the implementation of the proposal?**

**(For example, public, visitors, staff members or partners)**

The standard 'Recycle for Dorset' service provides suitable residual & recycling containment for households and is available free of charge to households across Dorset. However, in certain circumstances, some residents can apply for additional capacity / variation to their service if they meet certain criteria:

- Larger families – families of five or more can apply for a larger, 240l wheeled bin for residual waste.
- Families with one or more children in disposable nappies under three years of age can apply for additional residual capacity (26 authorised sacks).

The implementation of this proposal will therefore primarily impact upon those residents who are eligible under the 'Recycle for Dorset' policy to obtain additional capacity through a non-standard variation of the service. According to our statistics, the number of households who have requested a non-standard variation equates to approximately 5-6% of the total number of households.

The new proposal will also impact residents who move into new builds (estimated 1,300 new properties in Dorset per annum). However, the DWP will work with housing developers to establish their requirements and where possible, encourage the developer to fund the cost of the new containers to avoid it falling onto the householders.

**Section 2 – Information Gathering****1. What data, information, evidence, research was used in this EqIA and how has it been used to inform the decision making process?**

To enable officers to ascertain the potential savings that could be achieved by implementing this proposal and to determine a suitable charge for each containment type which accurately reflects the actual cost of the container, the following data was collated:

- Number of each container type delivered
- Cost of each container type
- Cost of delivery / collection
- Cost to take payment
- Cost of taking phone call
- Cost of admin and officer time
- Details of actual spend on 'Recycle for Dorset' containers over the past 4 years
- Number of requests for non-standard variations as a proportion of the total number of households
- Number & type of new housing development expected

**2. What data do you already have about your service users, or the people your proposal will have an impact on?**

The DWP holds an extensive household waste database which includes details of all households which currently have a non-standard variation of the 'Recycle for Dorset' service.

This data enables officers to ascertain the likely impact of this proposal in terms of the number of households that will request a non-standard variation in the future. Currently, the number of requests for non-standard variations as a proportion of the total number of households is low, approximately 5 – 6%. The negative impact of this proposal will therefore be minimal.

**3. What engagement or consultation has taken place as part of this EqIA?**

No engagement or consultation has taken place.

**4. Is further information needed to help inform this proposal?**

No.

## Section 3 – Assessing the Impact

Section 149 of the Equality Act 2010 states that a public authority must in carrying out its functions have due regard to the need to:

- Eliminate all forms of discrimination; harassment and victimisation that are prohibited by the Equality Act 2010.
- Advance equality of opportunity.
- Foster good relations.

**1. What does the consultation, data, evidence tell us about the likely impact on any equality group?<sup>1</sup>** (Please include a summary of the data used, an attachment or link to it)

Protected characteristic	Positive impact	Negative impact	Neutral impact	Unclear	Please explain the impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy and Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative impact on families with one or more children in disposable nappies as they will be charged for additional residual capacity. Families of 5 or more will be charged for a larger, 240l wheeled bin for residual waste
Race and Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Some religions and beliefs e.g. catholic, Mormons may be impacted if they have more children than average. This is difficult to define as there is no data available on this.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>1</sup> This will include impacts upon workforce including staff transferring under TUPE to a new service provider

**Appendix 1**

Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other socially excluded groups (Carers, rural isolation, low income, armed forces personnel)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will have a negative impact on families on low income

**Section 4 - Action Plan, Monitoring and Communication**

What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts?

Objective / Outcome	SMART Action	Lead officer	Deadline
Minimise impact to low income families who either require a larger bin or ARC sacks	The Recycling Team will provide advice and information to those who request it on ways in which they can use the standard recycling/refuse capacity and therefore negate the need to purchase either a larger bin or ARC sacks. This will take the form of either telephone advice, written correspondence and leaflets etc or household visits. Officers will provide information on what can be recycled and ensure all materials that can be recycled are being placed into the correct container.	Marten Gregory	Ongoing when requests are made

**Appendix 1**

	They will also offer information on waste reduction methods— e.g. reducing and using leftover foods to reduce the amount disposed of, home composting, reuse, buying items with less packaging and junk mail reduction.		
Minimise impact to families who either require ARC sacks	The Recycling Team will offer information on the 'Real Nappy Incentive Scheme' that is available to Dorset residents. A subsidy of £30 is provided to residents who purchase washable nappies. These washable nappies also reduce the overall cost of nappies and can be used for more than one child thereby increasing the savings made.	Marten Gregory	Ongoing when requests are made

1. Good communication is essential to help ensure that the proposal is correctly implemented. **How will this proposal be communicated?**

## **Appendix 1**

This proposal will be communicated via the 'Recycle for Dorset' webpages on 'Dorset for You', and via the online e-forms which are used by residents (& Customer Service Officers at Dorset Direct) to request a non-standard variation.

As part of the proposal, a grade 7 administration officer will be recruited on a full time basis to manage the additional customer contact and processes. Key tasks of this officer will also include liaising with housing developers and dealing with any complaints.

2. The full impact of the proposal may only be known after the proposal has been implemented. **How will the impact of the proposal be monitored?**

The number of requests for chargeable containers will be monitored continuously through the use of LAGAN and the DWP household waste database. The charges will be reviewed annually. LAGAN will also be used to monitor any complaints relating to the proposal.

The expectation is you will continue to work with the communities you engaged with in this proposal. Please use this space to include how the outcome of consultation will be fed back to those who you consulted with.

Although the community haven't been directly engaged in the development of this proposal, the DWP will endeavour to feedback the outcomes through use of newsletter articles, press releases, information on the website and various educational roadshows that are held across the County. The information about charges would also be made available through contact with residents e.g. talks and presentations.

**Section 5 - Decision Making Process**

After consideration please state your final recommendations based on the findings from this EqlA. This will be used to inform the decision making process. Include any examples of good practice and positive action taken.

The impact of this proposal is minimal. The recommendation is therefore to proceed.

\*\* Please specify if confidential or exempt information has been used in this EqlA.

**This EqlA was approved by ...Jan Hill..... on behalf of  
Directorate Diversity Group.**

**This EqlA was signed off by ...Karyn Punchard Project Sponsor**

**Date: 16/08/16**

**Action Plan review date:**





## Appendix two – examples of other local authority charges

Bournemouth BC	Charge for replacement bins and bins for new developments	Domestic 140l wheeled bin	£43
		Domestic 240l wheeled bin	£55
		Domestic 360l wheeled bin	£91
		Communal 660l wheeled bin	£266
		Communal 1100l wheeled bin	£285
Poole BC	Charge for new developments	Domestic 180l rubbish bin	£40
		Domestic 240l rubbish bin	£45
		Communal 660l wheeled bin	£150
		Communal 1100l wheeled bin	£180
Calderdale	Replacement and new bins	Delivery charge	£30
Eastleigh	Charge for new developments	240l green wheeled bin	£39
		180l black wheeled bin	£39
Rochford DC	Charge for new developments	Set of three bins for each property	£168
Stratford-on-Avon DC	Charge for replacement bins and bins for new developments	240l wheeled bin	£38
		140l wheeled bin	£32
Exeter CC	Charge for replacement bins and bins for new developments	140l rubbish wheeled bin	£27
		180l rubbish wheeled bin	£32
		240l rubbish wheeled bin	£37
		140l recycling wheeled bin	£12
		240l recycling wheeled bin	£12
		Recycling box	£5

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## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Interim Head of Service (Strategy), Dorset Waste Partnership
<b>Subject of Report</b>	<b>Fixed penalty notices (FPNs) for fly-tipping and use of an external company to issue FPNs</b>
Executive Summary	<p>The area covered by the Dorset Waste Partnership is subject to fly-tipping and the number of incidences is increasing. On the 9<sup>th</sup> May 2016, legislation came into force which allows local authorities to serve fixed penalty notices (FPNs) on perpetrators as a cheaper and quicker alternative to prosecution. This paper seeks approval to set the level of fine at £400 for the new fly tipping FPNs.</p> <p>The second part of this paper details the current arrangements with regards to enforcement in Dorset, and seeks agreement to recruit the services of an external environmental enforcement company to issue FPNs for waste offences on behalf of the DWP. This will increase the level of environmental enforcement activities in the county and allow the DWP enforcement team to focus more on education/campaign work to prevent environmental crime.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>N/A</p>
	<p>Use of Evidence:</p> <p>The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.</p>

Fixed Penalty Notices for Fly-tipping and use of an External Company to issue FPNs

	<p>Budget:</p> <p>No direct impact on budget.</p> <hr/> <p>Risk Assessment:</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:  Current Risk: LOW  Residual Risk: LOW</p> <hr/> <p>Other Implications:</p> <p>None</p>
<p>Recommendation</p>	<p>It is recommended that</p> <p>(i) A charge level of £400 is set for fixed penalty notices made under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016;</p> <p>(ii) The Director of the DWP is authorised to procure and appoint the external company;</p> <p>(iii) A 12 month pilot is carried out with an external company to issue FPN's for littering, fly-tipping and failure to produce duty of care documents on behalf of the DWP.</p>
<p>Reason for Recommendation</p>	<p>It is a legal requirement to specify a charge under the regulations. The recommended charge is the maximum amount set out in the legislation.</p> <p>The appointment of an external company will allow DWP to increase the level of enforcement activities undertaken within the current blend of education/advice and enforcement.</p>
<p>Appendices</p>	<p>Appendix 1: Background Information on Fly tipping  Appendix 2: Background information on current DWP enforcement arrangements</p>
<p>Background Papers</p>	<p>Dorset Waste Partnership Enforcement Policy  Dorset Waste Partnership Enforcement Scope of Work</p>
<p>Report Originator and Contact</p>	<p>Name: Lisa Mouny/Louise Bryant  Tel: 01305 224636 / 01305 224633  Email: <a href="mailto:l.mouny@dorsetwastepartnership.gov.uk">l.mouny@dorsetwastepartnership.gov.uk</a> / <a href="mailto:l.bryant@dorsetwastepartnership.gov.uk">l.bryant@dorsetwastepartnership.gov.uk</a></p>

## **1. Background information on fly-tipping**

- 1.1 The Dorset Waste Partnership (DWP) is subject to persistent fly tipping and the number of incidences is on the increase. In 2015/16, there were 2,117 recorded incidents of fly-tipping, an increase from 1,746 in 2014/15 and 1,994 in 2013/14. The clearance of fly tipping costs the DWP approximately £110,000 per year.
- 1.2 The increase in fly-tipping in Dorset is following a national trend. More information and comparable statistics with neighbouring authorities can be seen in Appendix 1. It should be noted that this increase in fly-tipping might be, in part, due to the improved methods of reporting fly-tipping incidents.

