



Bournemouth, Christchurch and Poole Shadow Executive Committee

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| Report Subject | Delegation of Waste Function for Christchurch |
| Meeting date | 7 th November 2018 |
| Report Author | Ian Poultney: Joint Interim Head of Environmental Services Poole |
| Status | Public |
| Classification | For Decision |
| Key Decision | Yes |
| 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. |
| Recommendations | That the Shadow Executive: (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. |

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| | (ii) Authorises the Director of Environment Bournemouth Borough Council, the Lead Officers for Environment Borough of Poole, and the Director of Dorset Waste Partnership along with the two interim monitoring officers, to agree the terms of the legal agreement following discussion with lead members/portfolio holders for waste.at the Shadow Authority/Executive Committee. |
| Reason for Recommendations | To ensure continuity of a high-profile service delivered to every household in Christchurch for a transitional period of 1 year. |

Background detail

1. There are currently three different collection systems in Bournemouth, Christchurch and Poole - Christchurch is currently serviced by the Dorset Waste Partnership (DWP). DWP will cease to exist as a partnership on 1 April 2019. Thereafter the functions currently discharged by DWP 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 we ensure service continuity – and that services are safe and legal.
- 1.3 This approach has been endorsed by both the BCP and Dorset Programme Boards, and this report has already been considered and agreed by the Dorset Shadow Executive Committee (SEC). The proposal is that both BCP and Dorset 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 vehicles serving Christchurch to Dorset Council instead of BCP, for the period of the agreement. This would mean all DWP staff and vehicles transfer to Dorset Council and that, for the duration of the agreement, there would be no change in staff management. Property assets relating to the delivery of the waste service and located in the Christchurch area, for example Hurn Recycling Centre and Christchurch Household Recycling Centre, will transfer to the BCP Council. It may be appropriate that lease arrangements for such operational assets are put in place to ensure that

current service delivery arrangements can continue post April 2019. Governance of waste services will be determined as part of the new committee structures for BCP and Dorset 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

Consultation

BCP Place Board, Shaping Dorset Council Place Board, Kate Langdown (BOP) Ian Poultney (BOP), Larry Austin (BBC) Tanya Coulter (BCP) Dan Povey (CDC) Grace Evans (DCC), Jonathan Mair (DCC), Adam Richens (Interim S151 officer BCP) and Jason Vaughan (Interim S151 officer Dorset)

Options

1. **Do Nothing**
The provision of Waste Services is a statutory function and will become the legal responsibility of BCP as of 1st April 2018. Therefore to do nothing is not a viable option.
2. **Delegation of Function**
Agree a Scheme of delegation under Section 101 of the Local Government Act 1972 to enable Dorset Authority to assume the responsibility of waste collection and associated services for the geographical area of Christchurch for one year.

Summary of Finance and Resourcing Implications

It is proposed that a fee is agreed between the 2 interim s151 officers based on the waste and cleansing disaggregation template and determined as part of the budget making processes of the 2 shadow authorities. On the basis of the disaggregation template no Council should be financially disadvantaged.

The actual fee will be based on a percentage somewhere between 11.6% and 11.8% of the outturn of delivering waste services to Christchurch. The final position will be managed through regular monitoring of the performance of the operation via a new officer group to be created to undertake this governance. Until the 2019/20 DWP budget is finalised and the costs to be included for apportionment purposes are agreed it is not possible to determine the actual cost that this would equate to.

Summary of Legal Implications

A legal agreement will need to be put in place in order to enact the 101 agreement of delegation and detail both service provision and performance reporting criteria..

Summary of Human Resources Implications

Dorset Waste Partnership staff will be TUPE'd into the Dorset Authority as of 1st April 2018. Then at the end of the agreed term of delegation, those staff relevant to Christchurch would in turn TUPE into BCP.

Summary of Environmental Impact

None identified at this time.

Summary of Equalities and Diversity Impact:

None identified at this time.

Summary of Risk Assessment

Failure to agree a scheme of delegation would subject the seamless delivery of waste related services to the residents of Christchurch at a high degree of risk. There is insufficient time remaining to carryout the necessary planning and procurement of services to enable BCP to direct deliver from the 1st April 2018.

Background Papers

None

Appendices

None