REPORT OF POLICY AND RESOURCES COMMITTEE

(Meeting held 16 May 2001)

1. INTRODUCTION OF A MEMBER MANAGEMENT BOARD FOR PROJECT INTEGRA (REPORT F) (MINUTE NO. 237)

The Committee has considered proposals for the future management of Project Integra. Over the last two years a series of options for moving Project Integra forward have been explored on a countywide basis.

A draft Constitution for a Project Integra Management Board has now been prepared. The Board will be a Joint Committee under section 102 of the Local Government Act 1972. The draft Constitution is attached at Appendix 1 to this report, and sets out provisions including the Board's objectives, functions, composition, the role of Board members, meetings and decision making processes, matters relating to the annual business plan, delegations, and scrutiny arrangements. It is proposed that the Board comprises 15 members, one appointed by each partner authority (with the opportunity for each to appoint a deputy), and one co-opted member representing Hampshire Waste Services Ltd.

The Committee congratulated District Council officers, who have played a leading role in drawing up the proposals.

Members' attention was drawn to the provisions covering the role of the Policy Review and Scrutiny Committee (section 15 of the Constitution), which it is considered are an example of good practice. The Committee was assured that the District Council's review and scrutiny provisions would be kept constantly under review. If it is considered in the light of experience that improvements could be made by adopting the practices of other organisations such as Project Integra, an appropriate recommendation will be made to members in due course.

RECOMMENDED:

- (a) That the introduction of a Member Management Board for Project Integra be supported;
- (b) That the Constitution as set out in Appendix 1 to this report be supported:
- (c) That the Environment Portfolio Holder be nominated to represent the Council on the Project Integra Management Board, and that the Chairman of the Environment Review Panel be nominated as his Deputy;
- (d) That Cllr Shepherd be nominated to represent the Council on the Project Integra Policy Review and Scrutiny Committee, and that Cllr Smith be nominated as his Deputy; and
- (e) That the nominations be submitted by June 2001.

Councillor M J Kendal VICE-CHAIRMAN

PROJECT INTEGRA MANAGEMENT BOARD

CONSTITUTION

1. BACKGROUND.

- 1.1. The Partner Authorities and HWS have, for several years, co-operated on a partnership basis in connection with the development of Project Integra, Hampshire's integrated waste management programme.
- 1.2. The parties now wish to establish a clearer and more accountable framework for these arrangements, in order that they are able to respond in a more effective and co-ordinated way to a number of new challenges. These include new targets for recycling and recovery of waste under the National Waste Management Strategy, changes in European legislation affecting waste management, and the promotion of sustainable development including the valorisation of waste as a resource.
- 1.3. The parties have therefore agreed to establish the Project Integra Management Board.
- 1.4. For the purposes of the constitution the parties comprise:
 - Basingstoke & Deane Borough Council
 - East Hants District Council
 - Eastleigh Borough Council
 - Fareham Borough Council
 - Gosport Borough Council
 - Hampshire County Council
 - Hampshire Waste Services Ltd (a registered subsidiary of Onyx Environmental Group plc)
 - ☐ Hart District Council
 - Havant Borough Council
 - New Forest District Council
 - Portsmouth City Council
 - Rushmoor Borough Council
 - Southampton City Council
 - Test Valley Borough Council
 - Winchester City Council

2. PURPOSE.

- 2.1. The purpose of this Constitution is to set out in clear terms how the Board operates and how decisions are made.
- 2.2. The Constitution may be amended from time to time, where all Partner Authorities and HWS agree such amendments. The Board may propose amendments for consideration and approval in its Draft Annual Business Plan.

3. **DEFINITIONS**.

