

Agenda

Meeting: Dorset Waste Partnership Joint Committee

Time: 10.00 am

Date: 11 June 2018

Venue: Committee Room A, Dorset Councils Partnership, South Walks House, Dorchester, DT1 1UZ.

Anthony Alford (Chairman)	West Dorset District Council
Michael Roake (Vice-Chairman)	North Dorset District Council
Daryl Turner	Dorset County Council
Tony Ferrari	Dorset County 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
Ray Nowak	Weymouth & Portland Borough Council
Kevin Brookes	Weymouth & Portland Borough Council
David Walsh	North Dorset District Council
Margaret Phipps	Christchurch Borough Council
Peter Hall	Christchurch Borough Council

Notes:

- The reports with this agenda are available at 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 6 June 2018, and statements by midday the day before the meeting.

Debbie Ward
Chief Executive

Contact: Denise Hunt
County Hall, Dorchester, DT1 1XJ
01305 224878 - d.hunt@dorsetcc.gov.uk

Date of Publication:
Friday, 1 June 2018

1. **Election of Chairman**

To elect a Chairman of the Joint Committee for the remainder of the year 2018/19.

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman of the Joint Committee for the remainder of the year 2018/19.

3. **Apologies for Absence**

To receive any apologies for absence.

4. **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.

5. **Terms of Reference**

5 - 6

To note the Joint Committee's Terms of Reference (attached).

6. **Minutes**

7 - 14

To confirm and sign the minutes of the meeting held on 20 March 2018.

7. **Public Participation**

(a) **Public Speaking**

(b) **Petitions**

8. **Forward Plan 2018**

15 - 22

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

9. **Finance and Performance Report - June 2018**

23 - 40

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

10. **Scheme of Delegation and 2018-19 Schedule of Meetings**

41 - 68

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

11. **Internal Audit Progress Report - June 2018** 69 - 72
To consider a report by the South West Audit Partnership (attached).
12. **Updated Enforcement Fixed Penalty Notices** 73 - 78
To consider a report by the Head of Service (Strategy) of the Dorset Waste Partnership (attached).
13. **Dorset Waste Partnership Corporate Risk Register** 79 - 86
To consider a report by the Head of Service (Strategy) of the Dorset Waste Partnership (attached).
14. **Questions from Councillors**
To answer any questions received in writing by the Chief Executive by not later than 10.00am on 6 June 2018.

Exempt Business

To consider passing the following resolution:

To agree that in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified below it is likely that if members of the public were present, there would be disclosure to them of exempt information as defined in the paragraph detailed below of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

15. **Strategic Waste Management Centre for Central Dorset (Paragraph 3)** 87 - 90
To consider an exempt report by the Director of the Dorset Waste Partnership (attached).

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Terms of Reference

Part 1 - Statutory Functions

The management of waste which includes the collection, disposal, treatment and recycling of household and commercial waste along with street cleansing (provided that nothing herein shall prevent the entering into of arrangements pursuant to schedule 5 paragraph 2.5)

Part II – Activities

In performance of the statutory functions referred to in Part I the Joint Committee shall also undertake the following activities on behalf of the Partner Authorities:

1. hold the Director to account for the management of 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 this Agreement;
2. approve and implement the Business Plan;
3. ensure that the legal and statutory functions delegated to it by the Partner Authorities are being discharged effectively with a risk management framework;
4. assist the Partner Authorities in meeting their respective responsibilities such as, but limited to, emergency planning and responding to civil emergencies and elections;
5. Monitor, review, agree and recommend to each Partner Authority the Waste Strategy, Business Plan and any medium term financial plan in accordance with the terms of this Agreement;
6. Monitor performance of the DWP including customer satisfaction;
7. Agree the Capital Programme, to allow the DWP Treasurer to take it through the Host Authority's capital programme approval process;
8. Approve Key Decisions, defined in the Dorset Waste Partnership Scheme of delegation as "decisions where the financial implications for the Joint Committee exceed £500,000 [or which are likely to have a significant effect on a division or divisions represented by at least two members.]
9. Appoint the Director;
10. approve the calculation of revenue and financial costs in accordance with Schedule 5.

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Dorset Waste Partnership Joint Committee

Minutes of the meeting held at Purbeck District Council,
Westport House, Wareham, BH20 4PP on
Tuesday, 20 March 2018.

Present:

Anthony Alford (West Dorset District Council) (Chairman)
Michael Roake (North Dorset District Council) (Vice-Chairman)

Members Attending

Ray Bryan (East Dorset District Council), Mike Dyer (East Dorset District Council), Patricia Jamieson (Christchurch Borough Council), David Budd (Purbeck District Council), Peter Webb (Purbeck District Council), Kevin Brookes (Weymouth & Portland Borough Council), David Walsh (North Dorset District Council), Deborah Croney (Dorset County Council) and Timothy Yarker (West Dorset District Council).

Dorset Waste Partnership Officers Attending:

Paul Ackrill (Commercial and Finance Manager), Matthew Boulter (Commercial Services Manager), Gemma Clinton (Head of Service - Strategy), David Diaz (Property Commissioning Manager), Grace Evans (Legal Advisor), Jim McManus (Treasurer), Michael Moon (Head of Service (Operations)), James Potten (Communications and Marketing Officer), Karyn Punchard (Director) and Denise Hunt (Senior Democratic Services Officer).

Other Officers in attendance

Steve Mackenzie (Purbeck District 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:**Tuesday, 27 March 2018**
- (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, 11 June 2018.**)

Apologies for Absence

13 Apologies for absence were received from Daryl Turner, Tony Ferrari, Margaret Phipps, Barbara Manuel, Ray Nowak and Alan Thacker.

Members who were substituting at this meeting included Deborah Croney, Mike Dyer and Timothy Yarker.

Code of Conduct

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

Councillor Deborah Croney declared a general interest as the Local Member for the Blandford area. As this was not a disclosable pecuniary interest she remained in the meeting and took part in the debate.

Ray Bryan declared a general interest as he was a partner governor on behalf of the County for the Dorset Healthcare University NHS Foundation Trust. As this was not a disclosable pecuniary interest he remained in the meeting and took part in the debate

Minutes

15 The minutes of the meeting held on 19 January 2018 were confirmed and signed.

Public Participation

16 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.

Forward Plan 2018

17 The Joint Committee received a report on its work programme.

Noted

Finance and Performance Report - March 2018

18 The Joint Committee considered a report by the Director of the Dorset Waste Partnership (DWP) that presented the key financial performance trends and risks of variance in income and expenditure against the 2017/18 revenue budget of £33.1m. The report also suggested how the predicted underspend of £1.722m could be treated at the end of the financial year in terms of the amount returned to partner councils.

The report had shown an increase in the forecast underspend from £1.372m to £1.722m, a large proportion of which had been due to the favourable variance in relation to waste disposal tonnages arising and the associated costs of haulage. The volatility of the recyclate price and unpredictable medium term forecast due to the international market, particularly the restrictions in China, had also been highlighted in the report.

The Director outlined the recommendations, including the return of £1.372m to partner councils in accordance with the cost share formula. This underspend had been reported to the Joint Committee in January 2018 and some councils had already taken this into account in their expected year end position.

The Committee had agreed at its January meeting for £383k to be taken from the Budget Equalisation Reserve (BER) in order to cover the pay award, leaving a current balance of £617m. It was therefore proposed that if £1.372m was repaid to partner councils, that the remaining underspend was used to top up the BER to provide a total reserve of £967k.

Since the report had been published, the latest knowledge indicated that the underspend was now more likely to be in the region of £2m, therefore increasing the amount in the BER to approximately £1.245m, however, the exact figure would not be known until the end of the financial year. Responding to a question in relation to confidence in the updated forecast, the Director advised that she had a reasonable degree of confidence due to the rigorous approach taken by the finance team as well as the reduced likelihood of further significant variances during the final month of the 2017/18 financial year. She confirmed that the pay award had been included in the budget in 2018/19.

In light of the updated projection of a £2m underspend based on figures provided at the end of February 2018, a majority of members were supportive of the proposals set out in the report, which ensured that the BER received a top up and that £1.372m was returned to the partner councils in accordance with the cost share formula.

The Chairman highlighted that the potential increase in the BER to £1.245m needed to be considered alongside the forecast budget overspend of £1.1m in 2018/19.

Due to the significant overspend that the DWP had previously experienced, an alternative view was expressed that this amount may not be sufficient to cover the £1.1m projected deficit in 2018-19 and that the BER should therefore be increased to £1.5m due to the significant budgetary risks and unforeseen circumstances. However, it was noted by other members that although there were variances outside of the control of the DWP, the work and experience of the senior management team had provided a stable and efficient service. Members now received better information that allowed a greater understanding of all of the risk factors as well as increased confidence and clarity in the budget projections, particularly as the end of the financial year drew to a close.

Members highlighted the need to communicate the issues clearly at an early stage to the partner councils in the event that the overspend predicted in 2018/19 should increase.

