

# Shadow Dorset Council

Date of Meeting	15 October 2018
Officer	Karyn Punchard - Director of Dorset Waste Partnership
<b>Subject of Report</b>	<b>Delegation of Waste Function for Christchurch</b>
Executive Summary	This paper sets out the proposal that a legal agreement be entered into by the two Shadow Authorities before 1 April 2019 to delegate the waste function of Bournemouth, Christchurch and Poole (BCP) Council for the Christchurch area to Dorset Council for a one-year period.
Impact Assessment:	Equalities Impact Assessment: n/a
	Use of Evidence: Officer discussions through the Shaping Dorset and BCP Programmes
	Budget: It is proposed that a fee is agreed between the two interim S151 officers based on the waste and cleansing disaggregation template and determined as part of the budget making processes of the two Shadow Authorities. On the basis of the disaggregation template no council should be financially disadvantaged.
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as:            Current Risk: HIGH            Residual Risk MEDIUM</p> <p>The HIGH risk relates to criticality of service delivery on day one, financial, health and safety and reputation categories</p>

	<p>The risk of not entering into a transitional arrangement is that waste collection and/or disposal in the Christchurch area fails due to insufficient time to plan for alternative service arrangements.</p> <p>Other Implications:</p> <p>Reputational: Positive impact on reputation of Dorset and BCP Councils by ensuring day 1 continuity for a high-profile service</p> <p>Political: Arrangements to keep BCP members fully informed will need to be put in place</p> <p>Employee implications: Christchurch based staff may experience two TUPE transfers over a one-year period</p>
<p>Recommendation</p>	<p>That the Shadow Executive:</p> <p>(i) approves a delegation of function by agreement under Section 101 of the Local Government Act 1972 to allow waste services currently delivered by the Dorset Waste Partnership, to continue to be delivered in the existing Christchurch Borough area by Dorset Council on behalf of Bournemouth, Christchurch and Poole Council, for a period of one year from 1 April 2019.</p> <p>(ii) authorises the Director of the Dorset Waste Partnership, the Director of Environment Bournemouth Borough Council, and the Environmental Development Manager Borough of Poole, along with the two interim monitoring officers, to agree the terms of the legal agreement following discussion with lead members/portfolio holders for waste.</p> <p>iii) approves that a fee is agreed between the two interim S151 officers based on the waste and cleansing disaggregation template and determined as part of the budget making processes of the two Shadow Authorities. On the basis of the disaggregation template no council should be financially disadvantaged.</p>
<p>Reason for Recommendation</p>	<p>To ensure continuity of a high-profile service delivered to every household in Christchurch for a transitional period.</p>
<p>Appendices</p>	<p>Appendix 1 - Minutes of Dorset Waste Partnership Joint Committee 11 September 2018</p>
<p>Background Papers</p>	<p>Delegation of Waste Function for Christchurch:          Report to Dorset Programme Board 15 August 2018          Report to BCP Programme Board 30 August 2018          Report to DWP Joint Committee 11 September 2018</p>

Officer Contact	Name: Karyn Punchard, Director of Dorset Waste Partnership Tel: 01305 225459 Email: k.punchard@dorsetwastepartnership.gov.uk
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## 1. Background

- 1.1 There are currently three different collection systems in Bournemouth, Christchurch and Poole - Christchurch currently using the Recycle for Dorset service delivered by the Dorset Waste Partnership (DWP). DWP will cease to exist as a partnership on 1 April 2019. Instead the functions currently discharged through the DWP Joint Committee for the geographic areas of the current councils of Dorset County, East, North and West Dorset, Purbeck and Weymouth and Portland will become functions of Dorset Council and functions for Christchurch would become functions of Bournemouth, Christchurch and Poole Council.
- 1.2 Waste collection is one of the most visible council services affecting all households and many businesses. The "day one" issue for waste for the new councils is how do we ensure service continuity – and that services are safe and legal.
- 1.3 This approach has been endorsed by both the Dorset and BCP Programme Boards, and this report will also be considered by the BCP Shadow Executive Committee (SEC). The proposal is that both Dorset and BCP SECs approve a delegation of function by agreement under Section 101 of the Local Government Act 1972 to allow waste services currently delivered by the Dorset Waste Partnership, to continue to be delivered in the existing Christchurch Borough area by Dorset Council on behalf of Bournemouth, Christchurch and Poole Council from 1 April 2019.
- 1.4 A delegation of function would enable Dorset Council to continue to provide services in Christchurch and transfer (under the Structural Change Order) DWP staff and assets serving Christchurch to Dorset Council instead of BCP, for the period of the agreement. This would mean all DWP staff and assets transfer to Dorset Council and that, for the duration of the agreement, there would be no change in staff management or contractual arrangements. Governance of waste services will be determined as part of the new committee structures for Dorset and BCP Councils. The legal agreement will also need to cover transitional reporting and governance, funding, duration of agreement, staffing and assets, and termination.
- 1.5 Alternative arrangements for the delivery of waste have been considered and rejected on the basis of the limited time available to put deliverable changes in place, including any complex contract management arrangements. This includes direct delivery of service from 1 April 2019 by BCP council, or a contractual arrangement between BCP and Dorset Council. Specific elements of service could be contracted out but as services in DWP are fully integrated there would be a significant risk to service delivery.

- 1.6 It is proposed that the duration of the delegation should be one year from 1 April 2019, with provision for termination or extension by both parties.

**Karyn Punchard**  
**Director of Dorset Waste Partnership**  
September 2018