- "Annual General Meeting" means the annual meeting referred to in Paragraph 10.1.
- "Approved Annual Business Plan" has the meaning given in Paragraph 13.3.
- "Board" means the Project Integra Management Board.
- "Board Member" means a person appointed to the Board under Paragraph 8.1.
- "Executive Officer" means the officer designated for the purposes of Paragraph 16.1.
- "Chairman" means the Board Member appointed as Chairman further to Paragraph 10.2.
- "Committee" means the Policy Review and Scrutiny Committee.
- "Committee Member" means a member of the Policy Review and Scrutiny Committee.
- "Deputy" means a person appointed as a deputy member of the Board further to Paragraph 8.4.
- "Draft Annual Business Plan" has the meaning given in Paragraph 13.2.
- "Functions" means the functions of the Board set our in Paragraph 6.
- "HWS" means Hampshire Waste Services Limited.
- "Joint Municipal Waste Strategy" means the Guidance on Municipal Waste Management Strategies published by the DETR (March 2001).
- "Objectives" means the objectives of the Board set out in Paragraph 5.
- "Partner Authorities" means the local authorities set out in paragraph 1.4.
- "Policy Review and Scrutiny Committee" has the meaning given in Paragraph 15.
- "Project Integra" means Hampshire's integrated waste management programme.
- "Recycling Plan" means Plans submitted in accordance with Section 49 of the Environmental Protection Act 1990.
- "Role of the Board Member" is as specified in Paragraph 9.

"Special Meeting" means a meeting convened under Paragraph 11.

"Vice-Chairman" means the Board Member appointed as Vice-Chairman further to Paragraph 10.2.

"Voting Member" means any Board Member other than that appointed by HWS.

"Valorisation" refers to the concept of optimising or increasing the value of waste by treating it or regarding it in some other fashion to give it added value. This could include treating it as an economic development resource and/or secondary raw material for industry.

4. CURRENT MISSION.

- 4.1. Project Integra's mission is to manage waste generated by households in Hampshire, gaining benefits from integration, scale, synergy and influence.
- 4.2. To achieve its purpose Project Integra will operate within the principles and definitions set by the United Nations (United Nations Action Programme United Nations Division for Sustainable Development 10/08/1999 (Local Agenda 21)), the European Union's 6th Environment Action Programme (2001 2010) for Sustainable Development and UK policy objectives as set by Government within its sustainable development programme.

5. OBJECTIVES.

The Objectives of the Board are as follows:

- 5.1. To develop a long-term vision for waste as a resource in Hampshire.
- 5.2. To prepare the Joint Municipal Waste Strategy for Partner Authorities and to co-ordinate the production and publication of the joint Recycling Plan for Project Integra
- 5.3. 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 valorisation programme
- 5.4. To work with and support as required statutory agencies, non governmental organisations (NGO's), small and medium sized enterprises (SME's), business, scientific and commercial organisations and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management.
- 5.5. To manage waste from outside Hampshire or from commercial and industrial sources if commensurate benefits accrue to Project Integra and it contributes to the overall environmental, social or economic well being of Hampshire's residents.
- 5.6. To be bound by the principles of Best Value and to maximise the opportunities under the power to promote the environmental, social or economic well being in all matters related to waste/resource management and to support the development of future proposals for Community Planning on behalf of its constituent members.
- 5.7. To influence long term planning needs for waste as a resource in Hampshire.

5.8. To conduct any other activities in accordance within the general scope of responsibility and provided it continues to promote, develop or secure the role of Project Integra in integrated waste and resource management to the benefit of stakeholders within Hampshire.

6. FUNCTIONS.

The functions of the Board are as follows:

- 6.1. To develop a strategic policy framework within which the Partner Authorities can each discharge their functions as waste disposal authority or waste collection authority (as the case may be) and as advised by the Government in the preparation and publication of Joint Municipal Waste Strategies and in other ways so as to achieve the Objectives.
- 6.2. To produce, for consideration and approval of the Partner Authorities, the Draft Annual Business Plan. and to implement the Approved Annual Business Plan.
- 6.3. To discharge, on behalf of the Partner Authorities, their functions in respect of the making of arrangements for the recycling of waste, where such arrangements:
 - 6.3.1. Affect two or more of the Partner Authorities; and
 - 6.3.2. Have been authorised by all of the Partner Authorities by being specifically referred to in the Approved Annual Business Plan.
- 6.4. To influence, advise and lobby government and other agencies, both nationally and internationally, where to do so is consistent with the Objectives.
- 6.5. To commission research into matters relevant to the Objectives.
- 6.6. To develop proposals for the future development of Project Integra (to be included for consideration in the Draft Annual Business Plan). Such proposals may include the creation of separate entities to undertake particular lines of activity, such as (without limitation) the commissioning of research, public awareness campaigns, and the provision of training and consultancy services.
- 6.7. To develop proposals on how the Partner Authorities can discharge their functions in the field of waste management to promote or improve the economic, social and environmental wellbeing in Hampshire and contribute to the achievement of sustainable development in the United Kingdom.
- 6.8. To carry out such other activities calculated to facilitate, or which are conducive or incidental to the discharge of the Board's Functions in implementing the Annual Approved Business Plan.

