Joint Waste and Recycling Committee **Agenda Item: 8.2**

Date	-	29 September 2017
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	Joint Waste and Recycling Committee Constitution and Co-opted Membership

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Recommendation: It be **RESOLVED**: That:

1) the new Joint Waste and Recycling Committee Constitution be noted; and

2) consideration be given to the co-option of Eastbourne Borough Council and Lewes District Council to join the Joint Waste and Recycling Committee.

Report Author: Madeleine Gorman

Introduction

1. Hastings Borough Council, Rother District Council, Wealden District Council and East Sussex County Council (ESCC) have established the Joint Waste and Recycling Committee (JWRC) with the intention of facilitating the Authorities in working together to procure, manage and oversee a new Joint Waste Recycling, Beach and Street Cleansing Contract with a view to improving the quality and effectiveness of the discharge of their waste collection functions under the Environmental Protection Act 1990.

2. Attached at Appendix A is the finalised version of the JWRC's Constitution which has been formally approved by each Authority's Cabinet.

Consideration of co-option of Eastbourne Borough Council and Lewes District Council to the Joint Waste and Recycling Committee

3. The JWRC comprises of seven Members, being two appointed from the Executive of each of the Authorities with at least one such member for each Authority being the Member with responsibility for waste, recycling and beach and street cleansing services together with one Member appointed by ESCC.

4. Paragraph 4.2 of the JWRC Constitution gives powers to the Committee to permit additional membership of the Committee, in particular Members appointed from Eastbourne Borough Council (EBC) and Lewes District Council (LDC), in either a co-opted role without voting rights, or as a Full Member of the Committee with equal status and rights as the other District and Borough Members of the Committee.

5. Although not committed to the forthcoming contract for Waste Services, EDC and LDC wish to work in partnership where possible and will have an interest in the outcome of some aspects of this work, particularly in relation to collection method and materials and the disposal options. Therefore Members views are sought on whether these Authorities are co-opted onto

the Joint Waste and Recycling Committee and if so, whether they are co-opted without voting rights or as Full Members.

Dr Anthony Leonard
Lead Director

Risk Assessment Statement
There are no immediate risks associated with this report. However, if Authorities without an interest in the current procurement are co-opted with full voting rights, this could impact on the direction and scope of the procurement which may not be beneficial to the contracting Authorities. If they are not co-opted, without voting rights, then opportunities may be missed on collection and disposal arrangements across the County.

Appendix A

East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council

Joint Waste and Recycling Committee
Constitution

This Constitution has been approved by East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council as the Constitution of the Joint Waste and Recycling Committee.

1. Establishment of the Joint Waste and Recycling Committee

1.1 The Joint Waste and Recycling Committee shall be the "East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council Joint Waste and Recycling Committee".

1.2 The Joint Waste and Recycling Committee is established under Sections 101(5) and 102 of the Local Government Act 1972, Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council.

2. Objectives of the Joint Waste and Recycling Committee

2.1 The Authorities have established the Joint Waste and Recycling Committee with the intention of facilitating the Authorities in working together to procure, manage and oversee a new waste, recycling, street cleaning and beach cleaning contract with a view to improving the quality and effectiveness of the discharge of their waste collection functions under the Environmental Protection Act 1990.

2.2 To work in partnership with East Sussex County Council as the Waste Disposal Authority to maximise integration opportunities.

3. Powers Delegated to and matters reserved from the Joint Waste Committee

3.1 The Joint Waste and Recycling Committee and Officers reporting thereto shall have such powers as are delegated and set out in Appendices 1 and 2 and such further powers as may from time to time be delegated to the Joint Waste and Recycling Committee by the Leader or Executives of the constituent Authorities or of any of the constituent Authorities.

3.2 In so far as any powers may from time to time be delegated to the Joint Waste and Recycling Committee, the following functions (the Reserved Matters) are matters reserved to each of the Authorities making such delegation and shall not be within the powers of the Joint Waste and Recycling Committee:

3.2.1 All non-executive functions of any of the Authorities

3.2.2 Any decision which is contrary to or not wholly in accordance with the budget approved by each Authority for the Joint Waste and Recycling Committee, or is contrary to an approved policy or strategy which has been approved as part of the Policy and Budget Framework of that Authority.

3.2.3 Any decision in respect of which a scrutiny committee of any of the appointing authorities has notified the Secretary to the Joint Waste and Recycling Committee in writing of the Authority's formal objection to the proposed decision in accordance with Paragraph 10.1 (below).