Resolved

1. That the current 2017/18 revenue budget forecast be noted;
2. That the capital expenditure position for 2017/18 to date be noted;
3. That the return of £1.372m to partner councils in accordance with the cost share formula be approved;
4. That the specific carry forward of funding of £75k for ongoing contract related technical advice be approved;
5. That the specific carry forward of funding of £50k for ongoing project related consultancy support be approved;
6. That the top up the Budget Equalisation Reserve (BER) with any remaining balance be approved; and
7. That the proposed Performance Indicators for 2018/19 be approved.

Reason for Recommendation

The Joint Committee monitored the Partnership's performance against budget and key performance indicators, and scrutinised actions taken to manage within budget on behalf of partner Councils. Returning the underspend that was reported at the last Joint Committee, was because some partner councils are relying on this underspend as part of their strategy towards balancing the current financial year. Topping up the BER with any remaining balance recognised that the reserve has been depleted by £383K to cover the effect of the pay award in 2018/19.

Questions from Councillors

19 No questions were asked by members under Standing Order 20.

Exempt Business

20

Resolved

That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minutes 21 and 22 as it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Commercial Services Business Plan 2018-19

21 The Joint Committee considered an exempt report presenting the Business Plans for Commercial Services for the financial year 2018-19 that also provided an update on actions with the current year business plans.

Resolved

That the Commercial Services Business Plan 2018-19 and the Garden Waste Business Plan 2018-19 be approved.

Reason for Recommendation

To achieve the vision and strategic aims of the DWP.

Strategic Waste Management Centre for Central Dorset

22 The Joint Committee considered an exempt report providing a review of the business case for construction of a new strategic Waste Management Centre (WMC) for the central Dorset area that had been previously approved by Members on 13 June 2016.

Resolved

1. That the Committee's approval of the proposal for a new strategic Waste Management Centre in central Dorset as updated in the attached business case for a household recycling centre and waste transfer station be reaffirmed;
2. That taking an Option on land as described in this report be approved;
3. That land purchase for the scheme, subject to planning consent, on terms to be agreed by the Director of the DWP in consultation with the Chair of the Joint Committee be approved;
4. That the application for prudential borrowing as outlined in this report be approved; and
5. That the release of Optimism Bias (up to 10% of the total estimated capital cost) is delegated to the Director of the DWP in consultation with the Chair of Joint Committee, if required, be approved; and
6. That a separate project to investigate potential alternative sites for a depot and vehicle maintenance workshop to serve the north Dorset area be approved.

Reason for Recommendation

To secure a key site in Blandford for the development of a strategic Waste Management Centre 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.

Meeting Duration: 11.00 am - 12.05 pm

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Councils working together

Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Gemma Clinton, Head of Service (Strategy)
Subject of Report	Forward Plan 2018
Executive Summary	<p>This paper sets out the Forward Plan for the Dorset Waste Partnership (DWP) for 2018. 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

	Outcomes: None
	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 2018
Background Papers	None
Officer Contact	Name: Gemma Clinton, 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.

Karyn Punchard
Director DWP

June 2018

**Dorset Waste Partnership Joint Committee Forward Plan
(Meeting Date - 11 September 2018)**



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

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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).

Date of meeting of the Committee (1)	Matter for Decision/ Consideration (2)	Decision Maker (3)	Consultees (4)	Means of Consultation (5)	Documents (6)
11/09/18 5/11/18 January 2019 March 2019	Key Decision - Yes Open Finance and Performance Report	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and Discussions	
11/09/18	Key Decision - Yes Open Waste in Local Government Reorganisation To consider a report by the Waste in Local Government Reorganisation (LGR) Project Board.	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and Discussions	
11/09/18	Key Decision: No Open Vehicle Procurement Programme 2019/20	Dorset Waste Partnership Joint Committee	DWP Officers Commissioning Group	Meetings and Discussions	
5/11/18	Key Decision - Yes Open Draft Revenue Estimates 2019-20	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and Discussions	
5/11/18	Key Decision - No Open Business Plan 2019-20	Dorset Waste Partnership Joint Committee	DWP Officers	Meetings and Discussions	

5/11/18	Key Decision - Yes Open Capital Programme	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and Discussions		
5/11/18	Key Decision - Yes Open Medium Term Financial Plan	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and Discussions		
January 2019	Key Decision - No Open South West Audit Partnership - Half Yearly Review	Dorset Waste Partnership Joint Committee	DWP Officers Dorset Finance Officers Commissioning Group	Meetings and discussions		
January 2019	Key Decision - Yes Open Corporate Risk Register	Dorset Waste Partnership Joint Committee	DWP Officers Commissioning Group	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

Business not included in the Forward Plan

 Is this item a Key Decision	Date of meeting of the Committee	Matter for Decision/ Consideration	Agreement to Exception, Urgency or Private Item	Reason(s) why the item was not included
		NONE		

The above notice provides information required by The Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012 in respect of matters considered by the Committee which were not included in the published Forward Plan.

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Councils working together

Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Director of the Dorset Waste Partnership Treasurer to the Dorset Waste Partnership
Subject of Report	Finance and Performance Report June 2018
Executive Summary	<p>This report presents and discusses the following -</p> <p><u>The 2017/18 revenue draft outturn</u> (including garden and trade waste trading accounts), which shows <u>a favourable variance of £1.985M</u> (around 6% on an original budget of £33.1M).</p> <p>The report discusses the factors that have occurred in 2017/18 which have caused the budget to be underspent, consistent with earlier forecasts presented to the Joint Committee.</p> <p><u>Final capital expenditure for 2017/18</u> - Expenditure of £2.404M was incurred during 2017/18 against an approved capital budget of £2.828M as agreed at Joint Committee November 2016 and amended June 2017. In addition, £484k was spent on vehicles that had slipped from the previous year.</p> <p><u>Return of funds to partner councils</u> Of the £1.985M underspend, £1.372m has been returned to partner councils as agreed at the last Joint Committee, with any further balance to be added to the Budget Equalisation Reserve (BER).</p> <p><u>The Budget Equalisation Reserve (BER)</u> – Following Joint Committee agreement to using £383k of BER funds towards cost pressures in 2018/19 caused by the pay award, the BER previously stood at £617k. Following the closedown of 2017/18, a further £613k has been added to the reserve, which now stands just over £1.2m.</p>

	<p><u>2018/19 budget forecast</u> – Based on very limited early 2018/19 data, an early forecast for the year suggests a possible overspend of £1.1m, primarily driven by the costs being incurred for disposal of recyclate, driven by factors in the wider international recycling community. This report assumes that if such an overspend occurs it is to be funded by the BER, and therefore the effect on each partner council is nil (based on the projected overspend of £1.1m).</p> <p><u>2019/20 budget requirement</u> - The 2019/20 budget requirement is likely to be a significant increase on the current year budget. Work will be undertaken over the summer to clarify the 2019/20 budget requirements and savings proposals.</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>The draft outturn for 2017/18 was £1.985M (around 6%) underspent on an original budget of £33.1M.</p> <p>Capital expenditure for 2017/18 was £2.404M against an approved budget of £2.828M, plus spend of £484k for vehicles that were ordered against the previous year but delivered late.</p> <p>A revenue funding position of £33.1M was agreed by the DWP partner councils for 2018/19, and topped up with £383k from the BER in respect of the 2018/19 pay award, giving a net budget of £33.5m. Early budget monitoring for 2018/19 shows that there is a forecast over-spend of around £1.1m, which is expected to be fully funded from the BER.</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 around the 2018/19 budget has been identified as:</p>

	<p>Current Risk: HIGH Residual Risk: MEDIUM</p> <p>This assessment relates to the potential volatility of the revenue budget for 2018/19 where some factors (e.g. recycle costs, inflation and fuel) could move further in an adverse direction.</p> <p>Outcomes: The Joint Committee monitors the Partnership's performance against budget and scrutinises actions taken to manage services within budget on behalf of partner councils.</p> <p>Other Implications: None</p>
<p>Recommendation</p>	<ol style="list-style-type: none"> 1) To note the draft outturn position for 2017/18. 2) To note the final capital expenditure position for 2017/18. 3) To note the early 2018/19 budget forecast.
<p>Reason for Recommendations:</p>	<p>The Joint Committee monitors the Partnership's performance against budget and scrutinises actions taken to manage within budget on behalf of partner Councils.</p>
<p>Appendices</p>	<p>Appendix 1 - Detail of spend by area (2017/18) Appendix 2 – Share of underspend by partner (2017/18) Appendix 3 – Budget Equalisation Reserve by partner. Appendix 4 – 2017/18 financial performance infographic. Appendix 5 – 2017/18 final DWP capital spend.</p>
<p>Background Papers</p>	<p>None</p>
<p>Officer Contact</p>	<p>Name: Karyn Punchard, Director, Dorset Waste Partnership, Tel: 01305 225459 Email: k.punchard@dorsetwastepartnership.gov.uk</p> <p>Name: Jim McManus, Treasurer to the Dorset Waste Partnership, Tel: 01305 224031 Email: j.mcmanus@dorsetcc.gov.uk</p>

1. Background

- 1.1 The Joint Committee of 16 January 2017 agreed a revenue budget of £33.1m for 2017/18. This report sets out the details of the 2017/18 revenue draft outturn, and early budget monitoring for the 2018/19 revenue budget. The outturn is draft until the meeting of the DCC Audit and Governance Committee on 29th June to approve the accounts after receiving the external auditors report.
- 1.2 As the draft outturn report for 2017/18 this is a joint report of the DWP Director and DWP Treasurer.