7. NAME AND LEGAL STATUS.

7.1. The Board is a joint committee constituted by the Partner Authorities under Section 101(5) of the Local Government Act 1972. Its name is the "Project Integra Management Board". Meetings of the Board are subject to the provisions of the Local Government Act 1972, including provisions on access to information and meetings being held in public.

7.2. The area within which the Board is to exercise its authority is the administrative county of Hampshire together with the unitary authority areas of Portsmouth and Southampton.

8. COMPOSITION OF THE BOARD.

- 8.1. The Board shall comprise 15 Members, being one Member appointed by each Partner Authority, and one co-opted Member representing HWS.
- 8.2. Each Partner Authority shall ensure that its appointed Board Member is a member of their executive, except where the executive concerned is a mayor and council manager executive, in which case the Board Member shall be the council manager or other officer. The Partner Authority shall ensure that the person appointed has relevant knowledge of being responsible for waste or other resource management at a strategic level, and has the skills and qualities required to fulfil the role of the Board Member.
- 8.3. The representative of HWS shall be the Managing Director of Hampshire Waste Services Ltd, with the skills and qualities required to fulfil the role of the Board Member. The cooption of the representative in question shall be a matter for the approval of the Board.
- 8.4. Partner Authorities, and HWS, may each appoint another named person to act as a Deputy for their appointed Board Member. Where the appointed Board Member is unable to attend a meeting, their Deputy may attend and carry out their responsibilities, including, in the case of a Voting Member, voting in their absence. The Executive Officer shall be notified of any appointment of a Deputy, such notification taking effect upon receipt. Those appointing a Deputy shall ensure that they meet the requirements of Paragraph 8.2 or, where appropriate, Paragraph 8.3 above.
- 8.5. The term of office of a Board Member and any Deputy shall be four years from their date of appointment (or reappointment), provided that for the duration of that period they remain a person who is capable of being appointed to the Board in accordance with Paragraph 8.2 or, where appropriate, 8.3 above. Partner Authorities and HWS may change their appointed Board Member or Deputy at any time provided that written notice of any such change is provided to the Executive Officer, taking effect upon receipt

9. ROLE OF THE BOARD MEMBER.

The responsibilities of a Board Member are as follows:

- 9.1. To be committed to, and act as a champion for, the achievement of the Objectives.
- 9.2. To be a good ambassador for the Board and for Project Integra.
- 9.3. To attend Board meetings, vote on items of business and make a positive contribution to the achievement of the Objectives.
- 9.4. To remain acquainted with emerging technologies and processes in the area of waste/resource management.
- 9.5. To act as an advocate for the Board in seeking the approval of their Partner Authority to the Draft Annual Business Plan.

10. MEETINGS.

- 10.1. The Board shall meet on a quarterly basis. The venue for meetings shall be determined by the Board. One meeting in each year shall be specified as the Annual General Meeting.
- 10.2. The Chairman and Vice-Chairman of the Board shall be appointed at the Annual General Meeting. Appointments take effect until the next Annual General Meeting. In the absence of the Chairman for any reason the responsibilities of the Chairman can be discharged by the Vice-Chairman. A Chairman or Vice- Chairman may be re-elected to serve for another period of one year if that is the wish of the majority of the Board.
- 10.3. A printed copy of the summons and agenda for each meeting and (except for the initial meeting) the minutes of the previous meeting, shall be despatched by the Executive Officer at least fourteen days before such meeting to each Board Member and, for information, to each Member of the Policy Review and Scrutiny Committee.. The summons shall contain notice of all business, except urgent business, which is in the ordinary course or by direction of the Chairman or Executive Officer required to be brought before the Board.
- 10.4. If within ten minutes of the appointed time for the commencement of the meeting a quorum (that is four Voting Members) is not present, the meeting shall be dissolved. Any business not disposed of shall be considered at the next meeting.
- 10.5. The Chairman may invite any person to attend a meeting of the Board for the purpose of making a presentation, or participating in discussion, on any item relevant to the Board's Functions, where that person is able to provide a professional or commercial viewpoint, which the Chairman considers, would be of assistance to the Board.

