



LINCOLNSHIRE WASTE PARTNERSHIP

24 NOVEMBER 2016

SUBJECT :	LINCOLNSHIRE WASTE PARTNERSHIP GOVERNANCE ARRANGEMENTS
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PURPOSE OF THE REPORT

To provide guidance and a recommendation for a new governance model for the Lincolnshire Waste Partnership (LWP) based on the considered opinions of the Lincolnshire Waste Partnership Officer Working Group (LWPOWG)

EXECUTIVE SUMMARY

Lincolnshire County Council has invited engagement from partner organisations as a part of its audit into the operation of the Lincolnshire Waste Partnership.

The audit identified weaknesses in terms of :

- a) The lack of an up-to-date Waste Strategy, and any plan to replace it. (The Joint Municipal Waste Management Strategy- JMWMS)
- b) The operation of the LWP, and its role in relation to the strategy.

The LWPOWG has considered the audit work, and after being specifically tasked by the LWP to look at and consider alternative governance options, has suggested development of a new partnership model based on it developing its role around strategy, consultancy, and advocacy . The function of the partnership will be to establish a clear strategy for the management of county's waste and to assess progress against the many strands of that strategy. As well as work on high level strategy development, it will provide a sounding board for all authorities to check its own work against, so as to permit considered evaluation of wider impacts.

The officer working group has also considered a change of name for the LWP to reflect the material collected as a resource, rather than just 'waste'. The LWPOWG is suggesting Lincolnshire Waste Resources Partnership, favoured by all districts officers, but an alternative, suggested by county officers, Lincolnshire Resource Management Partnership, has also been considered.

BACKGROUND INFORMATION

Following concerns being expressed by partnership members as to the effectiveness of the LWP, LCC commissioned an internal audit report into its operation. This was based on observations by audit officers, and feedback from members and attendees of the LWP. The findings were considered at the meeting of the LWP on 15 September 2016.

The scope of the review was to provide independent assurance that there are clear governance arrangements in place for the LWP, as well as ensuring that the JMWMS is an up-to-date and relevant document.

The following risks were specifically considered during the review:

- Lack of a 'fit for purpose' Strategy
- No approach planned for producing a new strategy
- Actions and requirements of the Partnership are not complete

The report identified some positive relationships, and in particular the benefit derived from the work of the officer working group, but it also highlighted some shortcomings in the way in which the county partnership operates at a formal level.

It identified two main issues:

- a) The lack of an up-to-date waste strategy, and any plan to replace it.
- b) The operation of the LWP and its role in relation to the strategy.

The meeting on 15 September concentrated primarily on the second issue, but noted that the role of the LWP moving forward will also impact on the approach to producing, approving and implementing a united strategy.

The LWP charged the LWPOWG with providing a report on suitable governance arrangement for the LWP, suitable for the progression of the 12 action points raised in the audit report, and to provide a recommendation.

The twelve points of the audit report are as set out in brief summary, below:

	Risk Description	Recommendation
1	Lack of Fit for Purpose Strategy-	Create and publish a new strategy that is relevant and current to the needs and requirements of Lincolnshire
2		Include SMART objectives in the strategy
3		To put in place an agreed timeline for producing a new strategy

4	No approach planned for producing a new strategy	LWP to agree who will produce the new strategy
5		LWP to agree the format and content of the new strategy
6		LWP to agree review period and methods for the new strategy
7	Actions and requirements of the partnership are not completed	LWP to review its purpose and examine its objectives. Explore and agree new working model for the LWP
8		Review the terms of Reference to reflect the agreed model.
9		LWP to identify continuous improvement through programmed self-assessments (captured within the ToR)
10		Agreed actions to be recorded in the minutes and monitored as part of a standard agenda.
11		Continuity and consistency required of the LWP minutes. Minutes to be distributed in a timely manner.
12		LWP to use the audit findings as benchmark for improvements (see link to 9)

DISCUSSIONS

Assessment of Options

On 7th October the LWPOWG met to consider the issues and to reach a consensus view on a governance model that it felt would provide a way forwards, even if it could not meet the requirements of all the respective authorities at this time. In reaching a recommendation the officers have been mindful of the current volatility of the working environment, the history of the group, and the need to bring forwards a workable solution that could be introduced quickly, so as not to hamper the progress of the outstanding waste strategy.

In considering options the group gave consideration to parameters to frame the recommendation, and therefore considered first the purpose of the partnership.

It was agreed the purpose of the partnership included :

- To focus all stakeholders on the delivery of the objectives set out in an agreed waste strategy
- Monitor performance against the objectives set out in an agreed waste strategy
- To provide a mechanism through which to assess the impacts of change on all stakeholders in the collection, control, and management of waste, be that residents, business, or other third parties, are fully considered before individual decisions are taken.
- To ensure close communication between partners, and consistent messages to Stakeholders
- To provide a framework for sharing and learning
- To establish a culture with values in support of the agreed waste strategy

Having considered the purpose, the officer working group progressed to define and consider options. Accepting that there were almost infinite possibilities they agreed on six main options as the basis of more detailed consideration. These are as set out below.