3.2.4 Approval or amendment of any Joint Working Agreement between the appointing Authorities in respect of the discharge of the appointing Authorities' waste disposal functions.

3.2.5 Any decision by an Authority to withdraw its Membership from the Joint Waste and Recycling Committee.

3.2.6 Approval of the final award of a Contract for the collection of waste and recycling services to have effect on and from 29 June 2019.

3.2.7 In the case of East Sussex County Council the power of direction as to the place of disposal of waste, and the power of objection to recycling arrangements, respectively under sections 48 (1) and 48(4) of the Environmental Protection Act 1990.

3.2.8 Any powers delegated to the Joint Waste Committee.

4. Membership and Appointment of the Joint Waste and Recycling Committee

4.1 The Joint Waste and Recycling Committee shall comprise seven Members, being two Members appointed from the Executive of each of the Authorities with at least one such member for each Authority being the member with responsibility for waste, recycling and street and beach cleaning services together with one Member appointed by East Sussex County Council.

4.2 The Joint Waste and Recycling Committee shall also have power to permit additional membership of the Committee, in particular Members appointed from Eastbourne Borough Council and Lewes District Council, in either a co-opted role without voting rights, or as a Full Member of the Committee with equal status and rights as the other District and Borough Members of the Committee.

4.3 Each Member of the Joint Waste and Recycling Committee shall be appointed for the term of office, or the balance of the term of office, of the Executive of the appointing Authority.

4.4 The appointment of Members of the Joint Waste and Recycling Committee to fill any vacancy for such Members shall be made by the Executives of each Authority –

4.4.1 as soon as practicable following the adoption of this Constitution by the Executive of that Authority;

4.4.2 as soon as practicable after the appointment of the Executive of that Authority in accordance with that Authority's Constitution; and

4.4.3 as soon as practicable after a vacancy arises in respect of a seat on the Joint Waste and Recycling Committee to which the Executive of that Authority has the power to make an appointment.

4.5 A Member of the Joint Waste and Recycling Committee shall cease to be a member of the Joint Waste and Recycling Committee, and a vacancy shall automatically arise, where –

4.5.1 The Member resigns from the Joint Waste and Recycling Committee by giving notice in writing to the Secretary to the Joint Waste and Recycling Committee;

4.5.2 The Member ceases to be, or is suspended under Part III of the Local Government Act 2000 from acting as, a Member of the appointing Authority, or a Member of the Executive of the appointing Authority; and

4.5.3 The Member is removed from membership of the Joint Waste and Recycling Committee by notification in writing from the Leader of the appointing Authority to the Secretary of the Joint Waste and Recycling Committee.

4.6 All appointments to membership of the Joint Waste and Recycling Committee shall be made by notification in writing from the Leader or the Chief Executive (or equivalent executive officer) of the appointing Authority to the Secretary of the Joint Waste and Recycling Committee.

4.7 Upon being made aware of any Member ceasing to be a Member of the Joint Waste and Recycling Committee, the Secretary of the and Recycling Committee shall write to that Member confirming that he/she has ceased to be a Member of the Joint Waste and Recycling Committee, and notifying the appointing Authority and the other Members of the Joint Waste and Recycling Committee accordingly.

4.8 Each Authority will appoint a substitute Executive Member of the Joint Waste and Recycling Committee on the same terms as the Authority's appointed Member of the Joint Waste and Recycling Committee. The substitute Executive Member will attend any meeting of the Joint Waste and Recycling Committee with all the powers of the Authority's appointed Member in the event that an appointed Member is unable to attend a particular meeting.

5. Chairman and Vice-Chairman of the Joint Waste and Recycling Committee

5.1 At the first meeting of the Joint Waste and Recycling Committee after the annual meetings of each Authority in any year, the Joint Waste and Recycling Committee shall elect a Chairman of the Joint Waste and Recycling Committee and a Vice-Chairman of the Joint Waste and Recycling Committee for the following year from among the Members

of the Joint Waste and Recycling Committee, save that any co-opted Members shall not be entitled to election as Chairman or Vice-Chairman of the Joint Waste and Recycling Committee.

5.2 By convention, if the Chairman of the Joint Waste and Recycling Committee in any year is a Member of one of the Authorities, the Chairman of the Joint Waste and Recycling Committee for the next year would normally be a Member of another of the Authorities.

5.3 The Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee shall each hold office until:

5.3.1 A new Chairman or Vice-Chairman of the Joint Waste and Recycling Committee is elected in accordance with Paragraph 5.1 above;

5.3.2 He/she ceases to be a member of the Joint Waste and Recycling Committee; or

5.3.3 He/she resigns from the office of Chairman or Vice-Chairman by notification in writing to the Secretary of the Joint Waste and Recycling Committee.