11. SPECIAL MEETINGS.

11.1. The Chairman may summon a Special Meeting of the Board at any time. A Special Meeting shall be summoned on the requisition in writing of not less than four Voting Members, which requisition shall be delivered to the Executive Officer and shall specify the business to be considered at the Special Meeting. The Executive Officer shall arrange for the Special Meeting to be held in accordance with the timetable in Paragraph 10.3 above.

12. DECISION MAKING.

- 12.1. Voting Members shall be entitled to a vote on items of business considered by the Board (the Board Member appointed by HWS, as a co-opted member, is not permitted to vote by virtue of Section 13(1) of the Local Government and Housing Act 1989).
- 12.2. Subject to Paragraphs 12.4 and 13.3 below, every question shall be determined by the voices of those Voting Members present, provided that if there is a Voting Member who indicates dissent to this procedure then a vote by a show of hands shall take place. A simple majority shall be required.
- 12.3. In the event of there being an equal number of votes for and against a particular proposition, the Chairman shall have a casting vote.

- 12.4. Where the effect of a particular proposition, if adopted by the Board, would be to give rise to contractual or financial implications for any Partner Authority, then in addition to the normal requirement for a simple majority of votes, the vote of the Member appointed by that Partner Authority, in favour of the proposition, shall be required. Where a particular proposition does not have the support of the Members appointed by all Partner Authorities so affected, the proposition cannot be adopted by the Board.
- 12.5. Where the effect of a decision of the Board is that the Partner Authorities, or any of them, shall enter into contractual arrangements, the Partner Authorities so affected hereby delegate authority to complete the contractual documentation on their behalf (subject to Paragraph 12.6 below) to [insert name of designated lead authority], further to Section 101 Local Government Act 1972.
- 12.6. The Partner Authorities shall complete a legal agreement setting out the basis on which risks and liabilities are apportioned between them, where contractual arrangements are entered into by one of them, as lead authority on behalf of itself and the other authorities, further to a resolution of the Board.

13. ANNUAL BUSINESS PLAN.

- 13.1. At its Annual General Meeting, the Board shall consider and approve the Draft Annual Business Plan.
- 13.2. The Draft Annual Business Plan shall set out the strategy for the achievement of the Objectives over the next full twelve-month period commencing on the 1st April. It will specify the activities to be undertaken, and arrangements to be entered into, in support of that strategy, together with a full assessment of the financial, resource, service, legal and contractual implications.
- 13.3. The Draft Annual Business Plan shall be considered by each of the Partner Authorities with a view to giving it their approval. On being approved by all of the Partner Authorities, the Draft Annual Business Plan shall become the Approved Annual Business Plan. A Partner Authority may approve the Draft Annual Business Plan subject to a reservation in respect of any particular matter that it has concerns with. Where approval is given subject to such reservation, the Partner Authority's Voting Member is not entitled to vote on the matter in question when it is subsequently considered by the Board, and any resolution of the Board on the matter in question does not bind that Partner Authority.
- 13.4. The Board may consider and propose a draft amendment to the Approved Annual Business Plan, where necessary to accommodate unforeseen circumstances, which have arisen which would assist the Board in achieving the Objectives. Any proposed amendment, which is agreed by the Board, shall then be submitted to the Partner Authorities for approval. On being approved by all the Partner Authorities, the amendment is then incorporated in the Approved Annual Business Plan.

14. DELEGATION TO SUB-COMMITTEES AND OFFICERS.

- 14.1. The Board and the Committee may arrange for any of its functions to be discharged by a sub-committee or by an officer of one of the Partner Authorities, provided that any such arrangements do not include delegation of matters falling within the scope of Paragraph 12.4 above, which shall remain the sole responsibility of the Board.
- 14.2. The Board and the Committee may appoint working groups of Members and officers to consider specific matters referred and report back to the Board.