## **2. The Unauthorised Deposit of Waste (Fixed Penalties) Regulations**

- 2.1 The unauthorised depositing of waste commonly known as fly tipping is an offence under Section 33 of The Environmental Protection Act 1990. The legislation has recently been amended by The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 to allow fixed penalty notices (FPNs) to be served as an alternative to prosecution.
- 2.2 The legislation to allow FPNs to be served came into force on the 9th May 2016. This enables the enforcing authority to decide the amount of fixed penalty payable between a range of not less than £150 and not more than £400. If no level is set, then a default amount of £200 is automatically set. A reduced fee for early payment may also be considered.
- 2.3 The DWP have been delegated powers by Christchurch Borough Council, East Dorset District Council, North Dorset District Council, West Dorset District Council and Weymouth and Portland Borough Council to enforce this piece of legislation on their behalf. Purbeck District Council retained this service and conduct enforcement within the district council. On 14 June 2016, Purbeck District Council agreed to set the level of FPN at £400 with no reduction for early payment.
- 2.4 The DWP are recommending that the level of FPN set is £400 with a 50% reduction if paid within a 7 day period. There is a risk associated with setting the fine at this maximum amount that perpetrators will refuse to pay and the case will then have to be taken through the court proceedings.
- 2.5 An FPN should not be issued unless there is a full intention to follow-up non-payment through the courts. Formal proceedings take significant staff resources to complete and have a large cost associated with them. A fly-tipping case was taken to court by the DWP in June 2016, which took five months to prepare and cost £3,174. The perpetrator was found guilty and fined £265 costs, significantly less than the cost of taking it to court. Should it be decided to not take perpetrators to court for non-payment, this course of action may become widely known through the media, undermining the whole FPN approach and making it meaningless.

## **3. Appointment of a third party to issue FPN's for waste offences**

3.1 Currently the DWP has two Enforcement Officer posts (one is currently vacant and being covered by agency staff). Due to the geographical size of the DWP area the Enforcement Team are limited in what they can achieve. Therefore, there are five key areas of work which are prioritised:

- Serious fly-tipping cases
- Abandoned vehicles
- Issuing of Fixed Penalty Notices

## Fixed Penalty Notices for Fly-tipping and use of an External Company to issue FPNs

- Duty of Care legal obligations
- Development of targeted campaigns followed by enforcement (use of FPN's)

3.2 Many other local authorities have recruited the services of an external enforcement company to increase their enforcement. The focus of these external companies is to provide a self-financing environmental enforcement service delivered at zero cost to the local authority. These private firms can offer services to enforce the offences of:

- S87 of the Environmental Protection Act 1990 - Littering
- S33 of the Environmental Protection Act 1990 - Fly tipping
- S34 of the Environmental Protection Act 1990 - Commercial Duty of Care
- S46 of the Environmental Protection Act 1990 - Domestic duty of care
- Other environmental crimes such as dog fouling.

3.3 DWP officers have met with two of the main providers of this service, 3GS and Kingdom, and they are able to offer a 12 month pilot scheme for the area. They would provide uniformed, trained officers to issue FPN's for the agreed offences. The company would then monitor payment of these FPN's and chase any non-payment and prepare case files for prosecution in court for any unpaid fine. Both firms claim to have an average repayment rate for FPN's of 75 – 80%. If it is agreed to use one of these companies, the DWP would agree a code of conduct for officers to ensure they exercise discretion when dealing with (for example) young and vulnerable people.

3.4 Any contractor providing these services would need to be competitively procured in accordance with the Contract Procedure Rules. The appointed contractor would work closely alongside the DWP Enforcement team to ensure activities are co-ordinated and in accordance with DWP policy and procedures. Littering enforcement actions would be targeted in areas with high footfall and where littering is prevalent, and particular action would be taken in relation to cigarette ends and chewing gum. Activities around fly-tipping and duty of care would be based on information and knowledge sharing with DWP officers as it notoriously difficult to catch perpetrators in the act of these crimes.

3.5 Based on our discussions with possible companies, the provision of this service would be cost neutral to the DWP. However, it must be noted that if the appointed contractor does not generate enough income to 'break even' then the DWP would be liable to some element of cost-sharing for the service. Monthly performance statistics would be monitored to provide an early warning of this so that any budget provision could be made from existing budgets.

3.6 Over 40 councils are currently using services provided by external enforcement companies for environmental crimes. Two examples from the South West are Torbay Council, which have 3 patrolling officers, and Bournemouth Borough Council who have 5 patrolling officers. Torbay have issued more than 600 FPN's for littering and dog fouling since September 2015 and Bournemouth issued 290 FPN's over the initial 3 month period of their on-going pilot. The public reaction to using this approach has been mixed in areas across England. Some view it as overly punitive, some as a crude way of generating income and some have welcomed it as a contribution to improving the environment and people's behaviour. If the pilot were to go ahead, then clear communication messages would be undertaken to inform residents of the activity.

3.7 Following consideration of the current staffing arrangements in the DWP Enforcement Team (Appendix 2), recommendations from the 'strategy review - task and finish group', and investigating what services external enforcement companies can offer; it is

## Fixed Penalty Notices for Fly-tipping and use of an External Company to issue FPNs

recommended that the following approach is taken for DWP enforcement for the next 12 months:

- Continue with one DWP employed Enforcement Officer and employ one temporary assistant for 12 months to work alongside this officer (funded by the vacant post salary budget).
- These 2 officers would focus on dealing with abandoned vehicles in the authorised areas and increasing the level of education/campaign work to prevent environmental crime (e.g. littering and fly-tipping) across the county.
- Procure an external contractor on a 12 month pilot to conduct targeted enforcement work for the issuing of FPN's for littering, fly-tipping and failure to produce duty of care documents.

3.8 On 12 July 2016, Weymouth & Portland Borough Council agreed to recruit the services of 3GS to undertake a 12 month pilot project to issue FPNs for littering and dog fouling in their borough. The pilot will commence in the autumn and will predominantly focus on the town centre of Weymouth. DWP officers have been in regular dialogue with officers at Weymouth and Portland Borough Council regarding this pilot and will use the results to inform the Dorset picture. Purbeck District Council has also indicated some interest in becoming involved with a pilot scheme for the DWP area.

**Gemma Clinton**  
**Interim Head of Service (Strategy)**  
September 2016

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## Appendix 1: Background Information on Fly tipping

Just over a third of all incidents in Dorset consisted of a quantity of material equivalent to a 'small van load', and the second largest size category for fly-tipping incidents was 'car boot' and accounted for nearly 25 per cent of total incidents. Table one details the total number of incidents per district/borough for the two previous quarters October to December 2015 and January to March 2016 and the estimated clearance and disposal costs. The estimated costs are based on figures set by the national waste database 'Waste Data Flow' for each type of fly-tipping incident (e.g. single item, car boot load, small van load, etc).

**Appendix 1, Table One: Number of fly-tipping incidents in Dorset and estimated costs**

District / Borough	Total Number of Incidents		Total Number Over 6 Months	Estimated Clearance & Disposal Cost		Total Cost Over 6 Months
	Oct – Dec 15	Jan – Mar 16		Oct – Dec 15	Jan – Mar 16	
Christchurch	22	73	95	£886	£3,644	£4,530
Purbeck	69	98	167	£4,199	£6,413	£10,612
West Dorset	97	89	186	£5,993	£4,207	£10,200
Weymouth & Portland	161	160	321	£7,110	£7,927	£15,037
North Dorset	43	72	115	£2,046	£3,615	£5,661
East Dorset	89	147	236	£4,649	£6,830	£11,479
<b>Total</b>	<b>481</b>	<b>639</b>	<b>1,120</b>	<b>£24,883</b>	<b>£32,636</b>	<b>£57,519</b>

To enable comparisons to be made, table two below details the total number of incidents for neighbouring districts/boroughs in the South West (where data is available) for the previous two quarters (October to December 2015 and January to March 2016).

**Appendix 1, Table Two: Number of fly-tipping incidents for neighbouring authorities**

District / Borough	Total Number of Incidents		Total Number Over 6 Months
	Oct – Dec 15	Jan – March 16	
West Devon	66	80	146
Taunton Deane	154	171	325
North Devon	148	162	310
Mid Devon	109		
West Somerset	42	63	105
Tewkesbury	92	126	218
Forest of Dean	142	186	328
Mendip	438	505	943
South Somerset	224	337	561
East Devon	94	126	220

South Hams	107	131	238
Sedgemoor	253	295	548
Torridge	24	11	35
Teignbridge	237	284	521
Cotswold	65	92	157

The increase in fly-tipping in Dorset is following a national trend. Local authorities dealt with a total of 900,000 incidents of fly-tipping in 2014/15, an increase of 5.6 per cent since 2013/14 with nearly two thirds of fly-tips involving household waste. The trend in incidents of fly-tipping had been downward until 2013/14 when there was an increase followed by a further increase in 2014/15.

However, care should be taken when interpreting this increase. This may reflect both improvements to the capture of fly-tipping incidents (including the ease at which residents can now report cases online) as well as genuine increases in the number of incidents.

The estimated cost of clearance of fly-tipping to local authorities in England in 2014/15 was nearly £50 million, an 11 per cent increase on 2013/14. Local authorities carried out nearly 515,000 enforcement actions at an estimated cost of £17.6 million in 2014/15, a £0.3 million increase on the previous year. This equated to an increase of 3.1 per cent on enforcement actions in the same period.

## Appendix 2: Background information on current DWP enforcement arrangements

Under the new structure implemented on 1<sup>st</sup> September 2015, the DWP currently have two full time Enforcement Officers working across the County (reduced from the three in the previous structure). They are 'Authorised Officers' in accordance with the DWP Scheme of Delegation and hold warrant cards for all key pieces of legislation, most notably for the relevant sections of the Environment Act 1990. Together they are responsible for enforcing serious waste crime issues and providing advice and guidance where required, and their activity is undertaken in the following district areas - Christchurch, East Dorset, North Dorset, West Dorset and Weymouth and Portland. Purbeck District Council have retained Waste Enforcement.

As there are only two Enforcement Officers, they very much have to streamline their work and focus on the work areas where the biggest impact can be made and where serious offences have occurred. There are five key areas of work which are prioritised by the Enforcement Team:

- Serious fly-tipping cases
- Abandoned vehicles
- Issuing of Fixed Penalty Notices
- Duty of Care legal obligations
- Development of targeted campaigns followed by enforcement (use of FPN's)

Table three illustrates the number of abandoned vehicles dealt with by the Enforcement Team over the past 8 months and the number of fly-tipping incidents investigated. On a monthly basis, approximately 5 - 6% of the total fly-tipping cases reported are investigated. The cases pursued are on the basis of their seriousness and the availability of sufficient evidence. The number investigated has reduced since March 2016, primarily due to the increase in abandoned vehicles which has taken up more of the Enforcement Team's time.