5.4 Where a casual vacancy arises in the office of Chairman or Vice-Chairman of the Joint Waste and Recycling Committee, the Joint Waste and Recycling Committee shall at its next meeting elect a Chairman or Vice-Chairman, as the case may be, for the balance of the term of office of the previous Chairman or Vice-Chairman.

5.5 Where, at any meeting or part of a meeting of the Joint Waste and Recycling Committee, both the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee are either absent or unable to act as Chairman or Vice-Chairman, the Joint Waste and Recycling Committee shall elect one of the members of the Joint Waste and Recycling Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate**.**

6. Secretary to the Joint Waste and Recycling Committee

6.1 The Joint Waste and Recycling Committee shall be supported by the Chief Executive (or equivalent executive officer) or nominated officer of the Administering Authority in his/her capacity as Secretary to the Joint Waste and Recycling Committee.

6.2 The functions of the Secretary of the Joint Waste and Recycling Committee shall be:

- To maintain a record of membership of the Joint Waste and Recycling Committee.
- To notify the Chief Executive (or equivalent executive officer) of each appointing Authority of any anticipated decisions to be taken by the Joint Waste and Recycling Committee over the year (whether or not key decisions) and updated on a monthly basis, to enable such decisions to be included in the Forward Plans of each appointing Authority as required by the Local

Authorities (Access to Information) (England) Regulations 2001 and in accordance with their respective constitutions.

- To carry out such notification to and consultation with Members of the appointing Authorities as may be necessary to enable the Joint Waste and Recycling Committee to take urgent decisions which have not been included in the Forward Plans of appointing Authorities.
- To notify the Chief Executives (or equivalent executive officer) of the Authorities of the dates, times and venues of meetings and to publish the dates times and venues.
- To summon meetings of the Joint Waste and Recycling Committee in accordance with paragraph 7 below.
- To prepare and send out the agenda for meetings of the Joint Waste and Recycling Committee in consultation with the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee and the Authority Lead Officers.
- To keep a record of the proceedings of the Joint Waste and Recycling Committee.
- To take such administrative action as may be necessary to give effect to decisions of the Joint Waste and Recycling Committee.
- To undertake such other functions as may be determined by the Joint Waste and Recycling Committee.

7. Convening of Meetings of the Joint Waste and Recycling Committee

7.1 Meetings of the Joint Waste and Recycling Committee shall be held at such times, dates and places as may be notified to the Members by the Secretary to the Joint Waste and Recycling Committee, being such time, place and location as –

7.1.1 the Joint Waste and Recycling Committee shall from time to time resolve;

7.1.2 the Chairman of the Joint Waste and Recycling Committee, or if he/she is unable to act, the Vice-Chairman of the Joint Waste and Recycling Committee, shall notify to the Secretary of the Joint Waste and Recycling Committee; or

7.1.3 the Secretary of the Joint Waste and Recycling Committee, in consultation where practicable with the Chairman and Vice Chairman of the Joint Waste and Recycling Committee, shall determine in response to receipt of a request in writing addressed to the Secretary of the Joint Waste and Recycling Committee:

- From and signed by two Members of the Joint Waste and Recycling Committee, or
- From the Chief Executive (or equivalent executive officer) of an Authority
- From the Leader of an Authority which request sets out an item of business within the functions of the Joint Waste and Recycling Committee that needs to be considered prior to the next scheduled

meeting of the Joint Waste and Recycling Committee.

7.2 The Secretary of the Joint Waste and Recycling Committee shall formulate the agenda for any meeting of the Joint Waste and Recycling Committee after consulting, where practicable:

7.2.1 the Project Manager, Senior Waste Officer of the Administering Authority and Waste Authority Lead Officers;

7.2.2 the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee;

7.2.3 And shall incorporate in the agenda any items of business and any reports submitted by

- any two Members of the Joint Waste and Recycling Committee in accordance with Paragraph 7.1.3 above
- the Leader of any of the Authorities
- The Chief Executive (or equivalent executive officer) of any of the Authorities (or their nominated officers)
- The Senior Waste Officer of the Administering Authority and Waste Authority Lead Officers
- the Chief Finance Officer / Section 151 Officer to any of the Authorities
- the Monitoring Officer to any of the Authorities
- such other officers as the Joint Waste and Recycling Committee may determine for this purpose

8. Procedure at Meetings of the Joint Waste and Recycling Committee

8.1 The Joint Waste and Recycling Committee shall, unless the Member of the Joint Waste and Recycling Committee presiding at a meeting or the Joint Waste and Recycling Committee determines otherwise, conduct its business in accordance with the Executive Decision-Making Procedure Rules of the Administering Authority, as set out in Appendix 3 to this Constitution and as set out below.