15. POLICY REVIEW AND SCRUTINY COMMITTEE

- 15.1. The role of the Policy Review and Scrutiny Committee is to discharge the functions conferred by Section 21 of the Local Government Act 2000 in relation to the activities of the Board. In the exercise of these functions, the Policy Review and Scrutiny Committee shall:
 - 15.1.1. Review and/or scrutinise any decisions made or actions taken in connection with the discharge of any of the Board's Functions;
 - 15.1.2. Make reports or recommendations to the Board in connection with the discharge of any of the Board's Functions;
 - 15.1.3. Consider any relevant matter affecting the area or its inhabitants; and
 - 15.1.4. Exercise the right to call in, for consideration, decisions made by the Board but not yet implemented.
- 15.2. In particular the Policy Review and Scrutiny Committee may:
 - 15.2.1. Undertake policy reviews in particular the review and suggested amendments to the Board's Draft Annual Business Plan, Best Value Performance Plan and input into appropriate Community Plans or such other similar documents as the Board may wish to adopt.
 - 15.2.2. Consider and advise on the structure of the Joint Municipal Waste Strategy.
 - 15.2.3. Review decisions taken by the Board and/or Executive Officer and the performance of services provided directly or indirectly by the Board, including power to require members of the Board and relevant officers to attend before it to answer questions.
 - 15.2.4. Formulate new policy proposals for consideration by the Board.
 - 15.2.5. Carry out reviews under the Government's Best Value regime.
 - 15.2.6. Review the level of financial resources to be included in annual service budgets and the overall level of the Board's aggregate budgets.
 - 15.2.7. Review performance against target income and expenditure levels.

- 15.2.8. Prepare and submit to the Board annual programmes of work to be undertaken each year.
- 15.3. Notwithstanding the annual programme of work referred above, the Board could request the Committee to undertake a review of policy at any time. The Board may also work with the Committee to undertake reviews of existing policies or proposed development of new policies at any time.
- 15.4. The Policy Review and Scrutiny Committee shall comprise 17 Committee Members, being one Member appointed by each Partner Authority, one co-opted Member appointed by HWS, and two co-opted Members appointed by the Committee to represent relevant community interests or groups. Members may not include members of Partner Authority executives. Members shall have relevant knowledge of issues relating to waste or other resource management, and the skills and qualities required to assist the Committee in discharging its review and scrutiny functions.
- 15.5. Partner Authorities, and HWS, may each appoint another named person to act as a Deputy for their appointed Committee Member. Where the appointed Committee Member is unable to attend a meeting, their Deputy may attend and carry out their responsibilities, including, in the case of a Voting Committee Member, voting in their absence. The Executive Officer shall be notified of any appointment of a Deputy, such notification taking effect upon receipt. Those appointing a Deputy shall ensure that they meet the requirements of Paragraph 15.4 above.
- 15.6. The term of office of a Committee Member and any Deputy shall be four years from their date of appointment (or reappointment). Partner Authorities and HWS may change their appointed Board Member or Deputy at any time provided that written notice of any such change is provided to the Executive Officer, taking effect upon receipt.
- 15.7. The provisions in Paragraphs 10, 11 and 12.1 12.3 above shall apply to meetings of the Policy Review and Scrutiny Committee in the same way that they apply to meetings of the Board, with references to the Chairman, Vice-Chairman and Members of the Committee substituted for the references to the Chairman, Vice-Chairman and Members of the Board. In this context the term "Voting Members" shall be read as meaning the Committee Members appointed by the Partner Authorities.
- 15.8. Subject to Paragraph 15.9 below, a decision of the Board will be notified to Committee Members within five working days, and will take effect seven days after such notification has been given, unless in that period any four or more members of the Policy Review and Scrutiny Committee request a meeting of the Committee to review the decision. All action to implement the decision shall then be suspended, and a meeting of the Committee shall take place within 21 days from the date of receipt by the Executive Officer of the request for review of the decision. At the meeting the Committee shall decide whether to exercise the powers in Section 21(3) of the Local Government Act 2000 to recommend that the decision is reconsidered, or (in exceptional cases) to arrange for the review function to be exercised by any Partner Authority. Where the Committee so decides, the Board shall reconsider the decision and decide whether or not it should be changed. Subject to such reconsideration by the Board, the decision will then take effect.

