

# Cumbria Strategic Waste Partnership Memorandum of Understanding



## **1. PURPOSE OF THIS MEMORANDUM OF UNDERSTANDING**

**1.1** The purpose of this Memorandum of Understanding (referred to in the remainder of this document as The Memorandum) is to: -

- (a) Set out in simple, non legalistic terms the way that the partners to the Memorandum will work together on waste management issues
- (b) Clarify and record the responsibilities of the partners to The Memorandum individually and collectively, including to each other

**1.2** The Partners to The Memorandum include:

- Allerdale Borough Council
- Barrow Borough Council
- Carlisle City Council
- Copeland Borough Council
- Cumbria County Council
- Eden District Council
- South Lakeland District Council

## 2. BACKGROUND

The Local Authorities within Cumbria share a responsibility and are committed to the effective delivery of sustainable waste management services within the County. The Strategic Waste Partnership (hereafter known as the Partnership) is a Partnership between the seven local authorities and is the recognition of the need to work in partnership in this field. The Partnership aims to provide a refocused approach to waste; promoting the principles of reduce, reuse and recycle.

### 2.1 The Partnerships goals are to:

- Modernise Cumbria's approach to municipal waste management so that it contributes to a sustainable Cumbria
- Implement a sustainable waste management programme
- Maximise the economic, environmental and social benefits to the people of Cumbria when managing municipal waste.

### 2.2 The benefits of Partnership working include:

- Developing a consistent and innovative approach to waste and resource management
- Sharing information, experiences and expertise to tackle the complexity of waste and resource management
- Establishing and expanding county-wide best practice
- Ensuring best-value waste and resource management services to Cumbria's citizens
- Meeting and where possible, exceeding the agreed recycling and composting target for 2007/8 of 33% of municipal waste.

To ensure the appropriate governance of the Partnership there is;

**A Business Partnership Board** – an advisory board, with elected members involvement, responsible for reviewing key performance measures and strategic matters.

**An Officers Group** – an executive group comprising officers from each of the partners with responsibility for developing a county wide waste strategy; ensuring the appropriate service developments and reviewing and monitoring performance.

### **3.0 STATUS OF THE MEMORANDUM AND THE PARTNERSHIP**

- 3.1** The Memorandum is an operational document. It is not a formal or legally binding contract. It will be reviewed on an annual basis.
- 3.2** The Partners, individually and collectively, have (by signing The Memorandum) agreed to use all reasonable endeavours to comply with the spirit of the Memorandum. They will not be obliged to undertake participation or expenditure without that being agreed by them as individual partners except where they each agree to commit funding of a specific amount (one-off or annually) to be pooled so as to be expended as determined by agreement of the Partnership.
- 3.3** The Partnership is not a legal entity. Accordingly, it cannot employ staff or enter into a contract(s) in its own right. In those respects it will have to act through an agent - normally one of the Partners.
- 3.4** The Partnership has no delegated or Executive Powers. The Partnership cannot, with the exception of deciding expenditure from any pooled budgets, reach any decisions, which are binding individually or collectively.
- 3.5** As the Accountable Body for the Partnership Cumbria County Council's role is to:
- make claims for and receive funding
  - ensure payment of funding is only made to approved projects
  - ensure effective appraisal, approval, project monitoring and financial systems are used
  - ensure the propriety and regularity of all payments and handling of funds through the establishment and operation of effective financial and administrative systems and audit of same
  - arrange for the payment and issue of regular financial monitoring statements
  - Notify the funding provider of any financial irregularities suspected in the use of the funding
  - Ensure the co-ordination of information arising from various projects through the nominated project administrators, including providing access and documents for ad hoc inspections

## 4.0 KEY PRINCIPLES

The Partners, individually and collectively, have agreed the following key principles to guide the activities of the Partnership:

That for financial efficiency, effectiveness and economies of scale purposes the Partners accept the need to:-

- work together, through the Partnership on the development of waste disposal, waste collection, waste minimisation and re-use/recycling strategies
- collectively monitor the effectiveness of the strategies
- review the options for the future delivery of services to meet the aims and objectives of the strategies
- to work together in a spirit of mutual trust, support and respect, and to ensure that when difficulties or differences of opinion arise they are addressed quickly, honestly and openly, if necessary by holding a joint meeting with the Cumbria Chief Executives.
- to share in a fair and equitable manner the costs and work involved in achieving the key principles and the objectives.

