

Somerset Waste Board  
24 June 2022  
Report for decision



## **Waste Board Membership, Meeting Dates 2022/23, and Meeting Procedures**

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<b>Forward Plan Reference:</b>	<b><i>08.06.2022</i></b>
<b>Summary:</b>	<p>The report sets out changes to board membership for 2022/23 following agreement of each partnership organisation and also the proposed meeting dates for the Board up to April 2023.</p> <p>In addition, it also sets out the meetings procedures for the Board now that that the emergency legislation which allowed virtual meetings has come to an end and the requirement to operate under the 1972 legislation and revert to face to face meetings. The Board should acknowledge the need to operate under the basis as Somerset County Council is the administering authority for the Board.</p>
<b>Recommendations:</b>	<p><b>That the Somerset Waste Board:</b></p> <ol style="list-style-type: none"><li><b>1. Notes the revised Board’s membership for 2022/23 and Joint Scrutiny Panel of Somerset Waste Board set out in Section 2.</b></li><li><b>2. Notes the Board meeting dates for 2022 and 2023 set out in section 3.</b></li><li><b>3. Acknowledges the need for the Board to again operate under the 1972 legislation with a return to face to face meetings, which will be webcast.</b></li></ol>

## **1. Background**

- 1.1.** Since 1992 the Somerset Waste Partnership has improved working arrangements in waste management across the County. In 2007, the partner authorities (comprising Somerset County Council, Mendip district council, Sedgemoor district council, South Somerset district council, Taunton Deane borough council and West Somerset council) agreed to establish the Somerset Waste Board as a Joint Committee with an Administering Authority. The Partner Authorities delegated responsibilities for waste collection, waste recycling, and waste disposal to the Waste Board.
- 1.2.** The legal powers to constitute a Joint Committee and discharge the Partner Authorities' statutory waste functions and responsibilities to it are in Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions) (England) (Amendment) Regulations 2001 made under Section 20 of the Local Government Act 2000.

A Joint Committee does not have a separate legal personality and as such is not able to hold contracts or employ staff. In this instance a well-established solution is that one of the authorities becomes the 'administering authority' for the purpose of holding contracts and employing staff.

- 1.3.** The Board has a Constitution and there is also an Inter-Authority Agreement which sets out how the partners work together and how costs are shared amongst partners.
- 1.4.** The Constitution sets out the membership of the Waste Board, its functions and voting arrangements. Each of the five Partner Authorities is represented on the Board by two Elected Members, one of whom is the Portfolio Holder for Waste and/or Environment functions. The 10 elected members on the Waste Board are supported by officers from Somerset Waste Partnership, the Administering Authority (Somerset County Council) and from partners.

There will be a requirement for officers to ensure any new members benefit from an early induction and training regarding the Waste Partnership and Waste Board Business Plan priorities, services, meeting procedures and standing orders.

## **2. Impact of Local Government Reorganisation on the Board's constitutional arrangements**

- 2.1** On 18 March 2022 the Secretary of State for Levelling Up, Housing and Communities made the Somerset (Structural Changes) Order 2022 (the **SCO**). The SCO makes arrangements for the transition in Somerset from a two-tier system of local government (i.e. districts and counties) to a single tier (i.e. unitary local government). Where there are currently 4 district councils and one county council in Somerset (together, **Legacy Councils**), there will, on 1 April 2023 (**Reorganisation Date**) be a single council in Somerset responsible for all the functions previously exercised by the Legacy Councils.
- 2.2** The SCO provides that on the Reorganisation Date Somerset County Council will become the only local authority in Somerset and that on the same day it will adopt the functions of the district councils<sup>1</sup>. Somerset County Council has in effect been designated a "continuing authority" and will continue to exist as the same legal entity (albeit with a different name and additional functions) on and after the Reorganisation Date.
- 2.3** On the Reorganisation Date the district councils will cease to exist. As a result SWB can no longer be a joint committee (the legislation requires at least 2 councils for a joint committee) and will also cease to exist. All waste functions (i.e. both those which were county functions and district functions) will become executive functions of the Unitary Council unless its constitution provides otherwise. The Unitary Council will need to make arrangements for the appropriate delegation of those powers to members and officers.
- 2.4** The decision-making capacity of each Legacy Council, and by consequence SWB as a joint committee of those councils, will not be affected by the SCO until the abolition of the District Councils and the transition of their functions to the Unitary Council on the Reorganisation Date.
- 2.5** Further, any decisions relating to expenditure made by SWB would, by definition, have to be made within the budget devolved to the board by each of the members.
- 2.6** Therefore, there are no restrictions on decision-making of SWB in relation to the Transition Period except those already set out in its constitution and the law. Any decision of SWB which purports to have effect after 31 March 2023 will be ineffective as decision-making in relation to the period after this date is the function of the Executive of the County Council during the Transition Period.
- 2.7** SWB has already made a business plan and budget for the year 2022/23 – these documents remain effective following the making of the SCO. However, the SWB will have no powers to set a budget for waste services in February 2023 for the