**Appendix 2, Table One: Number of abandoned vehicles and fly-tipping cases over past 8 months**

<b>Enforcement statistics</b>								
	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	April 16	May 16
No. of abandoned vehicles reported								
East, North & Christchurch	32	50	39	43	50	48	41	41
West, Weymouth & Purbeck	29	35	19	37	30	36	50	40
No. of fly-tipping incidents investigated								
No. of fly-tipping incidents investigated	22	18	15	9	16	8	7	10
Total no. of fly-tipping incidents reported	257	181	190	220	217	335	249	341
Percentage of reported fly-tips investigated	8.6%	9.9%	7.9%	4.1%	7.4%	2.4%	2.8%	2.9%

Small scale incidences of fly-tipping and 'Recycle for Dorset' enforcement issues such as side waste, bins on highways, etc, which would have historically been dealt with by

the Enforcement Team, are primarily dealt with by Operational staff and the Recycling Team on an advisory basis where resources allow.

To date, the DWP has served a minimal number of FPNs for failure to comply with waste collection requirements (15 over the past 5 years, primarily for littering) and has taken one prosecution to court. The current DWP enforcement policy makes it clear such action would only be taken where other interventions have failed and as such the DWP have historically focused on an education/advisory approach with an emphasis on warnings rather than prosecutions. The fly-tipping incidences investigated are predominantly dealt with by informal action and advice whereby the person believed to be causing or permitting an offence is contacted via an advisory letter or verbal communication detailing the nature of the complaint or problem and any remedial works required.

It is worth noting that FPNs can only be used where there is hard evidence (not just circumstantial) that shows beyond reasonable doubt that the person has committed an offence, which is extremely difficult to acquire. It is issued in lieu of taking the offender through formal court proceedings and as such evidence must be robust enough to be taken through the courts if the action results in non-payment. Investigatory work into other neighbouring authorities in the South West highlights that the number of enforcement actions is minimal across the board.

At the October 2015 meeting of the Joint Committee, it was agreed as part of the 'strategy review – task and finish group' report, that 'the number of enforcement officers to support the litter prevention campaign and the control of fly-tipping be increased'. At the end of July, one of the Enforcement Officers left the organisation to take on new opportunities, and before arrangements are made to recruit a replacement, it is an opportune time to review the service and consider if and how it can be done differently to create a smarter, more effective service.



Councils working together

## Dorset Waste Partnership Joint Committee

Date of Meeting	12 <sup>th</sup> September 2016
Officer	Head of Service (Operations)
<b>Subject of Report</b>	<b>Vehicle Replacement Capital Programme</b>
Executive Summary	This report is an update on the Report presented to Joint Committee in October 2015. Review of the provisional replacement programme has identified some amended vehicle requirements which are covered by this report.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>This report does not require a EIA</p>
	<p>Use of Evidence: Feedback from Operations Managers and review of service requirements</p>
	<p>Budget:</p> <p>Capital spend requirement reduced from £422k to £410k in 2017/18</p>
	<p>Risk Assessment:</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:                      Current Risk: HIGH                      Residual Risk MEDIUM</p> <p>The HIGH risk relates to criticality of service, financial, health and safety and reputation categories</p>

Recommendation	That the Joint Committee agree the revised procurement programme as outlined in this report.
Reason for Recommendation	Continued review of the fleet and to allow the DWP to develop Commercial Services and respond to the requests from partner Authorities.
Appendices	Appendix 1 – 2015/16 Vehicle Replacement Programme Appendix 2 – 2017/18 Revised Vehicle Replacement Programme Appendix 3 – Proposed Commercial and Garden Waste Fleet Requirements
Background Papers	<ol style="list-style-type: none"> <li>1. Dorset Waste Partnership Transport Strategy</li> <li>2. Capital Programme 2016/17 – 2020/21</li> <li>3. Vehicle Procurement Programme</li> </ol>
Report Originator and Contact	Name: Andy Cadman, Operations and Transport Manager Tel: 01305 225451 Email: a.cadman@dorsetcc.gov.uk

## 1. Background

- 1.1 The term 'core fleet' in this instance means any vehicles that are not directly related to the provision of Commercial Services (Commercial Waste and Garden Waste) i.e. refuse, recycling, street sweeping, street cleansing, vans and other ad-hoc vehicles.
- 1.2 In October 2015, the Joint Committee considered the provisional vehicle replacement programme for the next 5 years. The estimated requirements for 2017/18 amounted to £422k, for 10 vehicles (as set out in Appendix 1).
- 1.3 Since that time, Operations managers have reworked the requirements for 2017/18 based on latest knowledge. This is presented in Appendix 2. It can be seen that the requirements have changed, and now the 2017/18 estimated cost is £410k for 10 vehicles. The proposed depot location of each vehicle is also shown in Appendices 2 and 3.
- 1.4 DWP officers have examined the performance and cost of the current fleet: and consider that it is necessary to acquire the following vehicles for 2017/18:
- 1 x 7.5t Restricted access RCV
  - 5 x 3.5t Cage tippers
  - 3 x 3.5t Luton body vehicles
  - 1 x Gum/ graffiti /hot wash removal vehicle
- 1.5 The current MTFP is based on the previous estimate of £422k capital spend for 2017/18 vehicles. If capital spend proceeds at £410k, this will have a saving of circa £12k based on the original capital programme.

## 1.6 Revised procurement programme

With the continuing review of the fleet and a better understanding of the requirements of the Dorset Waste Partnership now that all Tranches are completed, a review of the type of work we are required to carry out has been carried out. Officers are now able to identify where demands on the team come from, how we respond, and how we can utilise vehicles between geographical areas.

There are two additional types of vehicles proposed:

### 1.6.1 Gum/ Graffiti Removal vehicle 3.5t circa £45,000

There is an expectation from partners for the DWP to be able to respond and remove graffiti and as part of existing cleansing arrangements remove chewing gum from pavements and provide and hot wash cleaning service.

Historically two authorities Weymouth and Portland BC and West Dorset DC had purchased specialist trailer mounted equipment to provide this other authorities have used a more labour intensive manual scrubbing approach. These two pieces of plant are both in-excess of 10 years old and the DWP has been forced to make one working machine out of the two in order to be able to continue to provide a service. The existing machine has become un-reliable and needs ongoing maintenance to keep it serviceable.

Private contractors have been approached in the past to carry out works of this type in the past, however this does come at a premium.

Proposed within this procurement schedule is a van mounted cleansing system that offers the following benefits

- Self-contained unit that does not require an additional vehicle to tow a trailer and then spend the remainder of the shift obsolete unless the trailer needs to be moved.
- Accessible to more staff, modern driving licences are not issued with the trailer category as standard (unless by acquired rights or completion of a test) this limits the number of staff that can be tasked to perform these duties.

### 1.6.2 Luton Body styled vehicle

The DWP has historically hired this type of vehicle to perform bin delivery and a number of other duties from cleansing, collection fly-tips supporting partner Authorities with the delivery and collection of Polling Booths. To give the Partnership greater flexibility the proposal is to replace the standard cage body tail-lift vehicle with Luton styled vehicles that can be used across different depots.

## 2. **Garden Waste Fleet**

2.1 The current fleet requirement for vehicles for Garden Waste service is set out at Appendix 3.

2.2 Note that, at the time of writing, six vehicles are due for replacement under the vehicle procurement 2016/17 exercise for the Garden Waste service. In addition, there is one

vehicle being replaced which is split across the Garden Waste service and the Commercial Waste service, at Ferndown.

- 2.3 Unlike the core fleet, the MTFP as seen by Joint Committee in October 2015 did not make any assumptions about future vehicle procurements for the Garden Waste service. The reason for this is that the Garden Waste service is operated as a Trading Account, and that any investment in vehicles would need to be able to demonstrate that it would add to, or maintain (but not diminish), the overall contribution generated by the trading account. The operating context for the trading account in terms of numbers of customers, income levels, and round capacity is constantly changing, and medium to long term predictions are unlikely to be reliable. For example, recent experience has taught us that budget expectations based on the growth of the garden waste service in the east of the County have not proved true in the west of the County. Therefore, decisions on investment (such as vehicle procurement) need to be taken based on recent knowledge rather than set out in advance on a medium term timescale (such as the MTFP).
- 2.4 The proposal put forward here is to purchase four new vehicles. These have been selected using two criteria:
- a) these vehicles are more than 7 years old and therefore due for replacement (and are assumed to be incurring greater maintenance costs).
  - b) the replacement costs (in terms of capital charges) are considered to be 'affordable' within the context of the trading account.
  - c) this will leave the Garden fleet with no vehicles beyond the 7 year life span of vehicles, so there should be no increase (for vehicle related capital charges) in the trading account for the next few years, with the exception of any growth needs.
- 2.5 For the 2016/17 vehicle procurement exercise the cost of a single body 26t RCV with split lift was just under £150k per vehicle. If this cost held true for the proposed 2017/18 procurement exercise, the costs of four new vehicles would amount to around £600k of capital spend, which would be written off to trading account over 7 years at a cost of £86k per year. To give some context of the affordability of this extra cost:
- \* the Garden Waste service made a positive contribution of £128k in 2014/15 and £245k in 2015/16. This trend is expected to continue, given the efforts that are now being made in marketing, controlling the costs, and the management of the service.
  - \* the Garden Waste service shows no sign of reaching saturation point. Highest levels of growth continues in the East and Christchurch areas, even though these areas have been the longest established for this service. There is sufficient capacity for growth in the Weymouth and West part of the County.
  - \* Customer numbers for 2017/18 are highly likely to exceed 40,000. At the current year charge of £45, this will result in increased income of £135k over and above the currently budgeted level of 37,000 customers. In addition, a price increase for 2017/18 may apply (and is subject to a separate Joint Committee report elsewhere on this agenda). There will be increased costs in 2017/18, of course, due to annual factors such as pay award, but customer numbers of over 40,000 will more than offset these costs.



- 2.6 It could be assumed that vehicle maintenance charges to the Garden Waste trading account will reduce with the purchase of new vehicles. This can only be quantified and accounted for once the new fleet software is operational.
- 2.7 The proposed purchase of four replacement vehicles in 2017/18 does not address the need for growth. Growth needs are most likely in the East and/or Christchurch areas, where existing capacity is stretched. The proposal is to retain the best of the existing vehicles for cover and/or growth needs.

