


**ST ALBANS CITY AND DISTRICT COUNCIL**

**DECISION REGISTER**

|   |                 |                              |   |
|---|-----------------|------------------------------|---|
| Portfolio(s) decision relates to:                 | Environment     | Name of Portfolio Holder:    | Cllr Daniel Chichester-Miles.   |
| Name of decision maker:                           | Richard Shwe    | Signature of decision maker: |  |
| Name of relevant Overview and Scrutiny Committee: | Public Services | Date of decision:            | 12 <sup>th</sup> January 2012   |

|  |     |  |             |   |          |  |       |  |
|--|-----|--|-------------|---|----------|--|-------|--|
| Type of decision<br><i>(please tick)</i> | Key |  | Significant | ✓ | Virement |  | Other |  |
|--|-----|--|-------------|---|----------|--|-------|--|

|   |   |
|---|---|
| Scheme of delegation reference under which decision is taken: | Constitution of the Council :-<br>(i) Part 3: Section HoS1<br>(ii) Part 3: Section HoS10<br>(iii) Part 3: Section 2.4.1 |
|---|---|

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|--|--|
| Has this decision drawn upon confidential information?<br><i>(If yes – please set out what confidential information has been taken into account on a separate sheet)</i> |  |
|--|--|

DECISION *(Note this should be written in the style of a committee minute and should not include confidential information ):*

**Decision to enable St. Albans City & District Council to continue to be part of the Hertfordshire Waste Partnership**

On 11<sup>th</sup> February 2009 Cabinet approved the draft Waste Management Intermediate Inter-Authority Agreement. Cabinet delegated to the Head of Environment and Regulatory Services in liaison with the Portfolio Holder to agree any minor amendments to the intermediate inter-authority agreement. The intermediate inter-authority agreement was agreed on 13<sup>th</sup> July 2009.

Cabinet also delegated authority to the Head of Environment and Regulatory Services in liaison with the Portfolio Holder to “approve the final inter-authority agreement if there are no significant changes from the agreement as attached at the time, Appendix A to the cabinet report. In so far as the 2009 agreement is intermediate, it was clearly expected that there would in due course need to be a final document.

In order to use the delegation from the February 2009 Cabinet, there have to be no significant changes between the 2009 intermediate inter-authority agreement and the current Hertfordshire Waste Partnership Agreement.

Although the two documents are clearly different, as they are set out and the newer document is around as twice as long as the 2009 Agreement. The content and obligations of the WDA (Waste Disposal Authority) and the WCA (Waste Collection Authority) remain the same, which is to regularise and formalise the collection and disposal of waste in Hertfordshire including receiving financial contribution through the Alternative Financial Model.

The report to Cabinet in 2009 said the agreement bound the Council to “doing much of what it does presently, including :-

- Delivery of all its waste to the site facility provided by the WDA
- Providing waste data in a prescribed format to the WDA
- Agreement not to change collection services that may affect the residual waste plant without seeking approval from HWP
- Agreement to share information and have periodic reviews”.

In addition to the above the new agreement will also:

- Provide a clearly defined working relationship between the Partners in delivering the JMWMS
- Provide a legally binding formalisation of the objectives powers constitution and arrangements for the administration of the HWP
- Provide long term agreement with respect to how waste management services provided by the Partners are conducted and co-ordinated
- Set in place processes procedures and protocols for consultation and review of decisions which may impact on the level and coverage of waste management services provided by the Partners.

The stated intention of the Partnership is to reflect the current working relationship of the partners in delivering their respective waste management services. The purpose of the WCA baselines and the review procedure is to provide “long term confidence and stability to the WDA for the purpose of managing its residual waste disposal contracts and to avoid as far as is possible detrimental effect on the PFI contract.

The Waste Partnership Agreement also sets out the arrangements regarding the structure of the Partnership (meetings, voting, Directors’ Group, Heads of Waste Group). This is the same structure that has been in operation, since the agreement was agreed in July 2009.

In arriving at my decision I have properly and thoroughly taken into account the legal, financial and workforce implications for the Council. My decision is within the Council’s policy and budget framework and complies with the regulations and procedures set out in the Constitution. I have explicitly considered the Council’s corporate objectives in arriving at my decision. In coming to my decision I have consulted with all relevant internal parties as appropriate and in accordance with the scheme of delegation.

## REASON/S FOR THE DECISION

The basis for this decision is to enable the Council to accrue the funding levels from the Alternative Financial Model” and the “Transport Subsidy” which we currently receive from Hertfordshire County Council. However, these did not appear in the Inter Authority Agreement of 2009. ,

The Waste Partnership Agreement also sets out the arrangements regarding the structure of the Partnership (meetings, voting, Directors’ Group, Heads of Waste Group which presently occurs however was also not mentioned also in the Inter Authority Agreement of 2009.

|                           |                                     |
|---------------------------|-------------------------------------|
| OTHER OPTIONS CONSIDERED: | REASONS FOR REJECTING THESE OPTIONS |
|                           |                                     |

**CONSULTEES**

In making this decision, I have consulted the following people:

| Name and Signature           | Position  | Date of consultation          | Outcome of consultation (may cross reference to supplementary/background sheets) |
|------------------------------|---|-------------------------------|--|
| Daniel Goodwin               | Chief Executive                                 | 12 <sup>th</sup> January 2012 | Supports the decision  |
| Cllr Daniel Chichester-Miles | Portfolio Holder for Environment                | 9th January 2012              | Supports the decision  |
|                              |   |                               |  |
| Colm O'Callaghan             | Chief Financial Officer                         | 12 <sup>th</sup> January 2012 | Supports the decision  |
| Mike Lovelady                | Head of Legal, Democratic & Regulatory Services | 12 <sup>th</sup> January 2012 | Supports the decision  |
| James Blake                  | Chief Policy & Partnership Officer              | 10 <sup>th</sup> January 2012 | Supports the decision  |
|                              |   |                               |  |

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**

| Bibliography                                      | Custodian                                  | File location            |
|---|--|--------------------------|
| Cabinet Report Part 1 (11 <sup>th</sup> Feb 2009) | Richard Shwe<br>Head of Community Services | District Council Offices |
| Inter –Authority Agreement 2009                   | Richard Shwe<br>Head of Community Services | District Council Offices |
| Herts Waste Partnership Agreement 2011            | Richard Shwe<br>Head of Community Services | District Council Offices |