

EAST AYRSHIRE COUNCIL

COUNCIL MEETING – 8 DECEMBER 2005

RESIDUAL WASTE TREATMENT AND DISPOSAL: JOINT WORKING ARRANGEMENTS FOR THE THREE AYRSHIRE COUNCILS

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise Council of progress made towards the development of a Strategic Outline Case for a bid to the Strategic Waste Fund and to seek nomination of four elected members to represent East Ayrshire Council on a group to be known as the Ayrshire Joint Strategic Waste Management Project Group.

2. BACKGROUND

- 2.1 Members will recall that the Community Services Committee previously considered reports which made reference to joint working between the three Ayrshire authorities in relation to long term waste disposal arrangements which will allow the Council to meet recycling and waste diversion targets.
- 2.3 Various meetings have already been held and are receiving support from the Scottish Executive who are keen to promote joint working in accordance with the Area Waste Planning process. However, it is felt that the current arrangements need to be formalised and therefore a draft Memorandum of Understanding has been produced to set out the membership and other related matter. A copy is attached at Appendix 1 for consideration and approval by Members. The matter is currently being considered by the other two Councils, which might give rise to further minor or inconsequential amendments.
- 2.4 Consultants have also been working with the three Councils to develop a Strategic Outline Case to support an application for funding to the Strategic Waste Fund. The basis of the bid will be each Council maximising all recycling services and working together to develop services and facilities which do not currently exist to provide enhanced environmental performance and Best Value.

3. FINANCIAL IMPLICATIONS

- 3.1 In all reports to Community Services Committee, it has been stressed that the Council has little alternative but to demonstrate joint partnership working with the other two Ayrshire authorities if a successful bid to the Strategic Waste Fund is to be made. Failure to meet the new statutory recycling/diversion targets will result in the Minister using his powers to levy significant financial penalties. There are no financial implications arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1 The Project Group has no legal status and no decision making powers which are binding on constituent authorities.

5. POLICY ISSUES

- 5.1 The proposal to enter into a partnership working arrangement with the other two Ayrshire Councils is consistent with the objectives of the Community Plan: Improving Environment, Aim 3 – increase the amount of waste that is recycled and reused.

6. CONCLUSIONS

- 6.1 Considerable progress has now been made by Consultants appointed by the three Ayrshire Councils to develop a Strategic Outline Case for an award from the Strategic Waste Fund.
- 6.2 It is now appropriate that consideration be given to a more formal working arrangement between the three Councils and to this end, South Ayrshire Council have proposed a group to be known as the Ayrshire Joint Strategic Waste Management Project Group.

7. RECOMMENDATIONS

- 7.1 Council is invited to:-
- (i) Note the significant progress made by Consultants appointed by the three Ayrshire authorities to develop a Strategic Outline Case for an award from the Strategic Waste Fund;
 - (ii) Approve the Memorandum of Understanding set out in Appendix 1 to support joint working in waste management among the Ayrshire Local Authorities;

- (iii) Remit to the Executive Director of Neighbourhood Services and the Solicitor to the Council, in conjunction with the Chair of Community Services, to make any further minor or inconsequential changes which may be required to the text of the Memorandum of Understanding;
- (iv) Nominate four Elected Members to serve on the proposed Ayrshire Joint Strategic Waste Management Project Group ;
- (v) Request that regular update reports be provided to the Community Services Committee for consideration; and
- (vi) Otherwise note the report.

William Stafford
Executive Director of Neighbourhood Services

WS/JFC/SD

23 November 2005

LIST OF BACKGROUND PAPERS

NIL

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The Ayrshire Local Authorities
Joint Working in Waste Management
Memorandum of Understanding

1. Constituent Authorities

- (i) South Ayrshire Council
North Ayrshire Council
East Ayrshire Council
- (ii) The parties shall constitute a Joint Elected Member Group to be known as the Ayrshire Joint Strategic Waste Management Project Group.