### 3. Commercial Waste Fleet

- 3.1 The current fleet requirement for vehicles for Commercial Waste service is set out at Appendix 3.
- 3.2 Note that, at the time of writing, four vehicles are due for replacement under the vehicle procurement 2016/17 exercise for the Commercial Waste service. In addition, there are two vehicles being replaced which are split across the Garden Waste service and the Commercial Waste service, at Crookhill and at North.
- 3.3 Unlike the core fleet, the MTFP as seen by Joint Committee in October 2015 did not make any assumptions about future vehicle procurements for the Trade Waste service. The reason for this is that the Trade Waste service is operated as a Trading Account, and that any investment in vehicles would need to be able to demonstrate that it would add to, or maintain (but not diminish), the overall contribution generated by the trading account. The operating context for the trading account in terms of numbers of customers, income levels, and round capacity is constantly changing, and medium to long term predictions are unlikely to be reliable. Therefore, decisions on investment (such as vehicle procurement) need to be taken based on recent knowledge rather than set out in advance on a medium term timescale (such as the MTFP).
- 3.4 The proposal put forward here is to purchase **three** new vehicles, as follows:  
\* replace VN08 LUA in use at Christchurch  
\* replace VU57 YKM in use at Poundbury  
plus purchase of a spare for cover and growth purposes.

As with Garden Waste above, this proposal has been reached by consideration of two key criteria:

- a) these vehicles are more than 7 years old and therefore due for replacement (and are assumed to be incurring greater maintenance costs).
- b) the replacement costs (in terms of capital charges) are considered to be 'affordable' within the context of the trading account. More on this below.
- c) this will leave the Commercial Waste fleet with no vehicles beyond the 7 year life span of vehicles, so there should be no increase (for vehicle related capital charges) in the trading account for the next few years, with the exception of any growth needs.
- 3.5 The 2016/17 vehicle procurement exercise saw the cost of a single body 26t RCV with split lift come in at just under £150k per vehicle. If this cost held true for the proposed 2017/18 procurement exercise, the costs of three new vehicles would amount to around £450k of capital spend, which would be written off to trading account over 7 years at a cost of £64k per year. To give some context of the affordability of this extra cost:

\* the Commercial Waste service made a positive contribution of £182k in 2014/15 and £460k in 2015/16.

The investment of £64k per annum is considered essential to maintain and grow the service, and is considered 'affordable' in the overall context of the Trading Account. Improvements in pricing information and management information, together with the direction of travel in terms of customer sign up mean that there is every expectation that the Trading Account surplus will increase in the short and medium term, and be able to cover this additional cost.

3.6 It could be assumed that vehicle maintenance charges to the Commercial Waste trading account will reduce with the purchase of new vehicles. This can only be quantified and accounted for once the new fleet software is operational.

### 3.7 **Additional potential fleet requirements**

In 2015 the DWP modified the youngest remaining stillage recycling vehicle that was considered to have a reasonable second life available to a vehicle that could carry larger quantities of both residual and trade bins. This has been particularly useful for some of the reasons below.

- Increased customer base for paid for services such as Garden and trade waste, renewals, replacement and returns
- Two centralised bin stores requires bulk collection and delivery of bins to satellite depots for forwarding on to customers from these depots
- Increases in property numbers in Dorset deliveries to residents
- The requirement to support large Commercial "one off" events such as festivals

The success of this vehicle has greatly assisted the delivery of bins to residents and saved repeated trips to the two bin stores located at Ferndown and Dorchester. The demand on this vehicle from all 7 Depots is greater than the availability.

#### Potential Requirement

A review will be undertaken to assess the need of purchasing an additional container deliver vehicle to work adjacent to the existing vehicle. Decisions taken on container charging may well impact on the demand for this service.

The type of vehicle being considered is a 15t standard curtain side haulage vehicle with a few modification for the requirements of the service, cost is considered to be circa £65,000.

**Mike Moon, Head of Service (Operations)**  
**August 2016**

**Appendix 1 – 2015/16 Vehicle replacement programme**

Vehicle Type	GVW	Est £	Depot							Number	Cost
			Shaftesbury	Ferndown	Christchurch	Wareham	Dorchester	Bridport	Weymouth		
RCV 70/30 (R4D)	26	191,000	0	0	0	0	0	0	0	0	
RCV (R4D)	26	150,000	0	0	0	0	0	0	1	1	150,000
RCV 70/30 (R4D)	15	121,000	0	0	0	0	0	0	0	0	0
RCV 70/30	15	118,000	0	0	0	0	0	0	0	0	0
Bin delivery vehicle	15	65,000	0	0	0	0	0	0	0	0	0
RCV R/Access	7.5	85,000	0	0	0	0	1	0	1	1	85,000
Cage tipper	7.5	48,000	0	0	0	0	0	0	0	0	0
Cage tail-lift	7.5	48,000	0	0	0	0	0	0	0	0	0
Cage tipper	3.5	35,000	0	1	0	0	1	0	1	3	105,000
Medium Panel van	3.5	35,000	0	0	0	0	0	1	0	1	18,000
Car derived van	1	13,000	1	0	1	0	0	0	1	3	39,000
<b>Totals</b>			<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>9</b>	<b>422,000</b>

This report reflected the replacement assumptions for 2017/18 in 2015 and was a guide to the requirements of what the DWP would require based very much on a like for like basis.

**Appendix 2 – 2017/18 Revised Vehicle Replacement Programme**

Vehicle Type	GVW	Est £	Depot							Number	£ Cost
			Shaftesbury	Ferndown	Christchurch	Wareham	Dorchester	Bridport	Weymouth		
RCV 70/30 (R4D)	26	191,000	0	0	0	0	0	0	0	0	0
RCV (R4D)	26	150,000	0	0	0	0	0	0	0	0	0
RCV 70/30 (R4D)	15	121,000	0	0	0	0	0	0	0	0	0
RCV 70/30	15	118,000	0	0	0	0	0	0	0	0	0
RCV R/Access	7.5	85,000	0	0	0	0	1	0	0	1	85,000
Cage tipper	7.5	48,000	1	0	0	0	0	0	0	0	0
Cage tail-lift	7.5	48,000	0	0	0	0	0	0	0	0	
Cage tipper	3.5	35,000	1	1	0	0	1	1	1	5	175,000
Luton tail-lift	3.5	35,000	0	0	1	1	0	0	1	3	105,000
Gum removal	3.5	45,000	0	0	0	0	0	0	1	1	45,000
<b>Totals</b>			1	2	1	1	2	1	3	<b>10</b>	<b>410,000</b>

**Appendix 3 – Proposed Commercial and Garden Waste Fleet Requirements**

Vehicle Type	GVW	Est £	Depot						Number	£ Cost	
			Shaftesbury	Ferndown	Christchurch	Wareham	Dorchester	Bridport			Weymouth
RCV (Trade)	26	150,000	1				1	1		3	450,000
RCV (Garden Waste)	26	150,000		1		1		1	1	4	600,000
Totals			1	1	0	1	1	2	1	<b>7</b>	<b>1,050,000</b>

(Exact locations of the vehicles will be decided at a later date in consultation with Operations Managers)

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## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Interim Head of Service (Strategy)
<b>Subject of Report</b>	<b>Dorset Waste Partnership Corporate Risk Register</b>
Executive Summary	<p>This paper presents the current corporate risk register of the Dorset Waste Partnership.</p> <p>Risks are identified and there is an initial assessment of risk based upon the standard impact and likelihood format. There is then an assessment of the controls in place. This leads to further actions being identified, with target dates.</p> <p>Nine strategic or significant risks are identified in total, along with a larger number of potential causes. The risk register profile has slightly deteriorated since the previous Joint Committee in June.</p> <p>Risk 1, Failure to achieve capital and revenue budget / savings targets for 2016/17 has increased and is now identified as a medium risk. This relates to uncertainty of the DWP being able to extend their treatment contract for an additional 15,000T of waste from January 2017. Other alternative disposal options are being investigated, however these have potential to have negative impact on our budget.</p>
Impact Assessment:	<p>Equalities Impact Assessment: This report does not require an EQIA</p>
	<p>Use of Evidence: South West Audit Partnership- Dorset Waste partnership Internal Audit Progress Report- June 2016 Local Partnerships Review Dorset Waste partnership December 2014 WYG Consultancy report to Dorset Waste Partnership January 2015</p>

## Corporate Risk Register

	<p>Budget / VAT / Risk Assessment:</p> <p>This paper presents the corporate risk register of the DWP.</p> <p>There are no direct budget implications.</p>
	<p>Other Implications:</p> <p>None</p>
Recommendation	<p>That the Joint Committee</p> <ul style="list-style-type: none"> <li>(i) Notes the current status of risk included in the register of corporate risks of the Dorset Waste Partnership;</li> <li>(ii) Identifies any other significant or strategic risks that the Committee believes should be included.</li> </ul>
Reason for Recommendation	<p>To manage the corporate risks of the DWP on behalf of all partner councils.</p>
Appendices	<p>Appendix 1 – Dorset Waste Partnership Corporate Risk Register September 2016</p>
Background Papers	<p>None</p>
Report Originator and Contact	<p>Name: Gemma Clinton, Interim Head of Service (Strategy)</p> <p>Tel: 01305 224716</p> <p>Email: g.clinton@dorsetwastepartnership.gov.uk</p>

**Gemma Clinton**  
**Interim Head of Service (Strategy)**  
 September 2016



<b>Risk Register for:</b>  Dorset Waste Partnership	<b>1</b>	<b>High</b>
	<b>6</b>	<b>Medium</b>
	<b>2</b>	<b>Low</b>
	<b>9</b>	

<b>View Exception Report</b>
<b>View Standard Report</b>

Summary of Current Risks		IMPACT					Control Environment	
	Likelihood ↓	Financial	Strategic Priorities and Opportunities	Health & safety	Reputational	Service Delivery	<b>G</b>	<b>Reasonable / Accepted Risk (Green)</b>
<b>HIGH</b>	i.e. a greater than 20% chance of:	Financial impact > £1 million	Major impact (positive or negative on a strategic priority)	Fatality or major injury/illness (long term incapacity / disability)	Sustained/long term negative public attention	Unable to deliver critical services (levels one and two)	<b>A</b>	<b>Partial (Amber)</b>
<b>MEDIUM</b>	i.e. a greater than 20% chance of:	Financial impact between £500,000 - £1 million	Moderate impact (positive or negative on a strategic priority)	Moderate injury or illness (including RIDDOR reportable)	Short to medium term impact on public memory (affecting more than one ward)	Unable to deliver critical services (level three)	<b>R</b>	<b>None / Limited (Red)</b>
<b>LOW</b>	i.e. :	Financial impact less than £500,000	Minor/negligible impact (positive or negative) on a strategic priority	Potential for minor injury/illness (requiring minimal intervention or treatment)	Short to medium term impact on public memory (affecting one ward) / minor complaints or rumours	Minor disruption to service delivery		