### 4.1 Transparency

All Partners are committed to ensuring the planning, development and implementation of the Joint Municipal Waste Management Strategy is as transparent as possible to all, each other and to the public

### 4.2 Consultation

The Partnership recognises the importance of consultation and the need to consult as widely as possible with all stakeholders in Cumbria.

All significant new initiatives, contracts and changes in working practices that impact on the way waste services are delivered in Cumbria shall be openly discussed with the Partners to The Memorandum.

### 4.3 Co-operation

Actions and decisions as to what to recommend to individual Partners should reflect what is in the best interests of all Council Tax payers and the implications for individual Partners within the geographical area of Cumbria, and take into account what is fair and equitable for each Partner

## **5.0 OBJECTIVES**

The objectives of the Partnership are as follows:-

- 5.1** to enable the Partners to work together to manage waste within Cumbria in the most efficient, effective, economical and sustainable manner.
- 5.2** to endeavour to fully engage all Partner Authorities.
- 5.3** to develop a long term vision and influence long term planning needs for waste as a resource in Cumbria.
- 5.4** to keep under review the Joint Municipal Waste Management Strategy for Cumbria and individual District Council Recycling Plans for consideration and adoption by the Partnership and to monitor their implementations and effectiveness.
- 5.5** to explore all options for the future procurement and delivery of municipal waste collection, disposal, recycling, minimisation and reuse services, including but not limited to countywide contracts for refuse collection (including or excluding recyclable materials) and/or waste disposal and including an examination of the opportunities for continued involvement of the existing in-house providers employed by any Partner.
- 5.6** to increase awareness of waste as a resource and to interact with other stakeholders to promote waste minimisation and achieve an economically, environmentally and socially sustainable waste programme of gaining value from waste.
- 5.7** to work with, and support as required, statutory agencies, non-governmental organisations (NGO's), commercial enterprises of all sizes, business, scientific, commercial and voluntary/not for dividend organisations and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management.
- 5.8** to consider and evaluate, where appropriate, processes to manage waste from commercial and industrial sources from within and outside Cumbria if commensurate benefits accrue to Cumbrian residents and it contributes to the overall environmental, social or economic well being of Cumbria's residents.
- 5.9** in all of its considerations and recommendations to be bound by the principles of Best Value and to maximise the opportunities under the power to promote the environmental, social and economic well being in

all matters related to waste/resource management and to support the development of future proposals for inclusion in Community Strategies.

- 5.10** to consider and make recommendations in respect of any other activities in accordance within the general scope of responsibility, which continues to promote, develop or secure the role of the Partnership in integrated waste and resource management to the benefit of Cumbria residents and businesses.

## **6.0 MEMBERSHIP AND VOTING**

- 6.1** Each Partner will appoint one elected member and one substitute member to serve on the Partnership. Whilst appointments may be reviewed annually some strong consistency of membership is encouraged.
- 6.2** One of the members appointed by each Partner shall normally be the member of that Council with Lead Member responsibility/Portfolio Holder/Committee Chair (as appropriate to that Council's political structure) for waste issues.
- 6.3** Each Partnership Member (or his/her substitute) shall have one vote. There will be no casting vote. If there is an equality of voting on an issue that matter shall be deferred and considered again at the next meeting (which may be a special meeting convened especially for the purpose of reconsidering the matter concerned).
- 6.4** Voting will be carried out in such a manner that each Partner acts freely and independently and will take place by way of a show of hands.
- 6.5** The Partnership will endeavour to reach agreement on issues that are voted upon taking all reasonable steps to reach a consensus.