Role	Description	Guidance Comments
1 A single joint Waste Management Board	All decision making on waste collection and disposal issues made at LWP including service delivery and budgetary issues. No retained waste powers at either WDA/WCAs.	Transfer of all budgets to board control. Any decision to grant the LWP decision making powers would require decisions by all partner authorities to pool sovereignty to some degree. Would require all authorities to agree to make changes in their previous sphere of control based on majority vote of the board; these could be against what the individual authority might wish. NB. This model was rejected by six districts earlier in 2016 after workshops on the proposal and detailed consideration.
2 A single joint Waste Management Board (high level decision making powers only)	Powers to agree such as: <ul style="list-style-type: none"> • Waste Strategy • Tendering methodology for dry recycling contracts • Letting of waste disposal contracts (recycling and composting) • Identification and 	Limits would include no control over: <ul style="list-style-type: none"> • Collection methodology • Collection frequency • Capital expenditure Any decision to grant the LWP decision making powers would require decisions by all partner authorities to pool sovereignty to some degree.

	management of waste service related risks	Would require all authorities to agree to make changes in their previous sphere of control based on majority vote of the board; these could be against what the individual authority might wish.
3 Limited joint Waste Management Board (low level decision making powers only)	As above but with more limited powers e.g. <ul style="list-style-type: none"> • Agreeing common dry recycling mix • Agreeing publicity campaigns 	Any decision to grant the LWP decision making powers would require decisions by all partner authorities to pool sovereignty to some degree. Would require all authorities to agree to make changes in their previous sphere of control based on majority vote of the board; these could be against what the individual authority might wish.
4. LWRP	No decision making powers, but formalised as a joint consultative body for all strategic waste decisions before WDA/WCAs make decisions. Formal role in reviewing progress against the Waste Strategy. Advocacy on behalf of Lincolnshire.	The partnership would establish a clear strategy for the county's waste and assess progress against the many strands of that strategy. As well as work on high level strategy development, a formal role where all partners agree to refer strategic waste decisions for review before any decisions are made on implementation. Working collaboratively to share and support partners actions.
5 No change	LWP remains an information sharing forum only, considering low level and operational issues.	An option provided there is agreement that this is the purpose of LWP, however in light of the findings of the audit this cannot be a desirable option.
6 Abolish LWP	Abandon joint working involving members. Officer group to continue.	Given the strategic importance of waste services, this is a last resort option.

The officer working group considered each option in turn and officers were asked to be pragmatic about options that would permit the LWP to progress quickly to stable governance, even if this did not meet their own authority's particular aspirations at this time. Clearly development of a recommendation required a consensus view, and

practicality meant that all options required some significant scrutiny. On this premise the Officer Working Group were quickly able to dismiss options five and six as being without immediate merit, subject to all partners wishing to proceed with the aims of a partnership.

The group then considered options one and two, and mindful of the work last year, and indeed in previous years, it was acknowledged that there were significant operational and political difficulties with recommending these options at this stage.

Officers noted the work last year requested by CX and Leaders group whereby a consultant had reported on the viability of establishing a single body responsible for waste management. Officers further noted that in light of the findings it had been determined not to progress that work at this time.

Although officers noted that in LWP the County Council, NKDC, and the Chair have previously expressed support for option one, it was felt by the majority that these would not receive consensus support at this time. The history of attempts to progress any models which required any surrendering of 'sovereignty' was well recorded, and the fact that progression of these had failed, and that this showed no sign of changing in the near future, meant that the majority felt that there was little merit in using officer time to undertake more detailed work on these (repeating as it would the work of previous years).

The removal of options one and two from the debate in terms of a recommendation permitted greater detailed discussion around options three and four. Option three retains some of the inherent difficulties of a joint board, and recognising that pooling 'sovereignty' of any issues, even at a relatively low level of decision making, was a "deal breaker" for the majority of authorities, made this unviable as a proposal at this time.

Option four was then considered at greater length by virtue of the lack of suitability of the other options, including maintaining the status quo. It was also noted that at a prima facie level this option also met the critical tests of being potentially both politically acceptable to all, as it does not require any authority to accede any decision making powers, and it is also possible to implement it relatively quickly, so not risking hampering the work on the waste strategy and action plan.

Option four was then tested against the required audit outcomes as below.

	Risk Description	Audit Recommendation	Test for viability of option four
1	Lack of Fit for Purpose Strategy-	Create and publish a new strategy that is relevant and current to the needs and requirements of Lincolnshire	County Council has already identified a draft resource and timetable for leading this work.
2		Include SMART objectives in the strategy	The LWP would review the project plan and provide supportive advice/scrutiny on the suitability of the timetable and resourcing.