<b>Last Reviewed</b>	
16 August 2016	



No	Risk Description	Current Risk	Movement	Risk Owner	Date Identified	Review Date	Potential Causes	Control	Lead	Existing Control	Further Actions Necessary	Action Lead	Target Date	Potential Effects
100	Failure to achieve capital and revenue budget / savings targets 2016/17	Medium	Deteriorating	Director	07/11	11/16	Inability to monitor and manage budgets in a timely manner	G	SMT- Paul Ackrill	Medium term financial plan; improved budget management and finance management. clearer budget monitoring arrangements; budget improvement plan established. Additional accountancy support to be provided to support budget holders for 6 months from March/April 16. Service accountant has monthly monitoring meetings with budget holders. All budget holders have attend DES training. Budget equalisation reserve in place.	On-going monitoring and training	Paul Ackrill	31/10/16	Cost/budget increase to partner councils
							Partner finance position affects the level of service the DWP can deliver	A	SMT- Karyn Punchard	Engagement with Commissioning Group and Joint Committee and scrutiny by partner councils. MTFP has been refreshed.	Partners identify funding and any funding gap	Man. Board	on going	
							Inadequate budget setting	G	SMT / Section 151	Scrutiny by partner councils and chief executive sponsor	Scrutiny and governance arrangements to be agreed by partner councils through revised IAA	Karyn Punchard	31/10/16	
							Disposal costs increase	R	Jason Jones	Existing local landfill and other residual treatment contracts. Extra capacity Business case approved for a central strategic waste transfer station for Dorset. Working with NES (Canford) to add an additional 15,000T of capacity from January 2017.	Procure new agreements. Move ahead with the development of a central strategic waste transfer station to avoid an uncompetitive situation for disposal/treatment prices in Dorset. This will also build in contingency for DWP as our landfill sites close and our disposal options become increasingly limited. Ensure greater transfer capacity is at the heart of infrastructure programme. Prepair contingency arrangements for 15,000T waste if NES (Canford) doesn't get the funding in place to secure the new bailer in time.	Jason Jones	31/10/16	
							Cost of fleet (including hired fleet)	A	Mike Moon	All hired fleet activity signed off by Head of Service (Operations). Restructure of transport management; improved fleet management software; enhanced understanding on budget management and procurement processes	Implement and review the new transport strategy as necessary.	Andy Cadman	on going	
							Failure to identify new markets / opportunities	G	Paul Ackrill	Develop and train commercial officers to enable more commercial outlook. Deliver commercial waste strategy for 2016/17	Explore options identified in commercial waste strategy, and networking.	Paul Ackrill	on-going	
							Crash in the recycle market	R	Jason Jones	Limited control, as an external exposure. However, DWP is recognised as a high quality recycler, which is attractive to the market; employ contractors that are experts at getting the right price. Arrangements secured until March 2018 which ensure material is recycled- currently providing DWP with relatively beneficial prices	Maintain quality of material through continued education. Continue to explore market opportunities- e.g. working with Bournemouth on any future MRF project	Jason Jones/ Lisa Mouny and Louise Bryant	on-going	
							Commercial waste service makes loss or fails to achieve income targets	G	Paul Ackrill	Commercial waste strategy and marketing; WYG report and trading account indicated healthy financial position. On track to exceed income targets	Review commercial waste charging mechanisms and strategy	Matt Boulter and Ian Brewer	on going	
							Garden waste service makes loss or fails to achieve income targets	G	Paul Ackrill	Garden waste strategy and marketing. Improvements made to data management and payment systems; communication and engagement; monitoring of service quality	Develop positive garden waste marketing strategy. Improve admin/ICT and move to constant sign up	Matt Boulter and Ian Brewer	on going	

No	Risk Description	Current Risk	Movement	Risk Owner	Date Identified	Review Date	Potential Causes	Control	Lead	Existing Control	Further Actions Necessary	Action Lead	Target Date	Potential Effects
							High sickness levels cause staffing budget overspend	A	Mike Moon and Gemma Clinton	Monitoring by budget holders, close control of absence management. New absence management procedures also in place. Savings target and sickness absence targets in place and monitored.	Periodic refresh of absence management procedure and training to supervisors	Mike Moon	on going	
							waste arising increase	A	Gemma Clinton	Monitored by budget holders, education campaigns to reduce waste (real nappy incentive scheme, home compost bin offer), encourage residents to separate waste (Right stuff, right bin campaign) to further reduce waste (especially food waste). We have restricted residual capacity in 140 litre bins and authorised blue sacks (no side waste policy)-DWP waste arisings are currently increasing due to the increase in garden waste we are collecting	key focus on waste minimisation and behavioural change	Lisa Mounty/ Louise Bryant	on going	
2	Failure to achieve capital and revenue budget / savings targets for the MTFP	Medium	No Change	Director	05/16	10/21	Failure to achieve budget savings / performance targets	G	Karyn Punchard	See Risk 01 above. The budget position is reported monthly to the Commissioning Group and quarterly to the Joint Committee and a summary of the position is included in quarterly Member news letters. Performance data is sent out to all members quarterly. DWP officers seek to attend Partners' meetings as appropriate to brief Members on DWP activities.	See Risk 01 above		07/11/16	Collapse or change of the partnership; exit of partners from the DWP
							Change in the political arena	G	Comm. Group	Medium term financial plan; improved budget management and finance management. clearer budget monitoring arrangements; budget improvement plan established. Induction pack for new members completed.	Development of scrutiny and governance arrangements, be involved with Dorset unitary discussions	Steve Mackenzie	01/04/19	
							Disposal costs increase	R	Jason Jones	Existing local landfill and other residual treatment contracts. Business case agreed for a central strategic waste transfer station for Dorset. Contingency planning, good relationships with local facilities	Procure new agreements . Move ahead with the development of a central strategic waste transfer station to avoid an uncompetitive situation for disposal/treatment prices in Dorset. This will also build in contingency for DWP as our landfill sites close and our disposal options become increasingly limited. Ensure greater transfer capacity is at the heart of infrastructure programme	Jason Jones	on- going	
3	Inability to maintain and develop infrastructure to meet DWP needs	High	No Change	Director		11/16	Availability and ability to acquire suitable sites	A	Jason Jones	Working with waste planning authority (DCC) to identify and safeguard sites to meet our needs through the Waste Local Plan. Site for central strategic waste facility identified	Develop strategic plan for business cases for further sites	Jason Jones	On-going	Deviation of preferred service leads to less efficient delivery; lower material income. Loss of key facility.
							Lack of workshop space	A	Mike Moon	Working with waste planning authority (DCC) to identify and safeguard sites to meet our needs. Restructure of transport management; improved fleet management software; seeking additional workspace and plans to enhance current arrangements	Work with Bournemouth Borough Council to find a suitable solution to maintenance at Southcote Road. Work with WPBC to secure workshop space at Crookhill. Ensure workshop space is part of the central strategic waste facility plans	Mike Moon	On-going	
							Delays in procurement of replacement vehicles for commercial, garden and restricted access services	A	Mike Moon	Suitability of fleet for commercial, garden and restricted access services	Work with procurement to identify funding through the capital replacement program	Mike Moon	On-going	
							Failure to procure ICT solutions to improve efficiency	A	Gemma Clinton	Mapping of current ICT needs; investigation of market solutions. Priority currently to garden and commercial waste. Current project underway to explore in-cab solutions	Agree business case; work with procurement colleagues; identify other solutions or work arounds to reduce impact. Work with DCC support service to agree prices for internal development work	Gemma Clinton	on going	

No	Risk Description	Current Risk	Movement	Risk Owner	Date Identified	Review Date	Potential Causes	Control	Lead	Existing Control	Further Actions Necessary	Action Lead	Target Date	Potential Effects
							security of disposal options (treatment and landfill)	R	Jason Jones	Existing local landfill and other residual treatment contracts. Business case approved for a central strategic waste transfer station for Dorset	Procure new agreements. Move ahead with the development of a central strategic waste transfer station in Dorset, this will provide valuable infrastructure and build in contingency for DWP as our landfill sites close and our disposal options become increasingly limited. Ensure greater transfer capacity is at the heart of infrastructure programme. Gaining market intelligence on availability with a view to possible reprocurement of contracts to take us to August 2021.	Jason Jones	on-going	
4	Inability to ensure business continuity	Medium	No change	Director	11/16	Lack of DWP premises (fire, flood, inability to access etc EPA closures)	A	Mike Moon	Fire precautions; business interruption insurance; inherited business continuity plans from Districts and Boroughs	Develop DWP wide business continuity plan, infrastructure review	Gemma Clinton and Mike Moon	30/11/16	Failure to deliver services / statutory duties for a prolonged period; damage to reputation; increased costs	
						Fuel supply failure	A	Mike Moon	DCC fuel contract; fuel cards system	Develop DWP wide business continuity plan	Gemma Clinton and Mike Moon	30/11/16		
						Loss of IT	A	Gemma Clinton	DCC ICT continuity arrangements	Develop DWP wide business continuity plan	Gemma Clinton and Mike Moon	30/11/16		
						Loss of operational staff (industrial action; pandemic flu)	G	Mike Moon	Use of agency staff; service standards review	Develop and update business continuity plan	Gemma Clinton and Mike Moon	30/11/16		
						Contractor / supply chain failure	A	Gemma Clinton	Business continuity requirements within key contracts; regular contract management meetings and monitoring; letting of two residual waste treatment contracts	Continue to refine contracts; keep partners aware of developments in global markets	Jason Jones	On-going		
						Adverse weather or other event	G	Mike Moon	Communications plan; signage at site; on-site staff to provide guidance to the public; emergency procedures in place; Dorset Direct; liaison with Dorset Highways re revised winter maintenance arrangements					
5	Breach of statutory duty	Medium	No change	Director	11/16	Failure to respond to change in legislation	G	Mike Moon and Gemma Clinton	Technical experts; monitoring arrangements; horizon scanning	Monitor legislative and policy changes at National and EU level	Gemma Clinton	On-going	Fines; negative reputation government intervention.	
						Failure to comply with procurement legislation	G	SMT- Paul Ackrill	Support from Dorset Procurement. Review procurement procedures. DWP managers have attended the better business case course.	Continue to engage with procurement early in all projects		on-going		
						Non compliance with Operator licence	A	Mike Moon	Employment of CPC holder; implementation of new records system (Fleetwave) on same basis as DCC; following of procedures for maintenance etc. FTA Audit completed November 2015. Transport strategy in place.	FTA to review recommendations summer 2016	Andy Cadman	summer 2016		
						Breach of EPA and contaminated land legislation through failure of closed landfill site - structural failure or gas/leachate spillage	A	Jason Jones	Regular monitoring of sites and remedial measures put in place where necessary	On-going monitoring	Jason Jones	On-going		
						Failure to comply with Health and Safety legislation	A	SMT	H&S committee meet quarterly and accidents are reported to SMT	On-going monitoring	SMT	On-going		
6	Failure to retain, recruit and develop competent and capable people	Medium	No change	Director	11/16	Loss of key staff	A	Mike Moon and Gemma Clinton	Use of agency/interim staff; 1-2-1s/PDRs. DWP training loaders to become drivers and operational staff to assist supervisors to meet our business requirements and develop our own staff. Senior managers attending leadership and management courses		SMT	On-going	Failure to achieve objectives of the partnership; errors and inefficiencies in service change and delivery	
						Poor industrial relations or staff morale	G	Mike Moon and Gemma Clinton	Good communication and active engagement with unions; member scrutiny; 1-2-1s; PDR process; team briefings; staff newsletter; Environment JCC. Restructure complete. Targeted work on behaviours with Operations Managers and Supervisors	On-going dialogue with unions and regular staff briefings. Targeted behaviours work with operational crews.	SMT	On-going		
						Inadequate staff development opportunities / facilities	G	Mike Moon and Gemma Clinton	1-2-1s; PDRs; training focused on areas of skills shortage. Training loaders to become drivers	Continue staff training. Specifically all managers to attend: Leadership essentials, management essentials, team coaching and better business case courses	SMT	On-going		
7	Accident, injury or death of an employee or member of the public	Medium	No change	Director	11/16	Death or serious injury	G	Mike Moon	Health and safety has a high priority across DWP services; risk assessment; CPC and Health & Safety training. Management control and HR support, including disciplinary action. recent positive HSE inspection. Health and safety team and support.	Continued monitoring and action to tackle Health & Safety breaches.	Operations Managers	on-going	Investigation and prosecution (H&S / corporate manslaughter); negative reputation; staff absence	

