

3.12 GLOUCESTERSHIRE JOINT WASTE COMMITTEE

1. Pursuant to a partnership arrangement between Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council and Gloucestershire County Council, the Gloucestershire Joint Waste Committee was formed under Sections 101 and 102 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012, to oversee the recycling, waste collection and street cleansing services for the three district authorities, and to deliver the waste treatment and disposal services for the County.

2. The aims of the Gloucestershire Joint Waste Committee are to:
 - a) Provide a shared decision making body from which to improve services, deliver savings and minimise costs;
 - b) Ensure a fair distribution of savings between partners and their council tax payers;
 - c) Provide and improve good customer service within the bounds of the resources available;
 - d) Undertake operations in an environmentally sustainable manner, and
 - e) Identify and share initiatives and best practice amongst partner authorities.

3. Subject to the retained functions set out in paragraph 4 below, the statutory functions delegated to the Committee relating to the collection, management, disposal, treatment, or recycling of waste street cleansing are as follows:

Environmental Protection Act 1990 Part II	
Section 34	Duty of Care - to prevent the unlawful deposit or treatment of waste in your control
Section 45	Duty to collect waste in your area and to make arrangements to collect, to collect commercial waste where requested.
Section 46	Authority to serve notice on householders to use prescribed receptacles for waste and to put them out for collection
Section 47	Authority to provide commercial customers with receptacles
Section 48	Duty to deliver waste collected to specific places (as specified by the WDA)
Section 51	Duty to arrange for disposal and duty to provide HRCs
Section 52	Duty to pay recycling credits

Section 55	Duty to make arrangements to recycle waste
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Waste and Emissions Trading Act 2003	
Section 9	Duty not to exceed allowances
Section 12	Duty to maintain records of biodegradable waste sent for treatment/disposal
Section 31	Power to make directions to WCAs as to separation of waste
Section 32	Duty to have in place a Joint Strategy for waste

Waste Minimisation Act 1998	
Section 1	Power to take steps to minimise waste

Household Waste and Recycling Act 2003	
Section 1	Duty to collect at least two types of recyclable waste

Environment Act 1995	
Section 108	Powers to take action to investigate pollution incidents or where harm to human health has been caused by pollution
Section 109	Powers to take action to prevent pollution or harm to human health

Clean Neighbourhoods & Environment Act 2005	
Part 2	Abandoned Vehicles
Part 3	Litter and Refuse
Part 4	Graffiti
Part 5	Waste

Local Government Act 1972	
Section 111	Powers to act as a local authority In so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) to (h) listed below
	(a) European Community Strategy for Waste Management 1989 (as reviewed in 1996);
	(b) EU Directive 757 4427 EEC as amended by Directive 917 1567 EEC and adapted by Directive 967 3507 EEC on Waste (The Framework Directives on Waste);
	(c) Environmental Protection Act 1990;
	(d) Public Health Act 1936;
	(e) Anti-Social Behaviour Act 2003;
	(f) Clean Neighbourhoods and Environment Act 2005;
	(g) Refuse Disposal (Amenity) Act 1978 (insofar as this relates to abandoned vehicles, public safety and amenity);
	(h) Environmental Protection (Waste Recycling Payments) Regulations 1992 (as amended 1994)

Localism Act 2011	
Section 1	Power of General Competence

4. The functions retained by the individual partner Authorities are:

- a) authorising changes to the Inter-Authority Agreement
- b) budget setting
- c) service changes
- d) collection and disposal methods and policy changes to such collection and disposal methods
- e) procurement decisions in respect of the functions
- f) enforcement proceedings or other legal action in respect of the Functions
- g) corporate media communications

5. The membership of the committee comprises two elected members from each partner authority on a 'one member, one vote' basis. Each partner authority shall appoint two of its members as its representatives, one of which will be a member of the partner authority's Executive.

6. Each member shall remain in office until removed or replaced by his or her appointing partner authority, or in the case of an executive member, until he or she ceases to be a member of the executive of the appointing partner authority.
7. Where a substitute member takes the place of a committee member who is an executive member of the appointing partner authority, the substitute member must also be a member of the executive. The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.
8. The committee will meet formally in public session on a quarterly basis with informal meetings, workshops and visits arranged as and when required.
9. The committee may appoint working groups, comprising Gloucestershire Joint Waste Committee members; officers from the Administering Authority, and officers of any of the partner authorities, to consider specific matters and to report back to the committee with recommendations. Each partner authority may also send any of its officers to committee meetings to support its members or anyone invited to observe at meetings.
10. Decisions made by the committee shall be subject to the scrutiny arrangements of the relevant partner authority.
11. A Chairman and Vice Chairman will be elected at the first meeting, and annually thereafter at the Annual General Meeting.
12. The quorum for a meeting shall be four committee members, which shall include at least one member appointed by each of the four different partner authorities. No business shall be transacted unless quorum is reached. If quorum is not reached within 30 minutes of the start of the meeting, (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue within five working days of the meeting or to a date determined by the Chairman.