2. Budget Outturn for 2017/18

- 2.1 The 2017/18 revenue budget draft outturn produced a favourable variance of £1.985M (around 6%), on an original budget of £33.1m, agreed by the Joint Committee in January 2017. The major variances are discussed below.

Collection costs

- 2.2 Operational resources were £11k below the budgeted figure, on a total budget of around £8.5m. Throughout 2017/18, the operations managers have focused on absence management, management of agency spend, and regular budget monitoring.
- 2.3 Transport budgets overspent by £18k in total, on a total budget of almost £3.5m. The main reason for the overspend was increasing fuel prices in the later part of the year, resulting in a fuel budget overspend of £52k. This is partly offset by an underspend of £34k in other miscellaneous transport budgets.

Disposal Costs

- 2.4 The Joint Committee will be aware from previous financial reports that 2017/18 has seen significant savings in disposal costs and associated haulage costs. This is a combination of both deliberate policy decisions by the DWP to divert further waste away from landfill and into cheaper disposal routes, plus general volumes of tonnages arising being less than budgeted. The total effect is a favourable variance of just over £1.1m.
- 2.5 Recyclate material - The Joint Committee are reminded that the 2017/18 financial year has seen significant changes in recyclate price over the course of the twelve months, with an income being received in earlier parts of the year, and with costs increasing dramatically in the final months of the year, linked to the international market for recyclate and, in particular, the effects of changes in China. Joint Committee are reminded that a cautious budget was set for recyclate price for 2017/18, and that the overall effect has come out at a £365k favourable variance, plus a further £77k in respect of glass material.

Trading Accounts

- 2.6 The Garden Waste service generated a favourable variance of £263k over and above the 2017/18 budget. As reported previously to Joint Committee, the Garden Waste service continues to see an increasing customer base on a year on year basis. Previous expectations had expected that the Garden Waste service would not increase beyond 40,000 households (around 20% of all

households in Dorset), however latest expectations are that around 48,000 households will be signed up during 2018/19.

- 2.7 The Commercial Waste service generated a favourable variance of £146k over and above the 2017/18 budget. Some key local Dorset business have signed up with DWP Commercial Services in the last twelve months. A customer satisfaction survey undertaken in December 2017 revealed that 94.5% of existing customers would recommend the DWP commercial waste service.

Property budgets

- 2.8 As noted previously, property budgets had seen a one-off windfall rebate of £90k in 2017/18. This money was reinvested into much needed new facilities at depots. The final position was a £31k underspend on property budgets.

Capital charges

- 2.9 The capital charges revenue budget represents repayment of borrowings for capital purchases. Variances arise on the capital charges budget line when assumptions around the cost and timing of capital purchases vary from the actual cost and timing of capital purchases. This budget has seen a favourable variance of £234k in respect of capital financing costs. Details of capital expenditure in the year are given further below in this report.

Other minor adverse variances

- 2.10 Other minor adverse variances incurred for 2017/18 are as follows:

- * Temporary additional enforcement resource £14k
- * Overspend on PPE £25k
- * Overspend on training £36k
- * Other minor central overspends £21k
- * Inflation incurred on the HRC contract over budgeted amount £42k
- * Shortfall on container charging income £33k
- * Other minor waste disposal variances £8k
- * Balance sheet stock adjustments £49k

Table of major variances for 2017/18

2.11 The major items of variance against budget are summarised in the table below, together with a comparison of the predictions previously reported. –

Item	<u>Previous forecast of budget variance as per March 2018 Joint Committee</u> £k	<u>Final budget variance</u> £k
Collection costs		
Operations and street cleansing	£60k	£11k
Transport budgets	£0k	-£18k
Disposal Costs		
HRC management fees – inflation in excess of budget.	-£41k	-£42k
Waste disposal variances including haulage	£938k	£1,104k
Glass recycling	£76k	£77k
Dry mixed recycle	£409k	£340k
Other recycle	£31k	£25k
Other waste disposal	£0k	-£8k
Central budgets		
Additional enforcement resource	-£18k	-£14k
Property budgets	£90k	£31k
Other central budgets	-£23k	-£21k
PPE overspend	£0k	-£25k
Training overspend	£0k	-£36k
Capital charges	£0k	£234k
Commercial Services		
Container charging	-£40k	-£33k
Commercial Waste	£88k	£146k
Garden Waste	£152k	£263k
Stock adjustments to balance sheet	£0k	-£49k
Total budget variance	1,722	1,985

3. Final capital expenditure for 2017/18

- 3.1 Expenditure of £2.404M was incurred during 2017/18 against an approved capital budget of £2.828M as agreed at Joint Committee November 2016 and amended June 2017. In addition, £484k was spent on vehicles that had slipped from the previous year.
- 3.2 Specific details can be seen at Appendix 5.
- 3.3 The Joint Committee will be aware from previous reports that the main item of expenditure, a planned infrastructure project at Blandford, is a project that is progressing on target. Almost £178k has been spent in 2017/18.
- 3.4 The capital programme includes £54k for the purchase of equipment at Crookhill vehicle workshop. In fact, this spend went through at the end of the previous year. £5k of additional spend is shown here, which relate to additional electronic consoles needed at the workshop.
- 3.5 The capital programme includes £146k in respect of a new ICT system, as approved by Joint Committee in June 2017. Whilst an order has been placed and a contract signed, no payments have yet been made.
- 3.6 From 2016/17 onwards, the capital programme includes a sum of around £0.5m for container purchases, to deal with new housing growth as well as stock replacement. 2017/18 saw a considerable underspend against this sum.
- 3.7 Containers for the Garden Waste service and the Commercial Waste service are ordered according to customer demand, and the resultant capital charges are charged to those trading accounts.
- 3.8 All vehicles procured as part of the 2017/18 vehicle replacement programme were received during the year with the exception of a single 7.5t RCV which will slip into 2018/19.

4. The Budget Equalisation Reserve (BER)

- 4.1 Following Joint Committee agreement to using £383k of BER funds towards cost pressures in 2018/19 caused by the pay award, the BER previously stood at £617k. Following the closedown of 2017/18, a further £613k has been added to the reserve, which now stands just over £1.2m. This can be seen at Appendix 3.

5. 2018/19 Budget forecast

- 5.1 The DWP Joint Committee have agreed a budget of £33.5m for 2018/19, of which £33.1m is funded by partner councils and £0.4m funded from the BER specifically in relation to the 2018/19 pay award pressure.
- 5.2 Based on very limited early 2018/19 data there is a forecast overspend of around £1.1m, primarily due to the adverse price currently being paid for recycle. This will continue to be monitored as the year progresses.
- 5.3 It is anticipated that the overspend will be fully covered from funds in the BER, and therefore the effect on partner council budgets for 2018/19 will be nil.

6. 2019/20 Budget setting

- 6.1 The last DWP Medium Term Financial Plan that was seen by Joint Committee was in November 2017, which showed an expected 2019/20 budget of £34.4m. This figure was calculated on best information at that time, which did not include our latest knowledge of minimum pay increases and recycle price. Work will be undertaken over the summer to clarify the 2019/20 budget requirements. The 2019/20 budget requirement is likely to be a significant increase on the current year budget.

Karyn Punchard
Director, Dorset Waste Partnership

Jim McManus
Treasurer to the Dorset Waste Partnership

May 2018

Dorset Waste Partnership - Joint Committee June 2018

Appendix 1

Detail of spend by area

DWP cost centre grouping	Original budget	Final budget	Actual	Variance against final budget - favourable/(adverse)
	£	£	£	£
Waste Disposal	15,160,895.00	15,100,383.00	13,552,817.02	1,547,565.98
Operations	12,869,898.00	12,578,009.00	12,608,777.93	-30,768.93
Capital Charges	1,826,750.00	106,546.00	-127,936.73	234,482.73
Mgmt & Admin	4,170,955.00	4,281,636.00	4,430,786.36	-149,150.36
Garden Waste	-614,300.00	-708,482.00	-974,219.94	265,737.94
Partner Contributions	-11,799,500.00	-12,381,624.00	-11,278,892.71	-1,102,731.29
Trade Waste	-314,198.00	-310,364.00	-460,222.87	149,858.87
Container Charging	0	-83,013.00	-50,071.54	-32,941.46
Total	21,300,500.00	18,583,091.00	17,701,037.52	882,100.84
Total excluding partner contributions	33,100,000.00	30,964,715.00	28,979,930.23	1,985,224.00