No	Risk Description	Current Risk	Movement	Risk Owner	Date Identified	Review Date	Potential Causes	Control	Lead	Existing Control	Further Actions Necessary	Action Lead	Target Date	Potential Effects
							Road traffic incident (DWP driver or third party driver),	G	Mike Moon	Driver training; CPC; monitoring of driver collision history		Andy Cadman	on-going	
							Work practice leads to an incident	G	Mike Moon	Health and safety has a high priority across DWP services; risk assessment; CPC and H&S training. Management control and HR support, including disciplinary action. recent positive HSE inspection. Health and safety team and support. On-going programme of Annual health and safety risk assessments. Annual Inspection and monitoring regime. Completion of training; DCC Critical Incident Protocol; dedicated health and safety officer and committee; health and safety focus at monthly operational meetings	Continued monitoring and action to tackle Health & Safety breaches.	Operations Managers	on-going	
							Unsafe working practice at a site operated by a contractor	G	Jason Jones	Regular meetings with contractors; health and safety expectations defined in the contracts; DWP follow up actions identified within risk assessments and response to incidents		Jason Jones	on-going	
8	Loss of public support and confidence	Low	No Change	Director		11/16	Inadequate communication with elected members and officers across the partner authorities	G	Director	DWP communications plan and dedicated communications resource and governance review on-gong	Regular meetings between SMT and partners kept under review	SMT	31/03/17	Negative reputation; low customer satisfaction; lack of support / unity across partner organisations
							Inadequate communication with members of the public	G	Gemma Clinton	DWP communications plan and dedicated communications resource		Gemma Clinton	on-going	
							Failure to achieve budget savings / performance targets	A	SMT	See Risk 01 above	See Risk 01 above			
							Performance indicators negatively affected by failure of treatment contracts	A	Gemma Clinton	Monitoring of performance figures and working with contractors to ensure front line services are provided in accordance with the waste hierarchy as much as feasibly and economically possible.	Focus on disposal options further up the waste hierarchy where facilities exist.	Jason Jones	01/03/17	
							Significant service failure	G	SMT	Contracts in place for vehicle supply; contracts in place for tipping of arisings & treatment; moving towards more permanent staff with consequent lower reliance on agency staff. R4D has been fully rolled out and established		SMT	On-going	
9	Potential changes to the DWP through unitary and/or combined authority proposals	Low		Director	06/16	04/19	Change in partner membership of DWP	A	Karyn Punchard		Carry out work to understand what a change in partner membership will mean to DWP. Be involved in unitary/combined authority discussions and working groups	SMT	2019	
Deleted Items off the register														



## Dorset Waste Partnership Joint Committee

Date of Meeting	12 September 2016
Officer	Director of the Dorset Waste Partnership
<b>Subject of Report</b>	<b>Garden Waste service and setting the 2017/18 price</b>
Executive Summary	This paper provides the Joint Committee with an update on the Garden Waste service and seeks approval to set the price of the service for the year 2017/18.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>Not applicable.</p>
	<p>Use of Evidence:</p> <p>Benchmarking of other local authority garden waste services and charges.                      Customer satisfaction surveys.                      Customer numbers.                      DES garden waste trading account expenditure and income.                      DWP MTFP.                      Vehicle procurement requirements.</p>
	<p>Budget:</p> <p>The decisions made in respect of the annual fee will have a direct impact upon the 2017/18 budget.</p>
	<p>Risk Assessment:</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>

## Garden Waste Service and Setting the 2017/18 Price

	<p>Current Risk: LOW Residual Risk LOW</p>
	<p>Other Implications:</p> <p>None.</p>
Recommendation	<ol style="list-style-type: none"> <li>1) That the Joint Committee approve an annual fee of £47.50 for 2017/18 for the DWP Garden Waste service.</li> <li>2) That the Joint Committee give consideration to exploring the implications of a reduced Garden Waste service in the winter months, to take effect no earlier than 2018/19.</li> <li>3) That the Joint Committee agree that the annual charge for garden waste sack customers is set at £5 less than the price agreed for a wheeled bin.</li> </ol>
Reason for Recommendation	To offer a garden waste service at a price that will remain popular with customers whilst maintaining an acceptable level of contribution to overheads.
Appendices	<p>Appendix A – benchmarking of the DWP against other authorities</p> <p>Appendix B – Customer survey – price question</p> <p>Appendix C – Customer survey – pre-service question</p> <p>Appendix D – Garden Waste Trading Account up to 2016/17 (Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</p> <p>Appendix E – Garden Waste Trading Account for 2017/18 and beyond (Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</p>
Background Papers	None.
Report Originator and Contact	<p>Name: Paul Ackrill, Finance and Commercial Manager, Dorset Waste Partnership</p> <p>Tel: 01305 224121</p> <p>Email: Paul.Ackrill@dorsetwastepartnership.gov.uk</p>

### 1. Background

- 1.1 The garden waste service consists of a 240 litre wheeled bin collected once a fortnight throughout the whole year, with the exception of a break for Christmas and New Year. Customers receive 25 garden waste collections for their annual subscription. A compostable sack option is available for customers who are unable to store wheeled bins.

- 1.2 The standard garden waste service was introduced in October 2012 at a cost of £35 for an annual service, increasing to £40 in 2014/15, to £41 in 2015/16 and £45 in 2016/17.
- 1.3 The Dorset Waste Partnership (DWP) currently provide the garden waste service at a cost of £1.80 per collection. When comparing the collection costs of twenty seven other local authorities which provide a garden waste service the costs vary from £1.18 - £2.86 per collection. Appendix A provides further information on how the price of the DWP's garden waste service compares to other local authorities. These local authorities have been selected for comparison due to the similarities in the garden waste service provided, with the emphasis on authorities collecting garden waste from a wheeled bin. The sample has tried to collate a broad selection of authorities from around England, whilst including local authorities which have similar geographical and demographical characteristics. These similar local authorities have been identified using the nearest neighbour indicator on Waste Data Flow, the official government data reporting system.
- 1.4 The garden waste service is now accessible to 100% of households serviced by the DWP, following the completion of the rollout of the recycle for Dorset service. This equates to approximately 202,000 properties.
- 1.5 Previous estimates of the potential customer base had been identified as 40,000 customers. As of 1<sup>st</sup> July 2016 there are 39,500 individual garden waste customers and ongoing growth in customer numbers, some of whom purchase more than one bin. Financial year 2016/17 has seen the DWP successfully achieve growth in the customer base, including an improved process of ensuring the maximum number of customers renew their service. In 2015/16, 2,400 customers did not renew their service initially (8.2% of all garden customers) compared to 1,200 for 2016/17 (3.7% of all garden customers).
- 1.6 There are currently 113 garden waste rounds in place to service all 39,500 customers. It is estimated that there is capacity for another 3,500 - 4,000 garden waste customers within the existing garden waste rounds, although the majority of this capacity is located in the West Dorset and Weymouth & Portland areas. The current marketing strategy is focussing on increasing garden waste sign ups in the areas where we have spare capacity.
- 1.7 A decision is now needed from the Joint Committee with regard to the price to be set for the 2017/18 financial year. The decision is needed now due to the timescales required to implement the necessary changes and also to feed into the 2017/18 budget process.
- 1.7 Further detail on the costs of the service, and the implications for the decision on price, are given at paragraph 6 below.

## **2. Sign-up Periods 2016/17**

- 2.1 When the garden waste service started in October 2012 a continual sign up system was in place, where customers would receive their bin and start the service within 20 days of paying for the service. However, the continual sign up provided serious operational challenges with bin deliveries and missed collections as a result of customers not being added to rounds in time.



- 2.2 For the year 2015/16 it was decided to move to a two sign up periods per year. Customers could sign up from 1<sup>st</sup> March – 31<sup>st</sup> July to start the service on 1<sup>st</sup> September and from 1<sup>st</sup> August – 28<sup>th</sup> February to start the service on 1<sup>st</sup> April.
- 2.3 At Joint Committee in September 2015 it was decided that garden waste sign ups would be increased throughout the year. Following that decision the 2016/17 garden waste service now has five sign up periods where customers can start the service on the 1<sup>st</sup> of April, June, August, October and December.
- 2.4 The new five sign up periods is working well to date, with new customers being allocated rounds and receiving their bins in time for their service start date. There have been 5 complaints received about the sign up periods from 1<sup>st</sup> January 2016 – 1<sup>st</sup> July 2016, which represents less than 0.1% of all the customers that signed up to the garden waste service in that period.
- 2.5 In 2017/18, the DWP will continue to move towards a “continuous” sign up process. This becomes easier to manage where the number of new customers signing up flattens out. Numbers of customers signing up, and the effects on sign up periods, will continue to be monitored and reviewed.