8.2 A meeting of the Joint Waste and Recycling Committee shall be inquorate and shall not be able to discharge any business unless there are at least three Members present, with such members representing at least two of the three District and Borough Council members of the Authorities.

8.3 The Chairman of the Joint Waste and Recycling Committee, or in his/her absence the Vice-Chairman of the Joint Waste and Recycling Committee, or in his/her absence the Member of the Joint Waste and Recycling Committee elected for this purpose, shall preside at meetings of the Joint Waste and Recycling Committee.

8.4 Whilst the Joint Waste and Recycling Committee shall seek, wherever possible, to work on a principle of consensus, decisions of the Joint Waste and Recycling Committee shall be determined by a majority of the Members of the Joint Waste and Recycling Committee present and voting. In the event of an equality of votes, the person presiding shall

have a second or casting vote.

8.5 Where the Joint Waste and Recycling Committee are unable to support any motion on a matter, or any individual Full Member of the Joint Waste and Recycling Committee is unable to support any motion on a matter, the decision will be held in abeyance until the next meeting of the and Recycling Committee where a decision shall be taken in relation to that matter. In such circumstances, the Secretary of the Joint Waste and Recycling Committee will notify the matter to the Leaders of the constituent authorities.

8.6 Any decision of the Joint Waste and Recycling Committee is subject to the scrutiny arrangements as set out 10 below.

9. Attendance at Meetings of the Joint Waste and Recycling Committee

9.1 Notwithstanding that, in accordance with the provisions of the Local Government Act 1972, a meeting or part of a meeting of the Joint Waste and Recycling Committee may not be open to the press and public the Members and officers specified in Clause 9.2 below of each Authority shall be entitled, in person or by another officer nominated by that officer, to attend all, and all parts, of such meetings, unless the particular Member or officer has a conflict of interest as a result of a personal and prejudicial interest in the matter under consideration.

9.2 The following are the elected Members and officers who shall have a right of attendance in accordance with clause 9.1 above:

- all elected Members of the constituent Authorities
- the Chief Executive (or equivalent executive officer) of any of the constituent Authorities or nominated officers
- the Directors and officers responsible for waste and street cleansing of the constituent Authorities
- the Chief Finance Officer / Section 151 officer to any of the constituent Authorities
- the Monitoring Officer to any of the constituent Authorities
- any person appointed by the Joint Waste and Recycling Committee to manage particular projects
- any other officer of the Authorities at the request of any member of the Joint Waste and Recycling Committee.

10. Call In by Scrutiny Committees

10.1 The delegation of powers from each Authority to the Joint Waste and Recycling Committee is subject to the limitation that all decisions taken by the Joint Waste and Recycling Committee in accordance with delegations from each Authority shall only take effect five clear Working Days after publication of the decisions following a relevant meeting of the Joint Waste and Recycling Committee and shall be ineffective if a relevant scrutiny committee of one or more of the Authorities has given notice in writing to the Chief Executives (or equivalent executive officer) of the other Authorities and to the Secretary to the Joint Waste and Recycling Committee within such period of five clear Working Days.

10.2 The Authority seeking call in will need to identify which part or parts of the decision are called in and to give the reasons for call in and must have support of the relevant number of members as set out in the Constitution of that Authority.

10.3 If a decision of the Joint Waste and Recycling Committee is called in, it shall not be implemented save where the decision on the call in:

- is to support or take no further action, in which case the decision shall take effect at the conclusion of that call-in meeting, or
- where the meeting of the Authority's Overview and Scrutiny Committee does not take place within ten clear working days of the valid submission of a notice triggering a call-in under 10.2 above, the decision shall take effect on the date of the expiry of the ten working day period.

10.4 Such matters shall within a further ten clear working days be referred and considered by a meeting of the relevant Scrutiny Committee(s) with the Senior Waste Officer attending the meeting (or deputy). The relevant Scrutiny Committee(s) may make such recommendations to the next meeting of the Joint Waste and Recycling Committee on the matter as they think fit.

10.5 Where an Authority or Authorities have made such objection in respect of a matter, the Joint Waste and Recycling Committee shall then reconsider the matter within a further ten clear working days and come to a decision. That second decision shall take effect immediately and no Authority can then call-in that second decision.

11. Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules

The Joint Waste and Recycling Committee shall operate under the Standing Orders for Executive Decision Making, Contracts, Financial Regulations and Officer Employment Procedure Rules of the Administering Authority.

12. Amendment of this Constitution

This Constitution can only be amended by agreement of all the Authorities.

13. Definitions

In this Constitution, the following words and phrases shall have the meanings set out below:

"the Administering Authority" means Rother District Council

"The Authorities" means East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council, and "Authority" shall refer to any one of the Authorities individually.

"Policy and Budget Framework" means the plans and strategies approved by the Council of each of the Authorities for the purpose of Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as may be amended or replaced from time to time

“Deputy Project Manager”: Responsible person for the project management of the delivery of a joint waste contract with effect on and from 29 June 2017.

“Senior Waste Officer”: Responsible for the preparation of the specification and all documentation in relation to the procurement of the Joint Waste Contract.

“Waste Authority Lead Officers”: Directors responsible for Waste, recycling and beach and street cleaning

Joint Waste and Recycling Committee Delegation

1. Save as may be limited by the Reserved Matters set out in the Constitution to exercise all the executive functions of the parties in order to commission, co-ordinate, provide, procure and/or manage any shared waste collection services, recycling services, street cleaning services and beach cleaning services; such powers to be further limited to the extent that the Joint Waste and Recycling Committee are unable able to exercise any executive powers defined above where those powers have been delegated to the Joint Waste Committee until such time as any constituent authority withdraws those powers from the Joint Waste Committee or the Joint Waste Committee is terminated.

2. To provide strategic direction to the officers advising the Joint Waste and Recycling Committee.

3. To develop work programmes and projects in relation to the functions which are delegated to the Joint Waste and Recycling Committee.

4. To regularly report to each of the Authorities on its activities.

5. To facilitate constructive partnership working between the Authorities.

6. To respond to reports and recommendations made by the relevant Scrutiny Committee of any of the Authorities.

7. To monitor the operation of the Joint Waste and Recycling Committee and of any contracts procured thereunder.

8. To propose a budget for the operation of the Joint Waste and Recycling Committee to the Authorities and to monitor and manage any such budget once approved by the Authorities.

9. To review these arrangements from time to time and make recommendations to the Authorities for amendment, improvement and /or alteration of these arrangements.

10. To arrange for the discharge of any of its functions, powers or duties by an Officer or Officers of any of the Authorities.

Officer Delegation

The Executive Director of Business Operations for Rother District Council and/ or such other officer(s) of the Authorities as may be nominated by the Joint Waste and Recycling Committee may:

1. give effect to decisions by or on behalf of the Joint Waste and Recycling Committee;

2. procure the completion of all documents etc., as may be required to give effect to decisions by or on behalf of the Joint Waste and Recycling Committee for the purpose of implementing the powers and duties of the Joint Waste and Recycling Committee;

3. authorise any action which is calculated to facilitate, or is conducive or incidental to the discharge of any of the Joint Waste and Recycling Committee's functions;

4. place orders and enter into contracts for the supply of goods and services as authorised by the Joint Waste and Recycling Committee and authorise or incur expenditure for which provision has been made in the appropriate revenue or capital budget by the Joint Waste and Recycling Committee;

5. undertake any necessary consultation internally or externally on behalf of the Joint Waste and Recycling Committee;

6. carry out administrative, professional or technical work to implement the decisions of the Joint Waste and Recycling Committee; and

7. authorise other staff to act in their name and on their behalf in the discharge of these delegations.

Executive Decision Procedure Rules

1. Application

These procedure rules apply to all meetings of the Joint Waste and Recycling Committee (JWRC), and to any executive decisions taken by officers under powers delegated from the JWRC.

2. Allocation and Delegation of Functions

(a) Sub-delegation

Except in respect of Key Decisions, where the JWRC is responsible for the discharge of a function, it may arrange for the discharge of that function by an officer.

(b) Resumption of delegated functions

Where a function has been delegated by the JWRC, it may at any time resume responsibility for the discharge of that function by notice in writing to the person or body to whom the function has been delegated, with a copy to the Secretary.

Where an officer has been given delegated powers in respect of a function, he/she may at any time refer the matter up for decision to the person or body from whom the power has been delegated.

3. Meetings

(a) The JWRC shall meet as necessary for the effective discharge of its functions.

(b) The JWRC shall meet at such times, dates and locations as may be determined by the JWRC or by the Chairman of the JWRC and notified to the Secretary.