Detail of spend by expenditure/income type

DWP code banding	Original budget	Final budget	Actual	Variance against final budget - favourable/(adverse)
	£	£	£	£
Expenditure				
Internal Charges (Expenditure)	1,537,535.00	1,772,957.00	1,940,667.69	-167,710.69
Pay Related Costs	12,568,217.00	12,845,155.00	10,953,206.34	1,891,948.66
Premises Related Costs	1,201,598.00	1,518,345.00	1,371,264.85	147,080.15
Transport Related Costs	2,666,319.00	2,133,536.00	2,037,738.87	95,797.13
Supplies and Services	3,768,111.00	3,866,119.00	3,866,798.02	-679.02
Transfer Payments	10,500.00	10,500.00	-2,351.09	12,851.09
Third Party (Contracted Out) Payments	13,459,670.00	13,541,546.00	14,188,531.64	-646,985.64
Income				
Income - Reimbursements and Contributions	-11,809,500.00	-12,690,542.00	-11,386,621.65	-1,303,920.35
Income - Fees and Charges	-4,397,100.00	-4,432,100.00	-4,950,965.47	518,865.47
Income - Internal Charges (Income)	-37,100.00	-37,100.00	-109,582.68	72,482.68
Capital charges				
Capital charges	2,332,250.00	54,675.00	-207,649.00	262,324.00
Total	21,300,500.00	18,583,091.00	17,701,037.52	882,100.84
Total excluding partner contributions	33,100,000.00	30,964,715.00	28,979,930.23	1,985,224.00

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Dorset Waste Partnership - Joint Committee June 2018
Share of underspend by partner as at end of 2017/18

Appendix 2

DWP underspend 2017/18: £ 1,985,224

	£	£	£
	Return of £1.372m to partners, as agreed by March JC 2018, figures as per January JC 2018.	Balance remaining to add to the Budget Equalisation Reserve:	Total
Christchurch BC	54,561	24,428	78,989
East Dorset DC	81,406	36,375	117,781
North Dorset DC	74,074	33,204	107,278
Purbeck DC	55,853	25,010	80,863
West Dorset DC	123,408	43,695	167,103
W&PBC	100,228	56,432	156,660
Dorset County Council	882,470	394,080	1,276,550
	1,372,000	613,224.00	1,985,224

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Dorset Waste Partnership - Joint Committee June 2018

Confirmation of current BER balance by partner council.

Appendix 3.

		Reserves position as at 01/04/2018	Reserves "top up" as per closedown 2017/18	Balance after adjustment
		£	£	
DWP Reserve Christch	986483	24,253.75	24,428.00	48,681.75
DWP Reserve DCC	986503	399,245.00	394,080.00	793,325.00
DWP Reserve EDDC	986484	36,675.31	36,375.00	73,050.31
DWP Reserve NDDC	986485	32,646.09	33,204.00	65,850.09
DWP Reserve Purbeck	986486	24,796.33	25,010.00	49,806.33
DWP Reserve W&PBC	986488	52,710.50	43,695.00	96,405.50
DWP Reserve WDDC	986487	46,672.61	56,432.00	103,104.61
		616,999.59	613,224.00	1,230,223.59

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£1.985m
underspend
2017/18 final outturn

£33.1 million
Total Budget



EXTRA COSTS

SAVINGS

17/18

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DWP Capital programme

FINAL capital spend 2017/18

Appendix 5

	Planned capital expenditure	FINAL Capital Spend
	2017/18	2017/18
	£	£
Infrastructure		
New waste facility at Blandford	250,000	177,704
Other minor capital works	50,000	3,403
Equipment		
Vehicle workshop equipment at Crookhill	54,000	5,375
IT system		
Capital costs	146,500	0
Containers		
Containers - r4d service	505,000	324,200
Containers - garden waste service	60,000	99,430
Containers - commercial waste service	68,000	75,822
Vehicles		
2017/18 Vehicle replacement programme - core fleet	645,000	622,348 * see note below
2017/18 Vehicle replacement programme - garden waste service	600,000	627,836
2017/18 Vehicle replacement programme - commercial waste service	450,000	467,589
	<u>2,828,500</u>	<u>2,403,706</u>
		0

Capital expenditure slipped from previous year

Vehicles		
2016/17 vehicle replacement programme - replacement van	0	33,137
2016/17 vehicle replacement programme - slippage (RCVs)	0	450,645
	<u>0</u>	<u>483,782</u>

All figures for planned expenditure as presented to Joint Committee November 2016 with the exception of the IT system, agreed by Joint Committee June 2017

* Note that 1 x 7.5t RCV at approximately £73k is outstanding and will slip into the following year

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Councils working together

Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Legal Advisor to the Dorset Waste Partnership
Subject of Report	Scheme of Delegation and 2018/19 Schedule of Meetings
Executive Summary	This report recommends a scheme of delegation and a schedule of meetings 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 and Schedule of Meetings.</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:</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>

Scheme of Delegation and 2018/19 Schedule of Meetings

	<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>The Inter Authority Agreement requires the approval of the Joint Committee to the yearly schedule of meetings which is important to support effective and efficient decision making.</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:</p> <p>Current Risk: LOW Residual Risk LOW</p> <p>Outcomes:</p> <p>Other Implications:</p> <p>No other implications have been identified.</p>
<p>Recommendation</p>	<p>That the Joint Committee:</p> <ul style="list-style-type: none"> • Re-adopts the Scheme of Delegation; • approves the proposed Schedule of Meetings.
<p>Reason for Recommendation</p>	<p>To support the delivery of effective public services through the Dorset Waste Partnership.</p>
<p>Appendices</p>	<p>Appendix 1 – Dorset Waste Partnership Scheme of Delegation Appendix 2 – Scheme of Delegation for people management functions within the Host Authority</p>
<p>Background Papers</p>	<p>Dorset Waste Partnership Inter Authority Agreement</p>
<p>Officer Contact</p>	<p>Name: Grace Evans, Legal Advisor to the Joint Committee Tel: 01305 225021 Email: grace.evans@dorsetcc.gov.uk</p>

1 Schemes of Delegation

- 1.1 Through the Dorset Waste Partnership (“DWP”) Inter Authority Agreements (“IAA”) 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.
- 1.2 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.
- 1.3 The Partner Authorities and Host Authority each have different schemes of delegation.
- 1.4 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.
- 1.5 As a result of the County Council’s role as Host Authority, the Joint Committee has historically adopted the County Council’s scheme of delegation for people management (attached at Appendix 2) and general Scheme of Delegation (attached at Appendix 1) with modifications to reflect the function, governance and status of the DWP.

2 People Management

- 2.1 As the County Council is employer of DWP staff (as Host Authority), its Scheme of Delegation for people management applies to DWP. This reflects that whilst operational delegations might vary from service to service, people management delegations needed to be consistent across the County Council for all staff groups.
- 2.2 The County Council’s Scheme of Delegation for People Management is attached at Appendix 2. The Scheme delegates *all* people management decisions to the lowest possible officer level, usually the line manager. Under the scheme all people management decisions, including those relating to formal action such as written

warnings, suspension and dismissal may be made by managers at any tier of the management structure (provided they have received the appropriate training).

3 General Scheme of Delegation (“the Scheme”)

3.1 The Scheme makes reference to Senior Managers and for the DWP this is the Director.

3.2 The 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.

3.3 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.

3.4 Specific modifications to the Scheme for the Joint Committee include:

3.4.1 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.

3.4.2 Where the Scheme of Delegation refers to provision of information or registers held by the Democratic Services Manager, for the DWP this is to be held by the Director;

3.4.3 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);

3.4.4 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.

3.4.5 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.

3.4.6 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).

- 3.4.7 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.
- 3.4.8 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.
- 3.4.9 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.
- 3.4.10 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.

4 Specific Delegations

- 4.1 The Director's duties are set out within s.27 of the Inter Authority Agreement, which include but are not limited to responsibility:
 - 4.1.1 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
 - 4.1.2 for delivery of decisions of the Joint Committee;
 - 4.1.3 for preparation of reports and recommendations for consideration by the Joint Committee;
 - 4.1.4 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;
 - 4.1.5 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;
 - 4.1.6 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;
 - 4.1.7 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;
 - 4.1.8 for preparation and submission for approval by the Joint Committee of an annual internal audit plan.
 - 4.1.9 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;
 - 4.1.10 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;
 - 4.1.11 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.

Scheme of Delegation and 2018/19 Schedule of Meetings

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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:
- 4.5.1 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;
- 4.5.2 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;
- 4.5.3 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).

5 Schedule of Meetings

- 5.1 The Inter Authority Agreement requires the Joint Committee to set the number and schedule of meetings for the year, although there must be at least one for budget setting purposes.
- 5.2 The Joint Committee is recommended to agree a schedule of 5 meetings, which includes budget meetings as follows:
- June
 - September
 - Mid November – draft budget meeting
 - Mid January – budget approval
 - March.

Grace Evans
Legal Advisor to the Joint Committee

Part 3: Scheme of Delegation

Scheme of delegation for Dorset County Council

Scheme of Delegation	3-1
Appendix 1 - Responsibility for functions which are not to be the responsibility of the executive	3-7
Appendix 2 - Responsibility for functions which may (but need not be) the responsibility of the executive, i.e. local choice functions	3-9
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Appendix 6 - Regulation of Investigatory Powers Act 2000 (RIPA)	3-17
Appendix 7 - Delegations are to be exercised only within the framework of guidance and controls currently in operation.	3-18
Appendix 8 - Specific Other Delegations	3-19

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:
- 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

Part 3: Scheme of Delegation

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.
- 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 Regulatory 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.