- 15.9. The arrangements in Paragraph 15.8 shall not apply where the Chairman of the Committee agrees that it is the best interests of Project Integra for a decision of the Board to be implemented as a matter of urgency. In such cases the Board's decision takes immediate effect.
- 15.10. Where any Member of the Committee or of any sub-committee so requests, arrangements shall be made for any matter relevant to the functions of the Committee or as the case may be, the sub-committee, to be included in the agenda for, and discussed at, a meeting of the Committee or sub-committee.

16. . EXECUTIVE OFFICER AND PROFESSIONAL SUPPORT.

- 16.1. The Board shall designate a named person to fulfil the function of Executive Officer. The responsibilities of the Executive Officer, in respect of the business of the Board, its sub-committees, working groups, and the Policy Review and Scrutiny Committee shall be as follows:
 - 16.1.1. To make all necessary arrangements for the convening of meetings
 - 16.1.2. To provide, or, where necessary, procure the provision of, all necessary advice on the technical, legal and financial implications of matters under consideration
 - 16.1.3. To bring attention to relevant matters which merit consideration.
 - 16.1.4. To take and maintain minutes of meetings, and ensure that business at meetings is conducted in accordance with legal requirements.
 - 16.1.5. To be responsible for communications with other agencies, including the media.
 - 16.1.6. To manage and co-ordinate the day-to-day affairs of the Board and its administrative support.
- 16.2. The Board shall engage the services of a Legal Adviser and Financial Adviser.
- 16.3. The business address for all communications relating to the administration of the Board's affairs shall be determined by the Board.

17. URGENT MATTERS.

- 17.1. Subject to Paragraph 16.2, this Paragraph applies where the best interests of the Board require that action should be taken, or a decision made, on a matter which would normally fall to be considered by the Board in the exercise of its functions, but where such best interests would be compromised by the action, or decision, being deferred until the next meeting of the Board. In such cases the Executive Officer is authorised to take such action or decision, following consultation with the Legal Adviser, Chairman and Vice-Chairman. Any such action taken shall be reported to the next meeting of the Board.
- 17.2. Paragraph 17.1 does not apply to decisions falling within the scope of Paragraph 12.4.

18. CONDUCT AND EXPENSES OF MEMBERS.

- 18.1. All Board and Committee Members shall observe at all times the provisions of the code of conduct, which, in due course, is adopted by their Partner Authority under Section 51 of the Local Government Act 2000. In the meantime, Members are required to observe the provisions of any existing code of conduct adopted by their Partner Authority or, where none exists, the National Code of Local Government Conduct.
- 18.2. Each Partner Authority shall be responsible for meeting any expenses to which any Board or Committee Member appointed by them, as their representative is entitled as a result of their attendance at duly authorised meetings. HWS are responsible for meeting any expenses incurred by their appointed representatives. Expenses properly incurred by the two non-HWS appointed co-opted members of the Policy Review and Scrutiny Committee shall be met by the Board.

19. LIABILITIES OF BOARD MEMBERS.

19.1. Board Members have the same responsibilities and liabilities as those, which apply when sitting on other committees and bodies as appointed representative on behalf of their authority. Where contractual arrangements are authorised by the Board, any liabilities arising under those arrangements will rest with the constituent Partner Authorities who are parties to those contractual arrangements. Indemnification for any liabilities, which do arise, is a matter between the Board Member and their Partner Authority. It is noted that under Section 101 of the Local Government Act 2000, the Secretary of State may by order make provision conferring power to local authorities to provide indemnities to some or all of their members and officers.

20. PRESS AND PUBLIC RELATIONS.

20.1. The Board shall have power to issue such press releases and carry out such further publicity as it deems necessary for the furtherance of the Objectives, including the dissemination of information relating to the Functions and workings of the Board, and any action taken or proposed to be taken for the benefit of the residents of Hampshire and other stakeholders.

21. STANDING CONFERENCE.

21.1. The Board shall arrange for an annual meeting of persons interested in the development of Project Integra, to be known as the Standing Conference. The purpose of the Standing Conference is to seek a broad range of views on the future development of policy. Each Partner Authority shall be invited to be represented by members and officers, as it considers appropriate, to speak and discuss issues under review. The Standing Conference will be held before the Annual General Meeting of the Board to enable views to be expressed on the Draft Annual Business Plan.

Dated

2001

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