



# Joint Waste Authorities

New powers through an amendment to the Local Government Bill to allow the creation of Joint Waste Authorities (JWAs).

## Key issues

The report identifies that a key barrier is the current limited legal basis for joint working arrangements which creates difficulties when authorities are dealing with the private sector.

The power will not allow creation of a JWA without the agreement of all the local authorities concerned.

In practice, it is accepted that economies of scale exist at the disposal end of waste management but not in refuse collection because of the need for better local knowledge and the APSE view would be for collection responsibilities to remain local but with closer relationships developed with the WDA.

## 1. Introduction

On 22 January 2007 the Government announced that it would introduce new powers through an amendment within the Local Government and Public Involvement in Health Bill to allow the creation of Joint Waste Authorities (JWAs). This measure aims to help authorities that wish to put joint working on waste management on a statutory footing. It will allow groups of authorities to voluntarily request creation of a JWA in order to enable stronger partnership working. The Government is intending to work with authorities to determine the structure, constitution and funding of their partnerships.

## 2. Background

The Government claims that “joint working between local authorities is becoming increasingly important as a means of delivering quality services” and specifically for waste management “to meet the UK’s Landfill Directive obligations at affordable cost”.

It claims that some waste disposal authorities (WDAs) are too small to procure the new waste facilities needed to divert waste from landfill on their own, and it is becoming common for authorities to work with neighbours to procure new facilities. Additionally, joint working is particularly important in two-tier areas, where responsibilities for waste collection and waste disposal are split between different authorities. The Government go on to argue that “moves to more sustainable ways of managing waste mean it is becoming increasingly important to integrate collection and disposal. “

It also claims that this will help to generate necessary efficiencies and quotes from the Waste Management Innovation Forum report which highlights the benefits of joint working in two tier areas, citing possible efficiency savings of around £150m nationally. This hyperlink will allow download of the 22 page document (<http://www.idea-knowledge.gov.uk/idk/aio/4821783>).

## 3. Waste Management Innovation Forum report

The Innovation Forum has sponsored the project to consider how closer joint working between local authorities on waste management can achieve improved performance and drive efficiencies. It was led by West Sussex County Council and supported by the LGA, DCLG and DEFRA. The project’s final report is based on a range of case study evidence from local authorities across England and identified the following potential benefits from improved joint working:

- ✓ the scope for considerable efficiency gains which could total around £150m nationally;
- ✓ more effective service delivery in terms of higher recycling rates and successful minimisation and prevention initiatives;
- ✓ improved relationships with the private sector based on reduced risk and uncertain environmental benefits such as reduced carbon emissions from more efficient transport arrangements.

The report identifies the key issues which local authorities need to address in taking forward joint working and uses case study material (primarily from West Sussex and Shropshire) to examine how successful partnerships have tackled those issues including:

- ✓ measures taken to build trust and confidence between partners authorities;
- ✓ new governance arrangements for partnerships and the legal agreements that have been used to underpin them;
- ✓ developing the capacity and skills for successful change management;
- ✓ innovative financial arrangements between local authorities.

The report identifies that a key barrier is the current limited legal basis for joint working arrangements which creates difficulties when authorities are dealing with the private sector. A mechanism which allowed authorities to enter into a legal commitment to work together on a statutory basis would give certainty to potential lenders and contractors. Other barriers identified were the complexity of joint arrangements for financing scrutiny of decision making. Through allowing authorities the option to apply for creation of a formal JWA could significantly reduce these barriers to joint working.

In further discussions with local authorities by the forum, the main motivations for requesting a JWA would be to speed up decision-making and give certainty to the private sector.

#### **4. Recommendations**

Following the report the Government proposes to create a new power for the Secretary of State (SoS) to create JWAs where a group of one or more authorities requests this. The power will not allow creation of a JWA without the agreement of **all** the local authorities concerned. A JWA would take on the powers and responsibilities of its constituent authorities relating to waste disposal, waste collection, and/or street cleansing. It would be for groups of authorities to propose exactly which services a JWA should cover. DEFRA in the notes on their website regarding JWAs make it clear that although the authorities propose the terms, the SoS may establish it on different terms.

#### **5. APSE comment**

APSE has a few comments regarding this amendment to the Local Government and Public Involvement in Health Bill. It is welcome that it is voluntary and will require the agreement of all the local authorities concerned.

The split in responsibilities between waste collection authorities (WCA) and waste disposal authorities is unique in Europe to England. A particular issue is on payments where a WCA has no incentive to minimise waste arising despite having an incentive to recycle.

In practice, it is accepted that economies of scale exist at the disposal end of waste management but not in refuse collection because of the need for better local knowledge and the APSE view would be for collection responsibilities to remain local but with closer relationships developed with the WDA. The report recommends greater integration between disposal and collection and through the case studies indicates that this is the only driver to improve recycling rates. APSE, while recognising that closer and better working relationships between WCA's and WDA's are important they are not the only driver and many other case studies can be quoted where improved local communication and awareness raising are shown to be key.

The amendment recognises the need to develop waste services that are innovative and also deliver value for money and APSE believe that for collection this can be best achieved at a local level where local councils are close enough to their communities to deliver this.

It is unclear exactly why street cleansing services could be included in the JWA. APSE see no case for including Street Cleansing services in any JWA especially as many authorities have developed streetscene or neighbourhood services and have moved this service away from waste management. Any inclusion in a JWA could jeopardise the improvements that are taking place in the street environment.

APSE's view is that Joint Working Arrangements across the public sector are relatively easy to achieve with numerous examples in existence. Therefore, whilst we recognise that more regional collaboration in the area of waste disposal needs to occur, it is only when private sector partners are involved that it will become more complex and difficult

to achieve in the guise of a Joint Working Arrangement. In addition, any structural change to support joint working should only be pursued where this is necessary.

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