### **3. Customer Satisfaction Survey and Results**

- 3.1 In July 2016 a garden waste satisfaction survey was circulated to Dorset residents via the recycle for Dorset newsletter. This newsletter was sent electronically to approximately 40,000 residents who have previously provided their email address to the DWP.
- 3.2 The garden waste satisfaction survey has been completed by 4,046 residents. The survey was mainly targeted at garden waste customers, but was also able to be completed by non-garden waste customers. The inclusion of non-garden waste customers allowed us to establish why customers currently do not sign up to the service, and also whether they are interested in joining in the future. Of the 4,046 completed surveys, 3,701 (91%) were completed by garden waste customers, which represents 9.5% of all the garden waste customers.
- 3.3 The satisfaction survey asked customers about how satisfied they were with five key elements of the service, which were collections, frequency/seasonality, online payments, phone/postal payments and finally whether the service was value for money. The results have shown that a high number of customers are satisfied with the garden waste service. Some of the results have been summarised below:
- 99% of customers are satisfied with the garden waste collections, with 95% finding the collections either excellent or good.
  - 97% of customers are satisfied with the collection frequency and seasonality, with 85% either finding the frequency/seasonality of collections excellent or good.
  - 98% of customers who pay for the garden waste service either online, by phone or by post are satisfied with the payment process.
  - 96% of customers are satisfied that the garden waste service is value for money. 72% of these customers find the garden waste service either excellent or good value for money.
- 3.4 A question about how much customers were willing to pay for a 12 month garden waste service was included in the satisfaction survey. This question allowed residents to select a price from £0 with incremental £5 options up to over £100. The majority of customers selected that they are prepared to pay up to £40 for the garden waste service, with 25% of customers selecting this price option. The average price



customers are prepared to pay is £40.03 for a 12 month garden waste service. It is noted that the response to pay £40 (lower than the current price of £45) is somewhat at odds with the earlier response where 96% are satisfied with the value for money aspect of the service. See Appendix B for the results in a graphical format. It can be noted that there is a clear drop off beyond the figure of £50.

- 3.5 Appendix C illustrates responses to the question “what did Garden Waste customers do with their waste before the service existed”. This helps us to understand what would happen to this waste if the service ceased. The largest response, at 59%, was to take the garden waste to the HRC. The second largest response, at nearly 30%, was that the waste would be home composted.

#### 4. Marketing Strategy

- 4.1 Marketing of the Garden Waste service has been minimal in the past, partly linked to the fact that the full service was rolled out on the back of the Recycle for Dorset scheme.

- 4.2 As can be seen from the numbers below, the highest numbers of customers are in the East Dorset area of the County. Arguably, this is to be expected, given that the service has been available in that area for the longest. However, it is also true that new customer sign up continues to be greatest in the East Dorset and Christchurch parts of the County, and that new customer sign up in the West Dorset and Weymouth areas is not following suit. The table below shows numbers of bins (not customers) served by local depots (data taken at the time of writing, excludes August start period). Note that the service for Purbeck is provided from Poundbury depot, due to constraints at the existing Wareham site, so the figure quoted for “Poundbury depot” are for both the Dorchester area and the Purbeck area. There are approximately 2,800 customers in Purbeck, and around 4,500 for Dorchester.

<i>Depot</i>	<i>Number of bins</i>
FERNDOWN Total	17,502
POUNDBURY Total	7,264
SHAFTESBURY Total	5,799
CHRISTCHURCH Total	5,302
BRIDEC Total	2,150
CROOKHILL Total	2,044
<b>TOTAL</b>	<b>40,061</b>

- 4.3 The marketing strategy for the Garden Waste service is therefore focused in the short and medium term on filling the capacity that exists in the service in the West Dorset and Weymouth areas. Filling the existing capacity in these areas generates very little in additional costs and maximises the contribution to the DWP and its partners. A radio marketing campaign carried out on a local radio station has already proved successful.
- 4.4 For this reason, the recommendation for the price increase in 2017/18 is to keep the price increase as low as is reasonably possible, to encourage growth in the customer base in the Weymouth and West Dorset areas, whilst covering the necessary increases in cost in the service.

## **5. Financial Forecast for the Garden Waste Service for 2016/17**

- 5.1 The Joint Committee are reminded that a separate trading account exists for the Garden Waste service, which generates a contribution to overheads for the DWP as a whole. The trading account takes account of income from customers, operational costs (vehicle running costs, capital charges and crew costs) and back office costs (staffing and associated administrative costs). The trading account was independently reviewed by consultants WYG during their time with the DWP in 2015.
- 5.2 The trading account does not take into account disposal costs. Advice given to the DWP is that the disposal of domestic waste, including garden waste, cannot be subject to a charge under law, however a contribution to costs can be issued for the collection. Arguably garden waste disposal costs would be incurred irrespective of whether a garden waste collection service was offered, with disposal taking place either through Household Recycling Centres (HRCs) or, in the worst case, increasing the volumes of black bag waste collected. Only home composting would avoid any costs at all for the DWP, which the DWP encourage but is, in practice, not undertaken by all garden owners.
- 5.3 Appendix D shows the Garden Waste trading account position for the last two financial years, together with the latest forecast for the current year. The current year forecast is broadly in line with the budget.

## **6. Options for 2017/18 Pricing**

- 6.1 2017/18 will see an increase in costs in the Garden Waste trading account. The increase primarily relates to capital charges for replacement vehicles - which are needed for both 2016/17 and 2017/18 years to replace existing vehicles – and some growth in resourcing levels to match anticipated demand for 2017/18. For that reason, and despite the increasing customer base, any increase in the bottom line contribution to overheads is unlikely to be as dramatic as seen in the past couple of years. The additional capital charges in respect of replacement vehicles should be seen as an investment needed to underpin the service, and allow growth, over the next few years (in accounting terms, vehicles are written off over seven years). For that reason, options on any price increases and their effects on the trading account are illustrated over a five year period on the attached Appendix E.
- 6.2 Appendix E illustrates 3 options for charging in 2017/18.
- 6.3 The following assumptions are then applied to each option:
- a) That the customer base can be grown by 1000 customers each year.
  - b) That the costs of the service and the price charged for the service increase by an inflationary factor each year.

The effect shown for 2017/18 will be used to set the budget, however the effect in following years is intended to be illustrative only.

No assumption is made for additional resourcing beyond the 2017/18 levels, as the marketing strategy will focus on utilising existing spare capacity. However, if growth continues in areas which are close to full capacity, additional resources may be needed at some point.

## Garden Waste Service and Setting the 2017/18 Price

- 6.4 All options use 43,000 “bins” as an assumption for the start date of 1<sup>st</sup> April 2017. Based on experience to date, we believe that this is a realistic prospect.

Number of bins pre Aug 2015	34,556
New at Sep 15	1,862
New at Apr 16	2,413
New at Jun 16	1,060
New at Aug 16	1,264
New at Oct 16	292
Target to sign up for 1st April 2017	1,553
<b>Total bins</b>	<b>43,000</b>

- 6.5 Option A on Appendix E illustrates the effect of a zero price increase for 2017/18. The effect is to produce a contribution to overheads of around £450k, in effect maintaining the same level as expected for this year. It can be seen (in all of the options) that whilst both revenue costs and income rise in future years (on the stated assumptions), the capital charges for vehicles remain constant, and the effect is that the contribution increases over the five year period shown.
- 6.6 Option B on Appendix E illustrates the effect of a £2.50 price increase (i.e. a full year charge of £47.50). The effect is a contribution of £557k in 2017/18, which is £107k greater than in the current year.
- 6.7 Option C on Appendix E illustrates the effect of a £4 price increase (i.e. a full year charge of £49). The effect is a contribution of £622k in 2017/18, which is £172k greater than in the current year.

## 7. Prices for Sack Customers

- 7.1 Garden Waste Service customers who are unable to store a wheeled bin are given compostable sacks. These are relatively few in number – around 140 customers of the total customer base which is now over 40,000. Historically, the sack service customers are charged less than the “bin service” price due to a differential in sack volume capacity. However, the DWP incur additional cost in the annual purchase of the sacks, and also in terms of DWP resource to deliver these sacks.
- 7.2 The current price of a “sack service” is £34, compared to the “bin service” price of £45. Historically, sacks have been priced at less than the “bin service” by a similar differential.
- 7.3 It is recommended, in recognition of the additional expense incurred by the DWP for sack customers, that the price for a garden waste “sack” service is set at £5 less than the “bin service” price, with effect from 1<sup>st</sup> April 2017

## 8. Winter Service

- 8.1 The Garden Waste service currently offered is an “all year round” service, with the exception of a break at Christmas/New Year.
- 8.2 At the Joint Committee meeting of 15<sup>th</sup> June 2015, the Joint Committee received a report which demonstrated that Garden Waste service tonnages collected during the months of December through to February were greatly reduced. The highest

tonnage in that report was 1628 tonnes in June 2014 and lowest tonnage of 503 tonnes in February 2015. Given the tonnage data that was presented, and with the knowledge that many local authorities do not offer a winter service, the Joint Committee were asked if they wished to consider a cessation or reduction in winter service. Savings were estimated to be up to £40k for cessation of winter service. The Joint Committee decided not to change the service at that time.