(c) Where 1 of the Scrutiny Committees of the Authorities has requested the JWRC or a Sub-Committee to reconsider a decision, the decision-takers shall meet and reconsider the decision within 10 working days of the referral by the Scrutiny Committees.

(d) Meetings will normally be held at such locations as the JWRC shall determine, but with the intent that the meetings shall rotate around the Authorities.

4. Summons and Agenda Procedure

(a) All meetings of JWRC shall be summoned by the Secretary.

(b) Except in cases of special urgency, at least five clear working days before the meeting, the Secretary shall prepare and send to each Committee Member, the Leaders of the Authorities, Chairmen of the appropriate Scrutiny Committees of the Authorities, appropriate officers

and the media an agenda setting out:

1. The identity of the body;
2. The time, date and location of the meeting;
3. The business to be transacted at the meeting, including:

    i. Any reports and recommendations from an Authority.
    ii. Any reports or recommendations from the JWRC.
    iii. Any notices of motion to, or referred to, the Committee.
    iii. Any petitions to, or referred to, the body.
    iv. Any reports to be made by statutory officers.
    v. Any matters which the Chairman has notified to the Secretary for inclusion in the agenda.
    vi. Any reports to be made by other officers appropriate to the proper discharge of the JWRC's business.
    vii. Consideration of the JWRC's work programme.
    viii. Where practicable, an indication that the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of the meeting.

(c) No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chairman of the JWRC agrees that the item should be considered as a matter of urgency. The reason for the urgency shall be specified in the statement of decision (the Minutes).

(d) The agenda shall be accompanied by any reports and documents necessary for the decision-takers to discharge their business effectively. Each such report shall be in such standard form as the Secretary may prescribe and shall include a list of all background documents which the author of the report has relied upon in compiling the report. As a matter of principle, any written report relating to a matter included in the agenda should be made available and circulated at the same time as the agenda, but where this is not practicable because of the urgent nature of the matter, the agenda will state that the report is to follow and the report will be circulated as soon as possible after the circulation of the agenda for the meeting.

(e) All reports shall be developed following appropriate consultation (including with Leaders and other stakeholders as appropriate).

5. Rights of Attendance and Audience

(a) Agendas of the JWRC meetings and reports, except those marked "Not for Publication", will be available for inspection on request by the public at the offices of the Authorities, during normal office hours as well as being published on the Administering Authority's website.

(b) The presumption is that all meetings of the JWRC and of any Sub-Committees shall be open to the public.

(i) Where the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of a meeting, he/she shall so indicate on the agenda and may withhold from the press and public any report or background paper which

would disclose confidential or exempt information.

(ii) The JWRC must exclude press and public from any part of a meeting at which confidential information is likely to be disclosed.

(iii) The JWRC may exclude press and public from any part of a meeting:

A) at which exempt information is likely to be disclosed; or
B) at which officers will provide a briefing to members on a matter on which a decision is likely to be taken on the matter within the next 28 days.

(e) All documents which are open to public inspection, will normally be available at least five clear days before the relevant meeting. Where a report is not available when the agenda is published, the report shall be made available for public inspection when it is made available to members of the JWRC.

(f) The rights of members of any of the Authorities shall be as set out in the protocol at Annex A.

6. Urgent Decisions

(a) Urgent Decisions
Subject as below, the JWRC shall not take a decision which has not been included in the Forward Plan of each of the Authorities (so far as the same is necessary under their respective constitutions) for the period in which the decision is to be taken unless at least five clear working days' notice of that decision has been given to the Chairmen of the relevant Scrutiny Committees of each Authority setting out the reasons for urgency

(b) Special Urgent Decisions
The JWRC shall not take a Special Urgent Decision unless notice of the intended decision has been given by the Secretary to the Chairmen of the relevant Scrutiny Committees of each Authority and he/she, or in his absence the Chairman of Council, or in his/her absence the Vice-Chairman of Council, have notified the Secretary that he/she agrees that the decision is specially urgent.

(c) Reporting Urgent and Special Urgent Decisions
The Secretary shall ensure that a report listing all Urgent Decisions and Special Urgent Decisions is presented to the next convenient meeting of the relevant Scrutiny Committees of each of the Authorities.

7. Departure Decisions

(a) The JWRC shall not take a decision which is contrary to or not wholly in accordance with the Administering Authority's approved Budget or the Authority's approved plan or strategy for borrowing and capital expenditure, and which is not within the approved virement limits, but shall refer the proposed decision to the Administering Authority [Council] for determination.

(b) The JWRC shall not take a decision which is contrary to the Administering Authority's Policy Framework, but shall refer the proposed decision to [each Authority] for determination.

