

PART 3
SECTION F: Joint Arrangements Made by the Cabinet

1. The Chilterns Crematorium Joint Committee

General

A Joint Committee established by Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council (“the participating Councils”) to jointly manage the crematoria situate within their joint administrative area boundaries.

Membership, Chairmanship and Quorum

Number of Members	Six - two from each of the participating Councils
Substitute Members Permitted	Yes - but must be a member of the same Executive/Cabinet as the Substituted Member
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Executive/Cabinet of the participating Councils
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Executive/Cabinet
Casual Vacancies	To be filled by the Appointing Council’s Executive/Cabinet (or by a member or committee of the Executive/Cabinet as each participating Councils executive arrangements may provide) for the remainder of the term of the member replaced
Restrictions on Membership	Appointees must be a member of the Executive/Cabinet of the participating Councils
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three
Number of Ordinary Meetings per Council Year	Minimum of two
Extraordinary Meetings	The Chairman of the Joint Committee may call an extraordinary meeting at any time

Terms of Reference

Pursuant to the Cremation Act 1902 as amended by the Cremation Act 1952, Section 101(5) and 102(1) of the Local Government Act 1972, Section 9EB of the Local Government Act 2000 and Regulations 9 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (as amended) and all other powers in this behalf, to exercise all the functions duties and powers of the participating Councils in connection with the provision and maintenance of crematoria, other than the power to appoint and remunerate staff, levy or issue a precept, borrow money or hold land.

1.4 Delegations

The matters referred to in the Terms of Reference are fully delegated subject to the terms, restrictions and reservations set out in the Constitution of the Joint Committee.

2. The Chiltern, South Bucks and Wycombe Joint Waste Collection Committee

2.1 General

A joint committee established by Chiltern District Council, South Bucks District Council and Wycombe District Council (“the Councils”) to consider reports from the officers and advise the respective Cabinets of the Councils concerning the management of waste collection, recycling collection and street cleansing services and related services in the Councils’ administrative areas.

2.2 Membership, Chairmanship and Quorum

Number of Members	Six – an executive member from each Council with responsibility for waste management and one further member from each Council
Substitute Members Permitted	Executive Members have the right to appoint deputies by giving notice to that effect to the Secretary to the Joint Committee
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Cabinet/Executive of the participating Councils
Term of Appointment	In respect of a member who is a Cabinet/Executive member, from the date of appointment to the date that they cease to hold office as a Cabinet/Executive member or cease to have portfolio responsibilities for waste related functions. For all other members their term shall begin on the date of appointment and continue for the term notified to the Secretary to the Joint Committee by the appointing participating Council (being not less than twenty four months in duration).
Restrictions on Membership	One appointee from each participating Council must be the Cabinet/Executive member with portfolio responsibility for waste related functions and the second appointee should be a non-Cabinet/Executive member. Non-Cabinet/Executive members should not be a member of an Overview and Scrutiny Committee whose terms of reference include the review and scrutiny of municipal waste management functions.
Restrictions on Chairmanship/Vice-Chairmanship	Appointments shall be for a maximum period of two years. The chairmanship and vice chairmanship shall rotate between the Councils.
Restrictions on Voting	All members of the Joint Committee (or in their absence their duly appointed deputies, provided the deputy is also a Cabinet/Executive member) shall have the right to speak and vote, PROVIDED THAT members of

	Chiltern and Wycombe shall not have a right to vote in respect of the Biffa contract and members of South Bucks shall not have a right to vote in respect of the Serco contract. The Chairman has a casting vote.
Quorum	Three – provided that an executive member from each Council is present
Number of Ordinary Meetings per Council Year	Minimum of three

2.3 Terms of Reference

To exercise the following duties and powers in relation to management and procurement of waste collection, recycling collection and street cleansing services and related services (but only to the extent unanimously delegated to it by the participating Councils in accordance with the terms of the Constitution of the Joint Committee):

- (a) overall responsibility for the management and monitoring of contract/s for waste collection, recycling collection and street cleansing services and related services;
- (b) agreeing any changes to the scope of the management of such contracts;
- (c) making decisions on day to day operational issues, including approval of relevant expenditure;
- (d) recommending the Waste Services Manager's service plan and budget to the Councils
- (e) ensuring that the collective objectives of the Councils in relation to waste services are realised and implemented as agreed between them from time to time; and
- (f) providing a forum for the resolution of any disputes between the Councils in connection with the management of the Serco and Biffa Contracts;
- (g) overseeing the procurement, implementation and management of any replacement contracts in the future;
- (h) exercising any other functions in relation to municipal waste management from time to time delegated to it.

2.4 Delegations

Provided the participating Councils unanimously agree to the exercise by the Joint Committee of any function or activity falling within these Terms of Reference such function or activity is fully delegated.

2.5 Joint Working Principles

- 1) Each Council will co-operate with and give reasonable assistance to each other to provide information and inputs efficiently and economically as is required to successfully develop and operate their municipal waste management functions.
- 2) Each Council will ensure that its Council Representative complies with the principles of the Project in order to achieve the Objectives set out below.
- 3) Each Council will provide to the Joint Waste Collection Committee or any auditor appointed by the Joint Waste Collection Committee any information that is required in respect of any audit or inspection carried out in relation to the Services.
- 4) The Councils will work together to overcome any conflicts between the various other contracts dealing with recycle.
- 5) The Councils are committed to making the strategic planning and development of the Services as transparent as possible to each other and to the public as a whole.
- 6) The Councils recognise the importance of consultation and liaison on issues concerning the Services and commit themselves to the principle of consultation in the widest sense, both with themselves and the community, on any significant issue which will impact upon those receiving waste related services within the Councils' administrative areas.
- 7) In the event of any retendering, each Council agrees to disclose such information relating to the Services as may be reasonably required for the purpose of conducting a due diligence exercise to any proposed new contractor its advisers and lenders.
- 8) The Councils agree that communications and media output will be in line with the Joint Communications Strategy as reviewed and agreed from time to time.