Part 3: Scheme of Delegation

- 2.8 Cabinet portfolio holders are also expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview and Scrutiny 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:-

Part 3: Scheme of Delegation

- (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 and Scrutiny 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.

Part 3: Scheme of Delegation

- 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 and Scrutiny Committee or the Chairman 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 relevant portfolio holder for corporate matters, 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.

Part 3: Scheme of Delegation

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 6.

9. Delegations of people management matters

9.1 The scheme of delegation for people management matters, Appendix 7, operates on the basis that people management decisions are delegated to the lowest possible level.

9.2 The scheme of delegation for people management matters can be varied by the Head of Paid Service, in consultation with the Corporate Leadership Team, Monitoring Officer and Section 151 Officer.

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.

Part 3: Scheme of Delegation

Appendix 1

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

Function	Decision-making Body
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).	Regulatory 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.	Regulatory 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.	Regulatory Committee
4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations.	Regulatory 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 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.	Regulatory Committee
7. 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.	Regulatory Committee
8. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.	Regulatory Committee
9. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation.	County Council
10. Power to make Standing Orders and Standing orders as to contracts.	County Council (on recommendation from the Audit and Governance Committee)
11. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets.	Audit and Governance Committee
12. Power to make payments or provide other benefits in cases of maladministration.	Audit and Governance Committee
13. The functions of the County Council to make limestone pavement orders.	Regulatory Committee

Part 3: Scheme of Delegation

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

Part 3: Scheme of Delegation

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 Children's and Adult Services matters	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
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.	County Council
9. Leading the County Council's search for efficiency.	Cabinet
10. Making arrangements for the execution of Highways work.	Director for Environment and the Economy in accordance with the Scheme of Delegation
11. Appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub committee of such a body; and the revocation of any such appointment.	Cabinet in respect of bodies with Executive functions save that the County Council will reserve to itself the appointments to the following bodies:- (a) LGA; (b) South West Regional Assembly The County Council in respect of other outside bodies.
12. Making agreements with other local authorities for placing staff at the disposal of those other authorities.	Staffing Committee

Part 3: Scheme of Delegation

Appendix 3

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

Function Approval of the Following Plans and Strategies	Decision-Making Body
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

Part 3: Scheme of Delegation

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 join 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 Audit 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.

Part 3: Scheme of Delegation

Appendix 5

1. Powers to be delegated to the senior managers

- 1.1 To make applications for planning permission, after consultation with the Chief Financial Officer, the Monitoring Officer and the Director for Environment and the Economy, 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 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.

Part 3: Scheme of Delegation

- 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 he/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.
- 2.8 The role of hearing and determining grievance appeals is delegated to the Chief Executive or a director after consultation with one trained member and one trade union representative drawn from any one of the recognised trades unions
- 2.9 The role of hearing and determining end of employment appeals is delegated to the Chief Executive or a director after consultation with two trained members.

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.

Part 3: Scheme of Delegation

- 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 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, 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

Part 3: Scheme of Delegation

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 Regulatory 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 the Economy 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 relevant Cabinet Member, and subject to the changes being reported to the next meeting of the Cabinet.

7. Powers delegated to the Head of Human Resources and Organisational Development

7.1 To act as the person specified by the County Council as a scheme employer, to consider disputes in respect of the Local Government Pension Scheme, about first instance decisions on pension matters.

7.2 Redundancy payments for teachers.

7.3 Extension to full and half sick pay.

8. Powers delegated to the Head of Early Help and 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

Part 3: Scheme of Delegation

9. Powers delegated to the Head of Economy

- 9.1 To make all development control decisions, subject to the following exceptions which would require the decision of the Regulatory 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 Regulatory 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 Economy will retain the discretion to bring any other matter he/she deems appropriate before the Regulatory Committee.

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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 Monitoring Officer 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)
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 and the Economy	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Head of Economy	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

Part 3: Scheme of Delegation

Appendix 7

Scheme of Delegation for People Management Matters

People management matters are delegated to the lowest possible level – usually the direct line manager – unless, by taking such action, the general principles described below are not supported.

- It is expected that the Chief Executive, supported by the Corporate Leadership Team, ensures that people management decisions are made in accordance with this scheme and that all managers* are aware of their delegated responsibilities.
- Managers can make all operational decisions within the remit of their role.
- Managers are not able to make decisions which require approval of the Staffing Committee or the Head of Human Resources and Organisational Development. (For example, pension scheme discretions and redundancy).
- Managers have the discretion to approve any requests made by their employees where either the DES ESS or mediated access process enables the manager to approve the request. (For example, approval of leave).
- Any manager taking formal action (written warning/suspension/dismissal), must have first received appropriate people management training.
- Before making a decision, the manager must consider whether the matter is of a particularly sensitive or significant nature that consulting with or informing a higher tier of manager is appropriate.
- HR & OD policy, procedure and guidance must always be followed, in line with employment legislation. Due consideration must be given to equality and diversity matters and health and safety responsibilities.
- Appeals against any formal decision will always be heard by a different manager than the manager making the decision, unless a specific route is specified in a particular HR & OD policy and procedure.
- All decisions made are in accordance with the County Council's principles of decision making. Decisions are: proportionate; follow due consultation and appropriate professional advice; respect human rights and equalities; made in favour of openness with clarity of aims and desired outcomes and reflect the balance of evidence or the legal or financial position.
- Managers must be able to provide reasons for decisions.

*The County Council's people managers are those with formal line management responsibility, as outlined in the job description. In addition, the line manager is the person with responsibility for performance management and undertaking the PDR. People managers are recorded as a manager in DES, with access to MSS. Officers without people management responsibility may also have delegated responsibility under this scheme if they are nominated to act on a manager's behalf.

The Scheme of Delegation for People Management Matters can be varied by the Chief Executive, in consultation with the Corporate Leadership Team and Monitoring Officer.

Part 3: Scheme of Delegation

Appendix 8

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

Part 3: Scheme of Delegation

Officers reporting to Level 3 & 4 (typically assistant team managers)	4 & 5	Approval of expenditure not exceeding £1,000.
Exemptions		
Head of Legal and Democratic Services as Monitoring Officer And Chief Financial Officer 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.
Procurement Tender Evaluation Models		
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.
Specific Officer Delegations		
Chief Financial Officer as Section 151 Officer		
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.		
Delegations to the Head of Legal and Democratic Services as Monitoring Officer		
Responsibility for safe custody of the County Council's seal and the execution of documents under seal.		
Delegations to the Head of Procurement		
Approval of EU procurement routes for over EU threshold procurement.		
Delegated to the Corporate Fleet Manager		
Approval of acquisition and disposal of all vehicles with a value not exceeding £500,000.		
Delegated to the Head of Property Management		
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.

Scheme of Delegation for People Management Matters

People management matters are delegated to the lowest possible level - usually the direct line manager - unless, by taking such action, the general principles described below are not supported.

- It is expected that the Chief Executive, supported by the Corporate Leadership Team, ensures that people management decisions are made in accordance with this scheme and that all managers* are aware of their delegated responsibilities.
- Managers can make all operational decisions within the remit of their role.
- Managers are not able to make decisions which require approval of the Staffing Committee, the Personnel Appeals Committee or the Head of Human Resources and Organisational Development. (For example, pension scheme discretions and redundancy).
- Managers have the discretion to approve any requests made by their employees where either the DES ESS or mediated access process enables the manager to approve the request. (For example, approval of leave).
- Any manager taking formal action (written warning/suspension/dismissal), must have first received appropriate people management training.
- Before making a decision, the manager must consider whether the matter is of a particularly sensitive or significant nature that consulting with or informing a higher tier of manager is appropriate.
- HR & OD policy, procedure and guidance must always be followed, in line with employment legislation. Due consideration must be given to equality and diversity matters and health and safety responsibilities.
- Appeals against any formal decision will always be heard by a different manager than the manager making the decision, unless a specific route is specified in a particular HR & OD policy and procedure.
- All decisions made are in accordance with the county council's principles of decision making. Decisions are: proportionate; follow due consultation and appropriate professional advice; respect human rights and equalities; made in favour of openness with clarity of aims and desired outcomes and reflect the balance of evidence or the legal or financial position.
- Managers must be able to provide reasons for decisions.

*The county council's people managers are those with formal line management responsibility, as outlined in the job description. In addition, the line manager is the person with responsibility for performance management and undertaking the PDR. People managers are recorded as a manager in DES, with access to MSS. Officers without people management responsibility may also have delegated responsibility under this scheme if they are nominated to act on a manager's behalf.

The Scheme of Delegation for People Management Matters can be varied by the Chief Executive, in consultation with the Corporate Leadership Team and Monitoring Officer.