(c) Paragraphs (a) and (b) shall not apply where the decision –

(i) is urgent (in the sense that the interests of the authority, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were to be deferred until the next ordinary meeting of Council); and

(ii) the Secretary has notified the Chairmen of the Scrutiny Committees of the relevant Authorities or, if he/she is unable to act, the Chairmen of Council or, if he/she is unable to act, the Vice-Chairmen of Council of the intended decision and the reasons for urgency and those Councillors have notified the Secretary in writing that he/she agrees that the matter needs to be determined as a matter of urgency.

(d) In each instance where any urgent decision is taken under Paragraph (c) above, the decision taker(s) shall as soon as reasonably practicable after the making of the decision, submit a report to each relevant constituent authorities setting out the particulars of:

(i) the decision which has been taken;
(ii) the reasons why the decision was urgent; and
(iii) the reasons for the decision itself.

(e) The Secretary shall ensure that a report setting out each urgent departure decision is presented to the next convenient meeting of the relevant Scrutiny Committees.

8. Rules of Procedure

(a) Who presides?
The Chairman shall preside at meetings of the JWRC. In his/her absence, the Vice-Chairman shall preside. In the absence of both Chairman and Vice-Chairman, the JWRC shall elect one of the members of the JWRC present at the meeting to preside for that meeting or part of the meeting, as appropriate**.**

(b) What business is to be transacted?

(i) Apologies for absence.
(ii) Declarations of interest.
(iii) Matters set out in the agenda for the meeting.

(c) The person presiding at a meeting shall conduct the meeting in accordance with these Procedure Rules.

(d) The person presiding at the meeting may vary the order of business at the meeting.

(e) The person presiding at the meeting may invite any person, whether a Member or officer of the JWRC or a third party, to attend the meeting

and to speak on any matter before the meeting.

9. Quorum

The quorum for a meeting of the JWRC shall be three Members, one from each of the Authorities responsible for waste, recycling and street and beach cleaning services.

10. Record of Attendance

All JWRC members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting.

11. Disorderly Conduct

(a) If, in the opinion of the person presiding, any member of the JWRC misbehaves at a meeting by persistently disregarding the ruling of the person presiding, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the JWRC, the person presiding may move not to hear the member further. If the motion is seconded it shall be put to the vote without discussion.

(b) If, in the opinion of the person presiding, the member persistently misbehaves after such a motion has been carried, the person presiding may require the removal of the member for such period as the person presiding shall determine. The person presiding may, if necessary, adjourn or suspend the meeting of the JWRC.

(c) If a member is required to leave a meeting under this Procedure Rule, the member is not entitled to vote during the period of exclusion.

(d) If a member of the public or Councillor who is not a JWRC member interrupts the proceedings at any meeting, the person presiding may issue a warning. If the interruption continues the person presiding may order the person's removal from the room in which the meeting is being held.

(e) In case of general disturbance in any part of the meeting room open to the public the person presiding may order that part cleared. If the person presiding considers it necessary, he may adjourn or suspend the meeting of the JWRC.

12. Voting

(a) Matters under consideration shall be determined by a majority vote of those members present and voting.

(b) Voting is generally by a show of hands.

(c) Any JWRC member may ask for a vote to be recorded, individual votes will then be taken by way of a roll call and recorded in the minutes so as to show how each member present and voting gave his/her vote.

(d) Any JWRC member may ask that his/her individual vote be recorded in the minutes. Immediately after a particular vote is taken any member

may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.

(e) Whenever a vote is taken by show of hands and not by roll call, the person presiding shall ask for those in favour, and those against to vote in turn. He/she will then ask those abstaining from voting to indicate accordingly. Any member may ask for the number of those in favour, the number of those against and the number of those abstaining to be recorded in the minutes.

(f) A member of the JWRC may not change his/her vote once he/she has cast it and another member has been called upon to vote.

(g) If a member arrives during the debate on a particular item but before the casting of votes has commenced he/she will NOT be entitled to vote on that matter.

(h) A matter shall be considered to be approved if it receives the votes of a majority of those members of the JWRC entitled to vote who are present and voting. In the event that the votes cast for and against a proposal are equal, the person presiding, will have a second and/or casting vote. There shall be no restriction on the manner in which the casting vote is exercised.

(i) Where there are more than two persons nominated for any position to be filled by the JWRC, and no person receives more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.

13. Recording the Decision

(a) At the JWRC:

(i) The person presiding shall be responsible for ensuring that the Secretary is clear as to the decision taken and the reasons for that decision.