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<sup>1</sup> Paragraphs 3 & 4, The Somerset (Structural Changes) Order 2022

period from 1<sup>st</sup> April 2023 as it will cease to exist as a joint committee on that date. It will be for Somerset County Council to set the budget for the waste functions for the unitary council as a part of its overall budget setting process. Officers working within SWP will therefore need to prepare and present the draft business plan and budget for the year 2023/24 to the executive of Somerset County Council for approval in February 2023. It is intended to try and follow the 'normal' SWB timetable in preparing draft budgets and business plans for 2023/24 onwards, albeit that the reports to the Board will be for information only. This does depend upon there being clarity on the format of budgets and business plans for the new Council.

- 2.8** The governance workstream within the LGR project is responsible for drawing up proposals for a scheme of delegation for approval by the Implementation Executive. This scheme of delegation will need to deal with how waste functions are to be exercised by members and officers. With SWP operating as a virtual unitary already there is less change for SWP than for many services which will form part of the new Council. However, SWP is working closely with partners through the LGR workstream to ensure that we are ready to transition smoothly – for example working to ensure that resident/customer contact is effectively handled, to ensure that enforcement powers and processes are in place, to ensure we are accountable to Local Community Networks. Clearly there will need to be decisions on the Somerset Waste Partnership brand, with knock-on impacts, including on the stand-alone website SWP currently operates. It is expected that SWP's standalone Facebook presence will be retained given its vital role in engaging with the public. It is proposed that a standing item for future agendas will be an update on that preparatory work for the transition.

### **3. Somerset Waste Board Membership 2022-23**

- 3.1.** The Board membership for 2022/23 is as follows:

**3.2. Mendip District Council**

Tom Ronan  
Peter Goater

**3.3. Sedgemoor District Council**

Andrew Gilling  
Janet Keen

**3.4. Somerset County Council**

Sarah Dyke (also an SSDC rep, which is permitted)  
Federica Smith-Roberts

**3.5. South Somerset District Council**

Tim Kerley  
Sarah Dyke

**3.6. Somerset West and Taunton Council**

Andy Sully  
Dave Mansell

**3.7.** The Joint Waste Scrutiny membership for 2022/23 is as follows:

**Mendip District Council**

Adam Boyden  
Michael Dunk

**Sedgemoor District Council**

To be confirmed at their next Scrutiny Committee

**Somerset County Council**

2 Members to be elected from the newly constituted Scrutiny for Policies and Environment Committee.

**South Somerset District Council**

Cllr Robin Bastable  
Cllr Brian Hamilton

**Somerset West and Taunton Council**

John Hassall  
Anthony Trollope-bellow

**4. Board Meeting Dates for 2022 and 2023**

**4.1.** The Board is requested to approve the following Board meeting dates for 2022 to 2023:

**4.2. Somerset Waste Board Dates**

**2022**

23 September  
9 December

**2023**

10 February

**Joint Waste Scrutiny Panel Dates**

**2022**

21 September  
7 December

**2023**

8 February

**4.3.** All meetings to be held at 10 am and will be held in a committee room in one of the partnership board authorities. Details of this will be updated nearer the meeting date.

Agendas and papers will be published five clear working days before the meeting. Details of any proposed key decisions for consideration by the Board are published in advance via the Waste Board's Forward Plan which can be viewed on the County Council's website. The meetings for Joint Scrutiny Panel of Somerset Waste Board will be held a couple of days before the board meeting.

## **5. Meetings Procedure and Guidance**

### **5.1. Background**

As the temporary regulations which enabled local authorities to hold remote 'virtual' meetings have expired on 6 May 2021 all future meetings of Somerset Waste Board will continue to operate under the 1972 legislation meaning that meetings are held at a venue and Board members must attend in person.