2.6 Objectives

- 9) The District Councils are members of the Waste Partnership for Buckinghamshire which includes Buckinghamshire County Council. The overarching 'vision' of the Partnership is to facilitate the effective planning and delivery of municipal waste management functions and services in Buckinghamshire.
- 10) The Councils will use innovative solutions to:
 - (a) meet or exceed local and national waste recycling targets (specified below)
 - (b) offer the highest standards of customer satisfaction
 - (c) meet or exceed environmental/ sustainability standards
 - (d) keep costs to the local authorities to a minimum
 - (e) deliver appropriate customer contact arrangements to support the services

3. The Chiltern and South Bucks Joint Committee ("JC")

3.1 General

A Joint Committee established by Chiltern District Council and South Bucks District Council ("the Councils") under an Inter Authority Agreement dated 19 January 2012 recording arrangements for the Councils to work together to share a joint Chief Executive and joint Senior Management Team (Stage One) and to examine opportunities for further savings by joining together of services, assets, officer posts and officers teams (Stage Two).

3.2 Membership, Chairmanship and Quorum

Number of Members	Six from each Council
Substitute Members Permitted	Yes - but must be a member of the same Cabinet as the Substituted Member
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Cabinet of each participating Council
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Cabinet of the participating Councils
Restrictions on Membership	Appointees must be a member of the Cabinet of the participating Councils
Restrictions on Chairmanship/Vice-Chairmanship	The Cabinet Leader of the Council hosting the meeting will also chair the meeting.
Restrictions on voting	The Chairman shall not have a casting vote
Quorum	At least three members from each Council
Number of Ordinary Meetings per Council Year	Minimum of five unless otherwise unanimously agreed
Venue for meetings	Venue to alternate between the participating Councils' offices
Task and Finish Groups	The JC may create Task and Finish Groups from time to time of Members of each participating Council (Member Working Groups) to advise the Joint Committee on specific issues. The JC shall determine the membership of each such Group and the terms on which it carries out its responsibilities.

3.3 Terms of Reference

Pursuant to Section 9EB of the Local Government Act 2000 and the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2012 to exercise the following duties and powers to drive forward and oversee the Joint Arrangements between the participating Councils under the Inter Authority Agreement:

- (a) Oversee the development and subsequent delivery of a business case for the creation of a single senior management team (Chief Executive, Directors and Heads of Service) to serve the districts of Chiltern and South Bucks and present conclusions and recommendations to the Councils both initially and on an ongoing basis;
- (b) Understand the benefits gained and lessons learned from other similar successful and also failed attempts to integrate District Councils and present the findings to the Councils;
- (c) Recommend a mechanism/formula for the allocation of associated costs and efficiencies across the two organisations;
- (d) Detail the risks, dependencies and resource and policy implications to the Councils of taking this step and recommend any mitigating actions;
- (e) Propose a communications plan to inform elected members, staff and managers in the Councils, the media and (where and when appropriate) to residents in the relevant Districts;
- (f) Subsequently, consider the next stages of delivering efficiencies through service integration, make any necessary recommendations on the future governance of that process and if requested identify suitable services and a timetable for integration and report accordingly;
- (g) To review frequently (and at least on an annual basis as required by the Inter Authority Agreement) the operation of the Inter Authority Agreement between the Councils and the overall delivery of the Joint Arrangements by the Councils;
- (h) To consider Business Cases setting out the detail of a Joint Service Proposal;
- (i) To make Joint Decisions on behalf of each Council following careful consideration of the relevant Business Case. Joint Decisions include:
 - Apportionment of the costs of the Joint Arrangements (using the methodology set out in the Inter Authority Agreement)
 - Arrangements for the overall structure and resourcing of the Joint Arrangements
 - Agreement on the annual budget for the Joint Arrangements
 - Consideration and resolution of any matters disputed between the Councils
 - Approval of any external advisors before appointment by a Council
- (j) To make recommendations to each Council in respect of Joint Decisions and on the overall way forward for the Joint Arrangements;
- (k) To establish and monitor appropriate performance indicators for Joint Arrangements including financial and service delivery indicators;
- (l) To consider and address any concerns about the Inter Authority Agreement or about the Joint Arrangements in general raised by each Council;
- (m) To ensure that members of each Council are regularly updated on the operation and progress of the Joint Arrangements.

- (n) To make decisions and recommendations in relation to the Chiltern and South Bucks Local Plan.
- (o) To make updates to the Statement of Community Involvement, Community Infrastructure Levy and other Planning Policy matters considered relevant to the Joint Committee under the Shared Service arrangements.

3.4 Delegations

All matters necessary to enable the JC to carry out its functions and remit save for any 'Reserved Decisions' as defined in the Inter-Authority Agreement.

Standing Orders

Rules 5, 6, 13, 17, (save for rule 17 (2) – the Chairman shall not have a casting vote), 18, 19 and 20 of the South Bucks District Council Procedure Rules shall apply to the meetings of the JC – and which for the avoidance of doubt are the same as Rules 6, 7, 13, 16 (save for Rule 16 (2) – the Chairman shall not have a casting vote), 18 and 22 of the Chiltern District Council Procedure Rules, or in so far as they include additional provisions or more generous provisions i.e. time limits on speeches, the additional and more generous rules shall so apply.