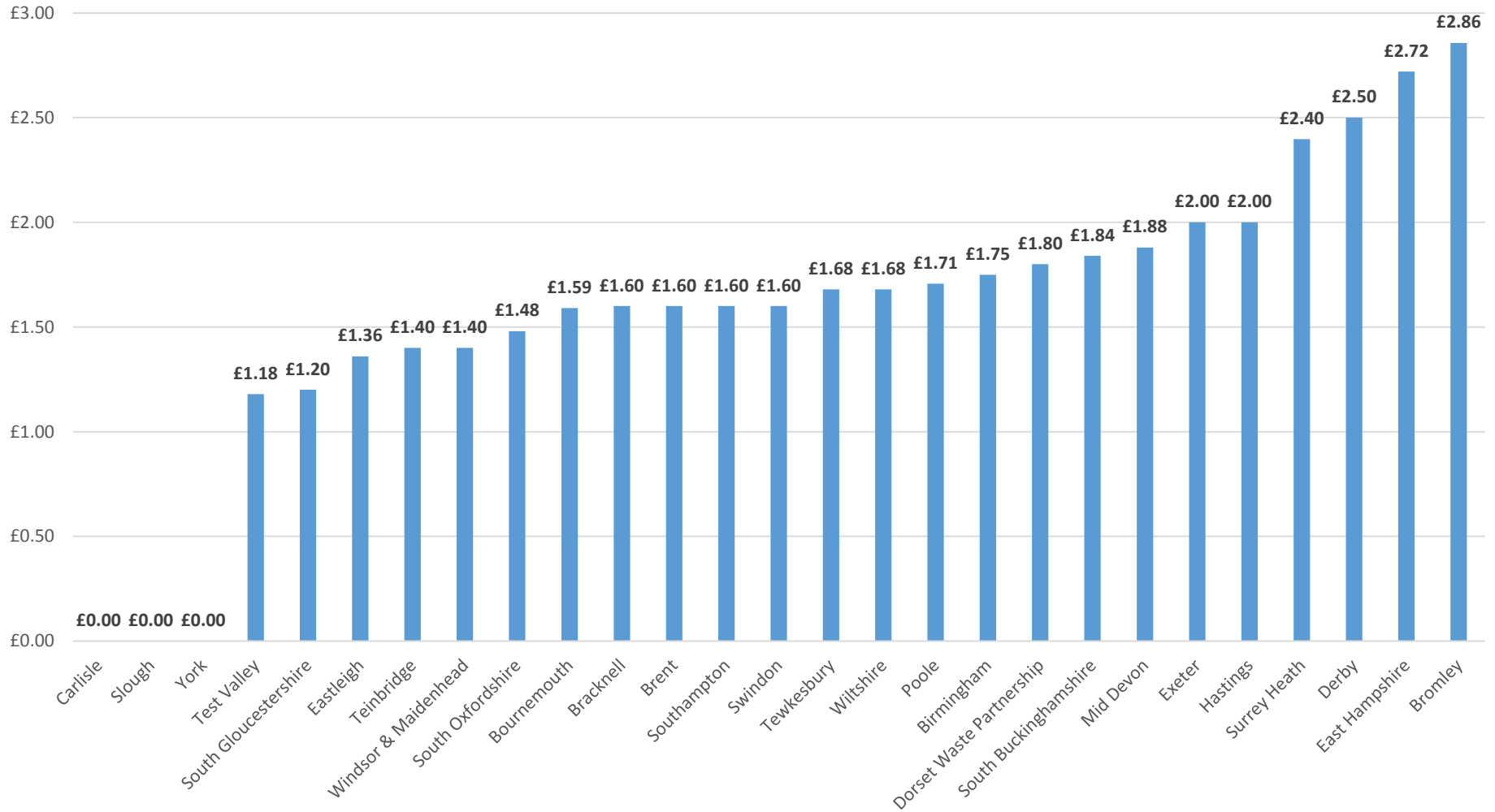
- 8.3 One year on, there is mounting pressure on all partner councils to find financial savings. In this light, the Joint Committee are asked whether they now wish the DWP to further explore the extent to which savings are possible from a reduced or ceased winter service. It should be noted that the timescales required for implementing any such changes mean that any changes to collections over the winter period cannot be applied until the 2018/19 service year. If it is the Joint Committees wish, the DWP will further explore the issues and savings and report back to Joint Committee with a recommendation at a later date.

## **9. Recommendation**

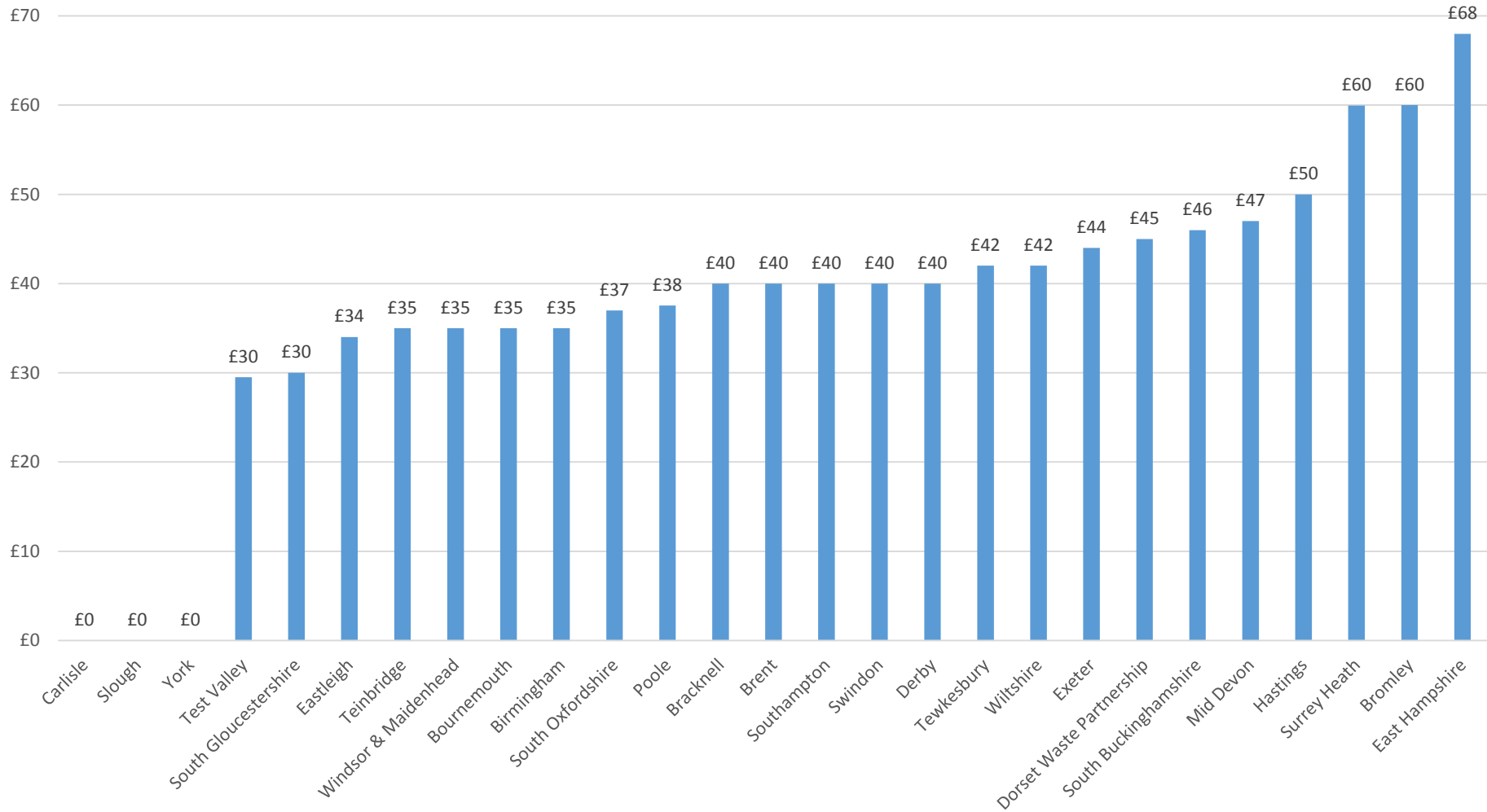
- 9.1 Given the marketing strategy being followed – to maximise the existing capacity available, in order to maximise the financial contribution for partner councils – and given the (albeit limited) information on the extent to which customers will choose not to renew the service if the price increases is perceived as too high, the recommendation to Joint Committee is to agree to a price increase of £2.50 for the year 2017/18, i.e. a full year price of £47.50.

**Karyn Punchard**  
**Director, Dorset Waste Partnership**  
September 2016

## Garden Waste Service - local authority cost per collection (2016/17)



## Annual garden waste charges for a wheeled bin (2016-17)

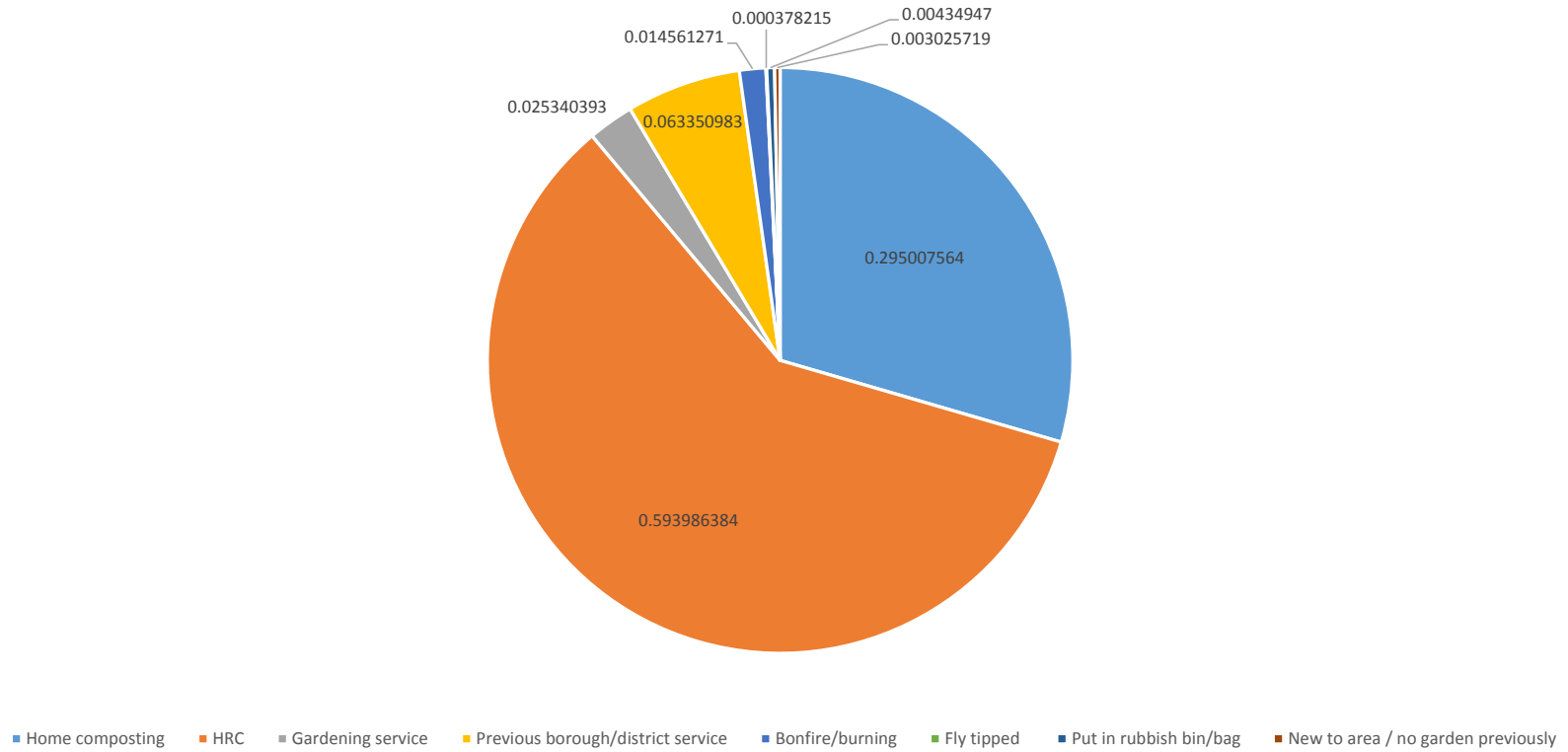




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What did customers do with their garden waste before the kerbside service



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