2. Ayrshire Joint Strategic Waste Management Project Group (AJSWMPG)

- (i) The constituent authorities agree to establish an Ayrshire Joint Strategic Waste Management Project Group consisting of four nominated elected members from each of the Constituent Authorities. Named substitutes will be permitted.
- (ii) Members shall be nominated annually by each of the respective Councils.

One nominated elected member should, where appropriate, be the elected member (Convenor) having the portfolio and the remit for waste management with the other elected members should have Committee involvement with waste issues for each of their respective authorities.
- (iii) Each member shall have equal voting rights. In the event of a tie, there will be no casting vote.
- (iv) The AJSWMPG will have no delegated powers.
- (v) The AJSWMPG Chair will alternate on a six monthly basis as will the Vice Chair.
- (vi) The Chair and Vice Chair shall be from different authorities.
- (vii) The AJSWMPG shall, subject to necessary business, aim to meet a **minimum** of quarterly.
- (viii) Officers from the constituent authorities shall be permitted to attend meetings to support the elected members of the AJSWMPG.



- (ix) Meeting shall **not** be open to the public but other participants may attend at the invitation of the AJSWMPG
- (x) The constituent authority represented by the Chair will provide the secretariat support for the appropriate period for the AJSWMPG.
- (xi) The AJSWMPG should oversee and advise on the development, adoption and implementation of a Joint Municipal Waste Management Strategy for Ayrshire to determine what needs to be put in place by way of residual waste treatment infrastructure for the Ayrshire area as a whole in order to meet the medium to long-term landfill directive targets to 2020 and beyond.
- (xii) The AJSWMPG shall serve as a forum to discuss all waste management issues and developments and to advise the constituent authorities of their implications.

3. Senior Officer Group (SOG)

- (i) The AJSWMPG shall be underpinned and supported by a senior officer group consisting of senior officers with the responsibility and remit for waste management from each constituent authority with this senior officer group supported by other officers with other disciplines as appropriate.
- (ii) A senior officer from this group will act as the lead officer and will be identified and appointed by the AJSWMPG.
- (iii) The lead officer shall prepare reports in conjunction with the SOG for consideration by the AJSWMPG.
- (iv) The SOG will act and represent each of the constituent authorities in the Ayrshire Strategic Options Group chaired by the Scottish Environmental Protection Agency (SEPA) with representation from the Scottish Executive Environment Group (Waste Unit).

4. Terms of Reference

- (i) The AJSWMPG aims and objects are to manage municipal waste generated, including commercial/industrial, and collected by each of the constituent authorities and aim to progress joint working on waste management in Ayrshire and deliver sustainable waste management having taken account of the integration, scale of economy, synergy and influence that joint working and overall benefits that will arise.



- (ii) All parties agree **not** to let any waste management contracts beyond 31st March 2006 without the prior knowledge and consent of the other constituent authorities. It is recognised that as a direct consequence of contractual circumstances, East Ayrshire Council is currently preparing tender documentation for the procurement of a replacement short-term contract for the transfer and disposal of municipal waste commencing in May 2006. The specification etc. provides for the conclusion of this contract at the introduction of any new facilities arranged and procured as a result of the Ayrshire Local Authorities Joint Working in Waste Management arrangement.
- (iii) All parties agree and will abide by the philosophy of operating waste management in Ayrshire as a whole under the principle of what is best for the Council Tax payer, not necessarily the individual authority.
- (iv) This Memorandum of Understanding is an operational document and not a formal contract.
- (v) This Memorandum of Understanding is seen as a temporary document, which shall be in force until a more appropriate constitution can be developed and agreed following the submission of the Ayrshire's Strategic Outline Case (SOC) to the Scottish Executive in light of spending review 2006 process and its degree of success thereafter.
- (vi) All expenses in connection with this Memorandum of Understanding of the AJSWMPG and its preparation of the Strategic Outline Case (SOC) will be borne equally by each until the eventual form of procurement, management etc. arrangements for waste treatment and disposal facilities for Ayrshire has been agreed by the three Councils. Such agreement is anticipated to define the various roles and responsibilities of each Council and will be subject to the (indirect) approval of the Scottish Executive as an award from the Strategic Waste Fund.