### **5.2. Accessing Meetings**

All Council meetings are now being webcast, with a live stream to the YouTube website. Also for those members of the public unable to attend the meeting in person that can participate and view meetings using Microsoft Teams. Further guidance on this is provided on the Council's webpage with details about Board meetings.

### **5.3. Accessing Agendas and Reports**

Democratic Services will continue to publish the agenda and reports for Board meetings ahead of these taking place on the Council's website and will notify councillors by email in line with usual practice.

### **5.4. Meeting Procedures**

At the start of the meeting, the Democratic Services Officer will check all required attendees are present.

The Democratic Services Officer will also have details of any Members of the public attending and / or press. The public and press will be notified via the meeting information on the website to contact the Democratic Services Officer to obtain the details for the meeting.

The Chair will ask all Members and Officers to turn off their microphones, unless they are speaking. This prevents background noise, feedback and echo when webcasting the meeting. Members in the meeting room, and anyone participating remotely would then need to turn their microphones back on when they wish to speak.

The meetings will be recorded by the Council in line with the current recording

protocol. Participants will be asked to only turn on their microphones when they are invited to speak. This is good practice for all meetings, but especially important because the meeting is recorded. It might be helpful to think in terms of switching the mic on and off at the appropriate times, just like it would be in the committee room.

When the Chair invites someone to speak at the meeting, the speaker should say whom they are for the benefit of everyone listening to the meeting so it is clear who is speaking at any point.

It is important that the chat function (in MS Teams) is used solely for this purpose or to raise a point of order, otherwise it is very distracting if other questions/conversations are happening within the chat, simultaneous to the meeting.

When referring to reports or making specific comments, Councillors should refer to the report and page number so that all Members of the Board have a clear understanding of what is being discussed at all times

## **5.5. Minutes of the Meeting**

Following consent from the Board, the Chair will sign the minutes of the meeting as a correct record at the next scheduled meeting of the Board.

## **5.6. Public Participation**

Participation by members of the public will continue in line with the current public participation scheme.

This can include speaking and / or asking formal questions and / or making representations at various Board in line with the scheme.

Provision must be made at the venue for members of the public who wish to ask a question or speak at the meeting. However, members of the public can also listen to or observe the proceedings of a committee in person or remotely. They are asked to contact the Democratic Services Officer for the details of each meeting.

When a member of the public is addressing a meeting, in line with the public participation scheme, they will be invited to speak at the appropriate time by the Chair.

If they are addressing the meeting remotely, both they and the Democratic Services Officer will need to ensure their microphone is enabled so the meeting can hear them. It must be switched off again after they have made their statement or asked their question.

## **5.7. Voting**

The Chair may ask each Member (of the Board) to vote in turn. If this is the case, Councillors should express their vote verbally and the Democratic Services Officer will record the outcome of votes and announce these to the meeting.

## **5.8. Confidential or exempt issues**

There are times when part of a council meeting is not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at the meeting in person or at remote location are able to hear or see the proceedings during such periods of a meeting.

If there are members of the public and press that attempt to listen to the private / closed session part of the meeting, then the Democratic Services Officer will ask them to leave or, if necessary, virtually remove the participant from the meeting.

## **5.9. Disturbance from Members of the Public**

In line with the council's procedural rules, if any member of the public disrupts a meeting the Chair will ask them to stop and, if necessary, advise them that they may be asked to leave the meeting.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

## **5.10 Expectations**

Operating Board meetings both physically in a venue and online will be challenging. The following advice is suggested:

- Careful agenda planning; agendas and work programmes may need to change at short notice. Planning to do less in Board meeting than would be usual will provide flexibility when things don't go as planned;
- More preparation before each meeting. Chairs and Board members will need to put more time into thinking about a meeting's outcomes;
- Use time in each meeting effectively. There may be a need to pause discussions, remind people of the process and the meeting's outcomes, and work to ensure that everyone is able to contribute.

## **Supporting Members**



The amount of work to effectively Chair these meetings is likely to increase as the webcasting process is still new to the Council, and report authors and presenting officers will need to be mindful of how they can support the Chair and Board in these new arrangements. This includes producing reports for publication prior to each meeting, providing clear and easy to read information in presentations or slides, ensuring they are viewable on small screens that explain the recommendations and desired outcomes at meetings.

## **6. Background Papers**

- 5.1** Waste Board Constitution which can be viewed at the following link - [Information about Somerset Waste Board](#)