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Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Senior Auditor, SWAP Internal Audit Services
Subject of Report	Internal Audit Progress Report – June 2018
Executive Summary	<p>For the 2018/19 financial year, it has been agreed that Internal Audit will report to the Joint Committee twice a year, providing an update on progress and any significant findings of audit work. This is the first of these reports.</p> <p>Since the last progress report during 2017/18, we have completed two pieces of audit work for DWP:</p> <p>(i) Budget Management – Reasonable Assurance (ii) Vehicle Workshops – Reasonable Assurance</p> <p>The details and findings of this review are contained in the following report.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>This report contains no new proposals and has no equalities implications.</p>
	<p>Use of Evidence:</p> <p>This report is based upon our recent audit findings and discussions with the DWP Director and Senior Management Team.</p>
	<p>Budget:</p> <p>This report has no budget implications.</p>

Internal Audit Progress Report - June 2018

	<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: LOW Residual Risk: LOW</p>
	<p>Outcomes:</p>
	<p>Other Implications:</p> <p>No other implications have been identified.</p>
<p>Recommendation</p>	<p>The DWP Joint Committee is asked to:</p> <ol style="list-style-type: none"> 1. Note the internal audit progress 2. Note the planned internal audit activity for the 2018/19 financial year
<p>Reason for Recommendation</p>	<p>The Joint Committee along with the Senior Management Team (SMT) have oversight of the Partnership's performance, budget and governance. As part of this, SMT and Joint Committee will want to ensure that there is a robust system of internal control within DWP. Internal Audit provides an independent and objective opinion on the control environment by evaluating its effectiveness.</p>
<p>Appendices</p>	<p>None</p>
<p>Background Papers</p>	<p>None</p>
<p>Officer Contact</p>	<p>Name: Kerry Brown Tel: 07890650081 Email: kerry.brown@swapaudit.co.uk</p>

1. Background

- 1.1 The Internal Audit service for Dorset County Council is provided by SWAP Internal Audit Services. As part of this service, an allocation of days is set aside to provide internal audit services to the Dorset Waste Partnership (DWP). Internal Audit provides an independent and objective opinion on the control environment by evaluating its effectiveness. SWAP work is completed to comply with the International Professional Practices Framework of the Institute of Internal Auditors, further guided by interpretation provided by the Public Sector Internal Audit Standards (PSIAS). The work of the partnership is guided by the Internal Audit Charter which is reviewed annually.
- 1.2 For 2018/19, it has been agreed that Internal Audit will report to the Joint Committee twice a year, providing an update on progress and any significant findings of audit work. This is the first of these reports.

2. Progress Update

Budget Management Review

- 2.1 At the time of the last DWP Joint Committee, this 2017/18 audit had not commenced. We have now finalised this audit with the report receiving a 'Reasonable' level of assurance, with two recommendations being made and one significant risk highlighted.
- 2.2 The significant risk relates to the budget setting, specifically using assumptions that carry a higher level of risk and increasing income targets which may not be sustainable in the future which could result in overspent budgets.
- 2.3 A review will be undertaken to ensure that actions from budget meetings are formally recorded, as whilst there is a structure for meetings where issues can be escalated, there is sometimes a lack of formal actions and/or minutes.
- 2.4 It has been agreed to include financial information with the Project Register, particularly how this has been included within the budget setting process.

Vehicle Workshops Review

- 2.4 At the time of the last DWP Joint Committee, this 2017/18 audit had not commenced. We have now finalised this audit with the report receiving a 'Reasonable' level of assurance, with just two recommendations being made.
- 2.5 DWP have a contract with Dorset County Council for Health and Safety advice and support and an audit was carried out at the Poundbury Workshop by DCC Officers in December 2017. The audit programme included health and safety and a decision was taken by SWAP not to duplicate the work in this area, instead recommendations were raised to support the implementation of the DCC Health and Safety recommendations.
- 2.6 Well controlled areas identified in our review included; MOT pass rates across the fleet are high, contracts with Fleet Factors and ATS Euromaster for the supply of parts and tyres results in efficient vehicle repairs and maintenance, and that the monthly checks undertaken ensures that the number of vehicles housed at each depot does not exceed that allowed by the Operator's Licence.

3. Internal Audit 2018/19 Work Programme

3.1 In conjunction with the DWP Senior Management Team, SWAP have agreed a work programme for the 2018/19 year. Due to there being no significant issues being raised in more recent audit reports a request was made by the DWP Director to reduce audit days from 60 to 40. The agreed reviews to be completed this year are:

- (i) **Value for Money Benchmarking** – Where possible, to gather information and data to benchmark DWP services against other Authority's providing similar services (20 days). A scope for this review has been agreed with work commencing shortly.
- (ii) **Enforcement** – A review of key risks relating to enforcement procedures across the Partnership (20 days). This review is expected to be carried out in Quarter 4.

Kerry Brown
Senior Auditor - SWAP
June 2018



Councils working together

Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Gemma Clinton, Head of Service (Strategy)
Subject of Report	Updated Enforcement Fixed Penalty Notices
Executive Summary	<p>On 1st April 2018 the Government introduced the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018. These regulations allow a civil penalty notice to be issued to the keeper of the vehicle from which litter is thrown. It is recommended that the DWP adopt a civil penalty charge of £100, reduced to £75 if paid within 14 days.</p> <p>The Environmental Offences (Fixed Penalties) (England) Regulation 2017 came into force on 1st April 2018. This allows local authorities to charge a range of £50 - £150 for littering offences under s 87 / 88 of the Environmental Protection Act 1990. It is recommended the DWP adopt the default charge of £100, reduced to £75 if paid within 7 days.</p>
Impact Assessment:	<p>Equalities Impact Assessment: Yes – as presented at Joint Committee on 6th November 2017.</p>
	<p>Use of Evidence:</p> <p>Various pieces of environmental legislation - (Environment Protection Act 1990, Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018, Environmental Offences (Fixed Penalties) (England) Regulations 2017)</p>
	<p>Budget: N/A</p>

Updated Enforcement Fixed Penalty Notices

	<p>Risk Assessment: N/A</p>
	<p>Outcomes:</p> <p>To enable littering from vehicles to be enforced where appropriate.</p> <p>To ensure current levels of fixed penalty notices are following national best practice and guidelines</p>
	<p>Other Implications: None</p>
Recommendation	<p>That the Joint Committee:</p> <ol style="list-style-type: none"> 1. adopt a civil penalty charge for litter thrown from a moving vehicle of £100, reduced to £75 if paid within 14 days 2. revise the fixed penalty notice for littering to £100, reduced to £75 if paid within 7 days 3. revise the discounted payment for failure to produce a waste carriers licence or failure to produce Duty of Care documentation to £180.
Reason for Recommendation	<p>To enable littering from vehicles to be enforced where appropriate.</p> <p>To ensure current levels of fixed penalty notices are following national best practice and guidelines.</p>
Appendices	<p>None</p>
Background Papers	<p>DWP Joint Committee paper 6th November 2017 – Review of Enforcement Policy, Procedures and Guidelines</p>
Officer Contact	<p>Name: Gemma Clinton, Head of Service (Strategy) Tel: 01305 224716 Email: g.clinton@dorsetwastepartnership.gov.uk</p>

Updated Enforcement Fixed Penalty Notices

1. Background

- 1.1 The Enforcement team now has 4 full time staff and the results over the last 6 months are showing the impact of this. Table one illustrates the number of enforcement actions taken across the range of offences covered:

Table one: Number of enforcement actions taken:

Enforcement actions	April 17 – Sept 17	Oct 17 – March 18
Verbal warnings	0	3
Written warnings	68	86
FPN's	0	14
Prosecutions	0	3
Total enforcement actions	68	106

- 1.2 The team have also launched the anti-flytipping campaign 'tip off' across the county. This has been well received and has included a series of roadshows, information flyers and leaflets, radio advertising and social media campaigning.
- 1.3 Table two details the offences where FPN's can be issued by the DWP, and the current charges levied.

Table 2: Offences we currently issue FPN's for

Offence	Legislation	Maximum fixed penalty	Default fixed penalty	Current DWP Fixed penalty	Current DWP discount (7Days) fixed penalty
Depositing litter	S87 / 88 Environmental Protection Act 1990	£80	£75	£75	£50
Abandoning a vehicle	S2A (1) Refuse Disposal Amenity Act 1978	£200	£200	£200	£150
The unauthorised depositing of waste (flytipping)	S33 Environmental Protection Act 1990	£400	£200	£400	£200
Failure to comply with a waste receptacle notice (Domestic)	S46 Environmental Protection Act 1990	£80	£60	£75	£50

Updated Enforcement Fixed Penalty Notices

Offence	Legislation	Maximum fixed penalty	Default fixed penalty	Current DWP Fixed penalty	Current DWP discount (7Days) fixed penalty
Failure to comply with a waste receptacle notice (Commercial)	S47 / 47ZA / 47ZB Environmental Protection Act 1990	£110	£100	£100	£75
Failure to produce Waste Transfer Notes	S34A (2) Environmental Protection Act 1990	£300	£300	£300	£150
Failure to produce Waste Carriers License	S5 / 5B (2) Control of Pollution Act (Amendment) 1989	£300	£300	£300	£150
Failure to comply with a Community Protection Notice	S52 Anti – social Behaviour and Policing Act 2014	£100	£100	£100	£75

2. Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018

- 2.1 On 1st April 2018 the Government introduced the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018. These regulations allow a civil penalty notice to be issued to the keeper of the vehicle from which litter is thrown. This removes the need to identify precisely who threw the litter before taking enforcement action.
- 2.2 A civil penalty is a civil fine which, unlike a criminal penalty, does not carry the risk of a criminal prosecution. The civil penalty charge can be levied between £50 - £150, with a default level set at £100. It is recommended that the DWP adopt a civil penalty charge of £100, reduced to £75 if paid within 14 days as this is at a proportionate level compared to other fixed penalty notices that the DWP currently issue. If the civil penalty is not paid within the 28-day payment period given, then the fine level liable will double. Any income from these civil penalties can only be used for functions relating to litter and refuse, graffiti and flyposting, and controlling and enforcing against the unauthorised distribution of free literature.
- 2.3 In order to issue a civil penalty notice for littering from a moving vehicle, evidence will need to be gathered, this will include:
- The circumstances alleged to constitute the littering offence, including the registration mark (if known) of the vehicle concerned.
 - The make of vehicle, model and colour
 - The opening from which the litter was thrown (e.g. driver's side window)

Updated Enforcement Fixed Penalty Notices

- 2.4 If there is sufficient evidence and either a S9 witness statement or a report from a council employee, then the DVLA WEE system will be accessed to obtain details of the registered keeper of the vehicle. The civil penalty notice will be issued to the registered keeper of the vehicle unless it can be proven that the vehicle was 'kept' by someone else at that time.
- 2.5 However, if it can be proved which specific individual was responsible for littering from a vehicle, then the criminal proceedings will be followed under the Environment Protection Act 1990 (EPA 1990) section 87.
- 2.6 The information regarding these changes has been added to the Enforcement Procedures and Guidelines.

3. Changes to current Fixed Penalty Notices

- 3.1 The Environmental Offences (Fixed Penalties) (England) Regulation 2017 came into force on 1st April 2018. This allows local authorities to charge a range of £50 - £150 for littering offences under s 87 / 88 of the Environmental Protection Act 1990, with a default penalty now being £100. Currently the DWP has a fixed penalty of £75 for littering.
- 3.2 It is proposed that the amount is revised to £100, reduced to £75 if paid with 7 days, to fit with the revised default amount for the offence. It is also necessary for the civil penalty charge for litter from moving vehicles to be at the same level as the criminal fixed penalty charge for littering, this level of fine would ensure this happens.
- 3.3 The DWP also issue fixed penalty notices for failure to produce a waste carriers licence and failure to produce waste transfer notes. These are set at £300, with a discount to £150 if paid within 7 days. The reduced amount does not fit with government guidelines and it is therefore recommended to amend this to £180 if paid within the 7-day discount period.

Karyn Punchard

Director, DWP

June 2018

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Councils working together

Dorset Waste Partnership Joint Committee

Date of Meeting	11 June 2018
Officer	Gemma Clinton, Head of Service (Strategy)
Subject of Report	Dorset Waste Partnership Corporate Risk Register
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>Ten strategic or significant risks are identified in total, along with a larger number of potential causes. The risk register profile has deteriorated since January 2018, when it was last presented to the Joint Committee. There are three high risks, six medium risks and one low risk identified on the register.</p> <p>Risk 1 and Risk 9 have changed, Risk 2 is a new risk and Risk 1, 3 and 4 are DWP's high risks.</p> <p>Risk 1, Failure to achieve capital and revenue budget for 2018/19 has deteriorated from the previous risk that referred to 2017/18 budget. This is due to the current projected overspend on our budget of £1.1m. This overspend can be funded by the DWP's budget equalisation reserve (BER), however if, after taking management action, the overspend exceeds the BER reserve (£1.23m) then partner councils will be asked for more money.</p> <p>Therefore, a new Risk 2 has been created which is about the DWP having insufficient funds in the BER to cover an overspend in the budget.</p>

	<p>Risk 3, Failure to achieve capital and revenue budget / savings targets for the MTFP remains as a high risk. Waste growth (and household growth) will continue year on year. The increasing costs of providing a collection and disposal service for residents while maintaining good customer satisfaction is going to become increasingly challenging due to the impending budget pressures.</p> <p>Risk 4, Inability to maintain and develop infrastructure to meet DWP needs, is also identified as a high risk. This risk remains high due to the lack of security of disposal options (treatment and landfill) for the DWP going forward. Infrastructure projects are planned and are progressing, nonetheless, until the infrastructure is operational, this is a high-risk area to the DWP (particularly in light of the disposal and treatment contract procurement).</p> <p>Risk 10 was previously: potential changes to the DWP through unitary and/or combined authority proposals. This has been revised to: DWP covering a smaller geographical area, having smaller tonnage and therefore being less competitive in the waste market. This is due to local government reorganisation and the DWP will continue to work with Bournemouth and Poole to mitigate this risk.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>This report does not require an EQIA</p> <hr/> <p>Use of Evidence:</p> <p>South West Audit Partnership- Dorset Waste Partnership Internal Audit Progress Report- June 2018</p> <hr/> <p>Budget:</p> <p>This paper presents the corporate risk register of the DWP. There are no direct budget implications, however the register identifies some financial risks, and if some risks are not sufficiently mitigated, will have financial consequences.</p> <hr/> <p>Risk Assessment: N/A</p> <hr/> <p>Outcomes: To manage the corporate risks of the DWP on behalf of all partner councils</p> <hr/> <p>Other Implications: None</p>

Dorset Waste Partnership Corporate Risk Register

Recommendation	That the Joint Committee (i) Notes the status of risks included in the register of corporate risks of the Dorset Waste Partnership; (ii) Identifies any other significant or strategic risks that the Committee believes should be included.
Reason for Recommendation	To manage the corporate risks of the DWP on behalf of all partner councils.
Appendices	Appendix 1 – Dorset Waste Partnership Corporate Risk Register June 2018
Background Papers	None
Officer Contact	Name: Gemma Clinton, Head of Service (Strategy) Tel: 01305 224716 Email: g.clinton@dorsetwastepartnership.gov.uk

Karyn Punchard
Director, DWP

June 2018

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Risk Register for: Dorset Waste Partnership	3	High
	6	Medium
	1	Low
	10	

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		Financial	Strategic Priorities and Opportunities	Health & Safety	Reputational	Service Delivery	Control Environment	
HIGH	i.e. a greater than 20% chance of:	Financial impact > £500,000	Major impact (positive or negative) on a strategic priority	Fatality or major injury/illness (long term incapacity / disability)	Sustained/long term negative media attention	Unable to deliver critical services (levels one and two)	G	Reasonable / Accepted Risk (Green)
MEDIUM	i.e. a greater than 20% chance of:	Financial impact between £300,000 and £500,000	Moderate impact (positive or negative) on a strategic priority	Moderate injury or illness	Short to medium term negative impact on public memory (affecting more than one ward)	Unable to deliver critical services (level three)	A	Partial (Amber)
LOW		Financial impact less than £300,000	Minor / negligible impact (positive or negative) on a strategic priority	Injury or illness requiring minimal intervention or treatment	Short to medium term negative impact on public memory (affecting one ward) / minor complaints or rumours	Minor disruption to service delivery	R	None / Limited (Red)

Last Reviewed
22 May 2017



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
1	Failure to achieve capital and revenue budget 2018/19	high	Deteriorating	Director	07/11	monthly	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. 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	on going	Cost/budget increase to partner councils
							Partner finance position affects the level of service the DWP can deliver	A	SMT- Karyn Punchedard	Engagement with Commissioning Group and Joint Committee and consideration by partner councils. If overspend exceeds the £1.230 in the budget equaisation reserve then partner finances are going to be affected.	Partners identify funding and any funding gap	Comm. Group	on going	
							Inadequate budget setting	R	SMT / Section 151	Scrutiny by chief executive sponsor and DWP Joint Scrutiny Group. Budget assumptions for recycle price alone have proved to be inadequate.	Review recycle price for 19/20 budget	Karyn Punchedard	31/03/19	
							Disposal costs increase	A	Gemma Clinton/ Jason Jones	Existing local landfill and other residual treatment contracts. Business case approved for a central strategic waste transfer station for Dorset in Blandford which will provide some contingency to the county. Working with NES (Canford) to increase tonnage throughput (additional 15,000T of capacity from February 2017). Waste Disposal Strategy approved at January Joint Committee.	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	31/03/19	
							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	Delivering the new transport strategy as agreed at DWP JC.	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 2018/19	Explore options identified in commercial waste strategy, and networking.	Paul Ackrill	on-going	
							Crash in the recycle market	R	Gemma Clinton	Limited control, as determined by global market prices. 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. China is having an impact on global prices due to the 'national sword' campaign and the reduction of imports they are accepting now.	Maintain quality of material through continued education. Continue to explore market opportunities- e.g. working with Bournemouth and Poole on any future MRF or infrastructure projects. Keep up-to-date with China's campaigns to reduce imports and improve quality of recycle, identify any new ways of working that will benefit new contracts going forward.	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	Implement new 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. Revise collection rounds to make most efficient use of resources. Implement new BARTEC in cab system to improve efficiency and customer service.	Matt Boulter and Ian Brewer	on going	
							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	