(ii) The Secretary shall then, as soon as reasonably practicable after the end of the meeting, but ordinarily within 5 working days of the meeting, prepare a statement of the decisions taken at the meeting (the Minutes), including:

A) The members of the JWRC and other persons attending the meeting;
B) Any disclosures of personal or prejudicial interests;
C) The decisions taken;
D) Whether any decisions were urgent and should be implemented directly;
E) A summary of the reasons for the decisions;
F) The options which were considered at, but rejected by, the meeting.

The Secretary may consult the person presiding at the meeting as to the matters to be recorded in the Minutes.

(c) Where the statement of decision(s) (the Minutes) would disclose confidential or exempt information, the Secretary shall produce a confidential minute as per current practice ensuring that a coherent account of the matters decided were recorded.

(d) Where a decision is a reconsideration of a decision which has been subject to the "Call-In" arrangements, the Secretary shall be responsible for reporting that reconsideration decision to all the relevant Scrutiny Committees of the Authorities.

(e) The Secretary shall be responsible for circulating the statement of decisions (the Minutes) to officers of the authority responsible for the implementation of the decision(s).

14. Implementing decisions

(a) Decisions shall not be implemented until five clear days from the publication of the statement of decision(s) of the meeting or the decision[1].

(b) Paragraph (a) shall not apply where the matter is urgent (in accordance with paragraph 6) or the JWRC determines that the interests of one or more of the constituent authorities, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were not to be implemented directly.

(c) Where a non-urgent decision is called in by any Scrutiny Committee before it is implemented, implementation of the decision will be deferred until JWRC has had the opportunity to consider any request from the Scrutiny Committee for the re-consideration of the matter.

[1] Note that such a deferment of implementation is determined by the JWRC and can be withdrawn if the JWRC is of the opinion that such a deferment prevents the effective discharge of executive functions.

RIGHTS OF MEMBERS OF CONSTITUENT AUTHORITIES INSPECTION OF/ACCESS TO DOCUMENTS

All Members of the constituent authorities have the right to access all documents which contain material relating to items considered at meetings of the JWRC.

They also have the right to inspect any other document or have access to any information which they need to properly perform their duties as a Member of one of the Authorities. These rights are, however, subject to the following:

- A Member is not entitled to inspect any document, or have access to any information, relating to a matter where the Member is acting against the Council in a professional capacity.

- In cases where information requested by a Member should not, in the opinion of the Chief Executive (or equivalent executive officer), be disclosed, (e.g. it does not appear to be required to enable the Member to properly perform their duties, or is of a highly sensitive or personal nature or otherwise exempt), the relevant Chief Executive (or equivalent executive officer) may, with good reasons (which should be explained to the Member), refuse access to a document or other information.

- If a Member is not satisfied with this decision, he/she may refer it to the Monitoring Officer of his/her Authority. If a Member remains dissatisfied with the ruling of the Monitoring Officer he/she may ask for the matter to be considered by the JWRC. The ruling of the JWRC is final.

The rules summarised above are complex and based on statutory provisions and case law. If there is any conflict between these rules and the legal provisions, the latter apply.

QUESTIONS

All Members of the constituent authorities may address questions to the Chairman of the JWRC. A period of up to 30 minutes at the beginning of each meeting shall be allowed for questions to be put. Written notice of the question shall be given three working days before the meeting:

The Chairman of the JWRC in responding to the question may;

- Answer the question himself
- Ask an officer to answer the question
- Offer a written answer
- Decline to answer and give his/her reasons

The questioner may ask only one supplementary question, regardless of the number of original questions they asked. The supplementary question must be on the same subject as the original question.

RIGHT TO ATTEND AND PARTICIPATE IN MEETINGS

All Members of the Authorities has the right to attend and speak at any JWRC meeting. Notice of the topic(s) concerned shall be given by 12 noon on the working day before the meeting if the Member wishes to speak at any JWRC meeting.

The Chairman will give Members who have notified their wish to speak the opportunity to speak at the commencement of the meeting to contribute their views on any agenda item or other matter within the remit of the JWRC. A period of up to 30 minutes at the beginning of each meeting shall be allowed for this purpose.

The right to attend remains available when the meeting is considering private (or exempt) business. This is provided that the Member has a legitimate need to be in attendance, and that the attendance does not involve any conflict of interest, which may constitute a prejudicial interest as defined by the Code of Conduct.

The Chairman of the JWRC will exercise discretion on the overall time allowed for Members' participation. This will take into account the issues Members wish to raise and the other business of the meeting.

In managing the meeting, the Chairman has discretion over the management of the participation arrangements.