3	No approach planned for producing a new strategy	To put in place an agreed timeline for producing a new strategy	LWP members would have 'ownership' of the strategy, and elicit and champion the support of their own Council.
4		LWP to agree who will produce the new strategy	
5		LWP to agree the format and content of the new strategy	
6		LWP to agree review period and methods for the new strategy	
7	Actions and requirements of the partnership are not completed	LWP to review its purpose and examine its objectives. Explore and agree new working model for the LWP	Subject to agreement of the purpose set out in 4 above, a formal partnership agreement could meet these requirements.
8		Review the terms of Reference to reflect the agreed model.	See ToR section
9		LWP to identify continuous improvement through programmed self-assessments (captured within the ToR)	See Tor section. Also note that as a review body, continuous improvements in performance, so as to meet the agreed objectives of the waste strategy, would be a cornerstone of the work of the partnership.
10		Agreed actions to be recorded in the minutes and monitored as part of a standard agenda.	The ToR also include for review of the partnership itself.
11	Actions and requirements of the partnership are not completed	Continuity and consistency required of the LWP minutes. Minutes to be distributed in a timely manner.	See ToR section. As the partnership would have a monitoring role, it would be incumbent on all partners to hold others to account for their agreed actions, including with respect to the minutes.
12		LWP to use the audit findings as benchmark for improvements (see link to 9)	With a strategic focus, and an agreed waste strategy, benchmarks will be an inherent part of the work of the partnership.

Developing the recommendation

Following consideration of the key issues the Officer Working Group felt that option four had sufficient merit to make it the preferred operating model at this juncture in the partnership's development.

Officers felt it provides a clear role for the partnership, and a renewed focus around which, and against which, the performance of the partnership can be monitored.

Vital will be the prompt development of an agreeable strategy which will drive forwards the future of waste management around robust and transparent goals. The new waste strategy must include clear targets, which are SMART, in nature, and which therefore permit the partnership to monitor progress with absolute transparency.

Other issues raised by the officer group on the premise that option four be the preferred operating model, and in support of a new refreshed approach being adopted, are as below.

Special note was made of reference to North East Lincolnshire and North Lincolnshire. However, as any potential devolution deals exclude waste management presently, and district councils in the south of the county noted their links with other neighbouring councils, it was agreed that rather than specific councils be named, the partnership allow for others to join where there was felt to be mutual benefit.

Accordingly the LWPOWG recognised the below as important issues for the partnership, which it should determine with clarity as a part of any new governance arrangements.

- a) Membership of the partnership would be open to neighbouring authorities where they were prepared to share data and where it was felt there was a potential strategic benefit (see ToR).
- b) The term 'waste' be reconsidered in the context of the materials use as a resource. Thus the LWP should be renamed the Lincolnshire Waste Resources Partnership. (County Officers have proposed an alternative title of Lincolnshire Resources Management Partnership).
- c) To ensure stability of purpose within the strategy, the group would need to agree no cluster working/break-away groups other than for operations in pursuit of the agreed waste strategy aims.

Terms of Reference

Audit recommendation 8 refers to a need to revise the existing ToR, the originals having been drafted some years ago, and having only been adjusted from time to time subsequently.

Subject to the outcomes of LWP's deliberations, the ToR will need to be amended to reflect the decision.

Standard Agenda

Audit recommendation 10 refers to the need to operate to a Standard Agenda.

Subject to the outcomes of LWP's deliberations, the ToR will need to be amended to reflect the decision.

Organisational Impacts

Option four has no 'sovereignty', operational, or financial impacts in itself. It seeks to meet the requirements of the audit report, whilst providing an environment to build trust between partners. Membership of the partnership remains voluntary.

Any impacts that may arise would be as a result of closer monitoring of performance against commitments entered into within the agreed 'waste' strategy.

There is no longer a legal requirement for waste collection authorities to have a strategy for waste management, this duty falls to the waste disposal authority. Given the relationship between WCAs and WDAs it is pragmatic to develop a joint strategy where possible.

Risk Implications

- (i) Options Explored - as set out previously
- (ii) Key risks associated with the preferred approach - Progression of waste matters could be slower under this option than having decisions made by a single body. Does not provide the partnership with power to make decisions so remains reliant on partners delivering agreed objectives for their authority, in line with the strategy.

OPTIONS

It is the view of all officers that option four represents the only viable option for prompt progress at this time.

RECOMMENDATIONS

- 1) That the Lincolnshire Waste Partnership determines a governance model based on one of the options set out in the report.**

Officers have unanimously agreed that the LWP should have a renewed title that reflects the use of discarded materials as a resource.

It is the view of all district officers that the LWP be renamed the Lincolnshire Waste Resources Partnership

County Council officers have expressed a preference for the title Lincolnshire Resources Partnership.

- 2) That the Lincolnshire Waste Partnership determines if it would wish to change name, and if so, what name it would wish to adopt.**
- 3) That the Lincolnshire Waste Partnership ask the Lincolnshire Waste Partnership Officer Working Group to develop a new Partnership agreement and ToR based on the chosen option, including notes on cluster working and inclusion of neighbouring authorities.**
- 4) That the Lincolnshire Waste Partnership ask the Lincolnshire Waste Partnership Officer Working Group to develop and propose a new standard agenda for Lincolnshire Waste Partnership.**