## **7.0 MEETINGS AND CHAIRING**

- 7.1** The Chair and Vice-chair will be from one of the District Councils and from the County Council. The Chair will alternate between the District and the County Council annually.
- 7.2** Meetings will be open to the public except in circumstances where the Partnership is discussing matters exempt from access by the public.

**7.3** Meetings will take place on a bi-monthly basis or dependant upon issues that arise or decisions that need to be considered.

**7.5** A special meeting shall be held if called by either the Chair or by the Partner Councils requesting in writing (to the Secretary) such a meeting.

**7.4** The agenda calling the meeting and accompanying reports shall be circulated to all Partnership Members (and their substitutes and to members of the Officer Group) at least ten working days before the meeting. With the agreement of the Chair [or in his/her absence the Vice-Chair], agendas and papers may, in respect of an urgent item, be circulated at or just before the meeting.

## **8.0 SECRETARY**

**8.1** Cumbria County Council shall provide a Secretary to the Partnership who shall: -

- arrange meetings and circulate agendas and reports
- take minutes
- provide a venue for meetings
- advise the Chair of the meeting as to procedures
- manage and co-ordinate to an agreed level the day to day administrative activities associated with The Partnership
- ensure that all necessary advice on the general implications of matters under consideration is obtained

## **9.0 OFFICER SUPPORT GROUP**

**9.1** The Partnership shall be supported by an Officer Support Group consisting of one Lead Officer responsible for waste in each Partner Council who will represent their individual authority views on strategic waste issues.

**9.2** The Officer support Group will prepare reports and recommendations for consideration by the Partnership.

**9.3** For the avoidance of doubt membership of Officer Group may vary at the discretion of each Partner as appropriate to the topic or issue being considered.

**9.4** Officers of each Partner organisation shall be responsible for implementing Partnership decisions (once adopted by all Partners) and Officer Group shall monitor the implementation of those decisions.

- 9.5** The Officer Group may agree to the setting up of other Officer working groups (e.g. Cumbria Waste Prevention Group, Community Recycling Network) to discuss and take forward any particular issues with particular emphasis on Joint Working. Such working groups will be accountable to the Partnership through the Officer Group.
- 9.6** The Partnership shall, by applying pooled resources, employ (through Cumbria County Council) a Project Officer and/or use of Consultants, to advance the aims and objectives of the Partnership. The work programme for the Project Officer and/or use of Consultants will be determined by the Partnership and monitored by the Partnership and Officer Group.
- 9.7** Cumbria County Council shall provide a Marketing Officer to promote the partnership via the Resource Cumbria website. This will involve content management and continual development of the website ensuring it remains as accurate and up to date as possible.

The Resource Cumbria website incorporate a “swap shop” mini site where Cumbrian residents are able to log on and advertise for exchange their unwanted items for other more useful items with other residents. This will incorporate a disclaimer stating clearly that no responsibility for these third party items rests with Cumbria County Council or Cumbria Strategic Waste Partnership.

## **10.0 BUSINESS PLAN**

- 10.1** At the start of each financial year the Partnership shall consider and approve an Annual Review, which will set out the achievements over the previous twelve months and identify key issues for the Partnership to address for the following year.

## **11.0 ANNUAL CONFERENCE**

- 11.1** Once a year the Partnership will arrange a conference of people and organisations interested in the development of Waste Management, including representatives from the private sector.
- 11.2** The purpose of the Conference will be to raise awareness and to seek a broad range of views on the future development of Waste Management policy and to enable the Partnership to report on its achievements.

## 12.0 DISPUTE RESOLUTION

**12.1** In the event of a dispute, which cannot be resolved by the Partnership the matter concerned, will be referred to a joint meeting with the Cumbria Chief Executives Group.

Members representing the following agree this Memorandum of Understanding: -

- Allerdale Borough Council  
Signature
- Barrow Borough Council  
Signature
- Carlisle City Council  
Signature
- Copeland Borough Council  
Signature
- Cumbria County Council  
Signature
- Eden District Council  
Signature
- South Lakeland District Council  
Signature