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
2	Insufficient funds in the Budget Equalisation Reserve to cover an overspend in the budget	Medium		Director	05/18	03/19	HRC charges being revoked	R	Gemma Clinton	Working with W&S to understand the potential risks to the contract. We estimate that charging for certain materials at HRC's have saved the DWP £250k/year, however if DWP were to stop charging the additional disposal costs to us now would mean the cost would be likely to be closer to £400k.	Monitoring of the Government's litter strategy progress. Input into working groups where possible to influence the decision.	Jason Jones	on going	Partner Council's asked for more money
							waste arising increase	A	Gemma Clinton	Monitored by budget holders, education campaigns to reduce waste (real nappy incentive scheme, home compost bin offer, love food hate waste), 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. Refocus on tackling side waste and increase enforcement activity.	Lisa Mouny/ Louise Bryant	on going	
							Budget Equalisation used to bridge budget gap in 2018/19	A	Karyn Punchard	See Risk 1 above		SMT	on going	
3	Failure to achieve capital and revenue budget / savings targets for the MTFP	high	No Change	Director	05/16	08/18	Failure to achieve budget savings / as waste arisings continue to grow alongside house growth	R	Karyn Punchard	Following a Budget Challenge Members workshop, the 18/19 budget has a £700k shortfall due to a standstill budget being set. Changes to budget assumptions may make up some of this but there are other emerging pressures on the budget, such as the pay award being 2% (1% budgeted) plus the effect of minimum wage increases. Recyclate price increases have created an additional £1m budget gap.	Continue to promote educational campaigns, such as, 'Right Stuff, Right Bin' to maintain and increase material capture rates for recycling and composting. Use the new in-cab BARTEC system to help further drive efficiencies from the existing Recycle for Dorset Service. Maintain project register and continue to work on savings projects, such as changing collection points, working patterns and infrastructure (invest to save)		01/10/23	Potential to breach statutory obligations
							Change in the political arena	A	Comm. Group	Improved budget management and finance management. Clearer budget monitoring arrangements; budget improvement plan established. Induction pack for new members completed and site visits to sites offered. Pre Joint Committee members briefings given to members from each partner area by SMT to improve understanding of topical issues along with committee reports. There's a strong likelihood the DWP will have new members involved in waste following LGR, so more work will need to be done in terms of induction.	Be involved with Dorset Local Government Reorganisation discussions. Prepare a robust induction program for new members.	Steve Mackenzie	01/04/19	
							Partner finance position affects the level of service the DWP can deliver	R	SMT- Karyn Punchard	Engagement with Commissioning Group and Joint Committee and consideration by partner councils. MTFP has been refreshed and is unaffordable.	Partners identify funding and any funding gap. Continue work streams from the Member Budget Challenge Workshop and continue to look at other savings.	Comm. Group	on going	
							Disposal costs increase	R	Gemma Clinton	Existing local landfill and other residual treatment contracts have been extended as far as they can. Landfill contracts expire in 2020 and treatment in 2021. Procure new disposal options in 2019 for the DWP (that neighbouring authorities can also use). 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. Work to reduce waste arisings and residual waste through educational campaigns (Right Stuff, Right Bin).	Jason Jones/ Lisa Mouny and Louise Bryant	on- going	
4	Inability to maintain and develop infrastructure to meet DWP needs	High	No Change	Director		08/18	Availability and ability to acquire suitable sites	A	Gemma Clinton	Working with waste planning authority (DCC) to identify and safeguard sites to meet our needs through the Waste Local Plan. Sites for central strategic waste facility identified in Blandford. Sites for treatment are also identified. Infrastructure review has taken place and now more strategic projects will be developed.	Develop strategic plan for business cases for further sites. Include relevant sites within the Waste Local Plan	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. Support Services Framework now in place to cover Ferndown and Christchurch depots. Fleetwave software inline with DCC is now fully in use and the DWP transport team has been restructured now that Crookhill workshops and staff have moved from SES to DWP.	Continue to monitor vehicle maintenance arrangements with DCC and Bournemouth Bc and Poole BC	Mike Moon	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
							Failure to procure ICT solutions to improve efficiency	A	Gemma Clinton and Mike Moon	Mapping of current ICT needs; investigation of market solutions. Have just procured an in-cab solution (BARTEC) for commercial waste, and will trial this for suitability for domestic fleet, now the priority is to procure new route optimisation software.	Agree business case; work with procurement colleagues; identify other solutions or work arounds to reduce impact	Gemma Clinton	On-going	
							Inability to provide secure container storage	A	Gemma Clinton and Mike Moon	Existing depots have limited storage. New storage facilities are being developed at Crookhill Depot and Blandford Depot,	Need to include bin storage in future infrastructure developments.	Jason Jones	on-going	
							security of disposal options (treatment and landfill)	R	Gemma Clinton	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 additional availability within existing contracts and a re-procurement strategy when current contracts expire. Ensure difficult waste streams (e.g. bulky waste) are considered in future disposal contracts.	Jason Jones	On-going	
5	Inability to ensure business continuity	Medium	No change	Director		08/18	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	Keep DWP wide business continuity plan up-to-date, develop infrastructure as required.	Gemma Clinton and Mike Moon	On-going	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	Maintain DWP wide business continuity plan	Gemma Clinton and Mike Moon	On-going		
						Loss of IT. Failure/corruption of the household database.	A	Gemma Clinton	DCC ICT continuity arrangements	DWP wide business continuity plan. Currently reviewing the IT SLA to ensure we have sufficient continuity in place.	Gemma Clinton and Mike Moon	On-going		
						Loss of operational staff (industrial action; pandemic flu)	G	Mike Moon	Use of agency staff; service standards review. Business continuity plans for each depot in place	Regular review and update of Business Continuity Plans	Gemma Clinton and Mike Moon	On-going		
						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		Mike Moon	On-going		
6	Breach of statutory duty	Medium	No change	Director		08/18	Failure to respond to change in legislation	G	Mike Moon and Gemma Clinton	Technical experts; monitoring arrangements; horizon scanning, team training	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 on same basis as DCC; following of procedures for maintenance etc. Transport strategy in place.		Andy Cadman	on-going		
						Breach of EPA and contaminated land legislation through failure of closed landfill site - structural failure or gas/leachate spillage	A	Gemma Clinton	Regular monitoring of sites and remedial measures put in place where necessary. SMT and contracts team attended a closed landfill course.	On-going monitoring of sites. Commission of consultants to carry out some work around liabilities for each site.	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		
7	Failure to retain, recruit and develop competent and capable people	Medium	No change	Director		08/18	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	Look to see if the DWP can use the new apprenticeship scheme, identify key roles as part of the business continuity planning	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 teams when required. Enable flexible working for office based staff, where the business need permits.	SMT	On-going		

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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
							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. All office based staff and business partners had the opportunity to complete the CIWM WasteSmart course in 2016/17	Continue staff training. Specifically all managers to attend: Leadership essentials, management essentials, team coaching. Identify any further training needs with the CIWM	SMT	On-going	
8	Accident, injury or death of an employee or member of the public	Medium	No change	Director	08/18	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. Health and safety team and support.	Continued monitoring and take action to tackle Health & Safety breaches.	Operations Managers	on-going	Investigation and prosecution (H&S / corporate manslaughter); negative reputation; staff absence	
						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. 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. New DWP H&S consultative Group implemented across all teams within DWP reporting to the DWP H&S Committee which is chaired by the Head of Service (Operations).	Operations and All Managers	on-going		
						Unsafe working practice at a site operated by a contractor	G	Gemma Clinton	Regular meetings with contractors; health and safety expectations defined in the contracts; DWP follow up actions identified within risk assessments and response to incidents. Use DWP health and safety officer for site visits and advice.		Jason Jones	on-going		
9	Loss of public support and confidence	Low	No Change	Director	08/18	Inadequate communication with elected members and officers across the partner authorities	G	Director	DWP communications plan and dedicated communications resource and governance review completed	Regular meetings between SMT and partners kept under review	SMT	on-going	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	Build the use of DWP's social media presence to make our information more accessible	Gemma Clinton			
						Failure to achieve budget savings / performance targets	R	SMT	See Risk 01 and 02 above. Households, and waste continue to grow and partners don't have the budget to meet this growth within the MTFP	See Risk 01 and 02 above. Continue to seek out efficiency from existing services (e.g. #1 million from the right stuff right bin campaign) and work on further savings projects.				
						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. Further soft market testing required in early 2018 for future disposal/treatment contracts to focus on contingencies available by different contractors (we can't rely on local landfill sites anymore).	Jason Jones	On-going		
							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		
10	DWP covering a smaller geographical area, smaller tonnage and less competitive in waste market	Medium	Deteriorating	Director	06/16	01/19	DWP Joint Committee ceases to exist after 31 March 2019	A	Karyn Punchard	Continue to work in partnership with Bournemouth and Poole	Continue to work in partnership with Bournemouth and Poole	SMT	On-going	
Deleted Items off the register														

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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