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STATUTORY INSTRUMENTS

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**2009 No. 105**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Joint Waste Authorities (Proposals) Regulations 2009**

*Made* - - - - 22nd January 2009  
*Laid before Parliament* 28th January 2009  
*Coming into force* - - 18th February 2009

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 205(5) and (6) and section 240(10) of the Local Government and Public Involvement in Health Act 2007<sup>(1)</sup>.

**Title, application, commencement and interpretation**

1.—(1) These Regulations—

- (a) may be cited as the Joint Waste Authorities (Proposals) Regulations 2009;
- (b) apply in England; and
- (c) come into force on 18th February 2009.

(2) In these Regulations, “the Act” means the Local Government and Public Involvement in Health Act 2007.

**Proposal for a joint waste authority**

2. A proposal under section 205 of the Act must—

- (a) include proposals as to the matters set out in Schedule 1; and
- (b) be accompanied by the information set out in Schedule 2.

22nd January 2009

*Jane Kennedy*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

## SCHEDULE 1

Regulation 2(a)

### Matters to be included in a proposal

#### **Name of the joint waste authority**

1. The name of the proposed joint waste authority.

#### **Date of establishment**

2. The date of establishment of the proposed joint waste authority.

#### **Specified area**

3. The area of the proposed joint waste authority.

#### **Waste functions**

4. The waste functions to be transferred to the proposed joint waste authority by each local authority making the proposal.

#### **Members**

5. The total number of members of the proposed joint waste authority.
6. The number of members to be appointed by each local authority making the proposal.
7. The date by which first appointments of members are to be made and details of to whom these appointments must be notified.

#### **First meeting**

8. The date that the first meeting of the proposed joint waste authority will be held.

#### **Voting**

9. The voting procedures for decisions taken by the members of the proposed joint waste authority.

#### **Staffing of the proposed joint waste authority**

10. The staffing arrangements for the proposed joint waste authority, including—
  - (a) the estimated number of staff;
  - (b) the transfer of staff from each local authority making the proposal to the proposed joint waste authority, including—
    - (i) the job descriptions of such staff; and
    - (ii) the terms and conditions of employment of such staff;
  - (c) the requirements for the recruitment of staff; and
  - (d) any planned redundancies from each local authority making the proposal as a consequence of the establishment of the proposed joint waste authority, including the number of proposed redundancies.

## Costs

11. Proposals for the costs of the proposed joint waste authority to be met by the local authorities making the proposal.

12. The basis on which the amount payable by each of those local authorities towards the costs of the proposed joint waste authority is to be determined.

## First financial year funding

13. The anticipated level of funding required from the date of establishment of the proposed joint waste authority until the end of the first full financial year of operation of that authority; and in this paragraph “financial year” means the period from 1st April to 31st March.

14. The arrangements between the local authorities making the proposal for the provision of such funding.

## Transfer of assets and liabilities

15. The transfer of any assets or liabilities to the proposed joint waste authority and the procedure for, and date of, such transfer.

## SCHEDULE 2

Regulation 2(b)

### Information to accompany a proposal

#### Local authorities

1. For each of the local authorities making the proposal, details of—
  - (a) each authority’s area; and
  - (b) the waste functions conferred on each authority.

#### Exclusion of waste functions

- 2.—(1) This paragraph applies in any area with both a county council and district councils.
- (2) If a proposal to establish a joint waste authority for any such area is made by two or more of the district councils but not the county council, the following information—
  - (a) written reasons for the decision to exclude the waste functions of the county council, together with—
    - (i) the business case to support that decision (including details of any anticipated benefits from excluding those waste functions from the proposal); and
    - (ii) any anticipated negative consequences of that decision and details of how these will be managed; and
  - (b) details of any consultation or engagement with that county council in relation to the proposal, including details of any issues identified during that consultation or engagement and an explanation of how those issues have been or will be addressed.

#### Letter of approval

- 3.—(1) For every local authority making the proposal, a letter from the head of their paid service, confirming that the local authority has approved the making of the proposal.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Joint Waste Authorities (Proposals) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) In this paragraph—

- (a) “head of their paid service” has the meaning given by section 4 of the Local Government and Housing Act 1989<sup>(2)</sup>;
- (b) “local authority” means a county council, a district council, a London borough council or the Common Council of the City of London.

### Consultation

4. A summary of the consultation undertaken on a draft of the proposal under section 206 of the Act, including—

- (a) the steps taken by each local authority making the proposal to consult the relevant electors and any interested person in its area;
- (b) the issues raised in the responses to the consultation; and
- (c) details of how those issues have been addressed.

### Other joint working arrangements

5. Details of any other joint working arrangement that each local authority making the proposal has entered into for the purposes of waste management, including—

- (a) a description of the nature of that arrangement;
- (b) the activity undertaken through that arrangement; and
- (c) the duration of that arrangement.

### Contracts

6. The following details of any contract for street cleansing and the collection, recycling, treatment or disposal of waste to which each local authority making the proposal is, or expects to be at the time at which the proposed joint waste authority would be established, a party—

- (a) the names of the parties to the contract;
- (b) the date or expected date of the termination of the contract;
- (c) where the parties intend to continue the contract should the proposed joint waste authority be established, the arrangements which the parties propose to make for the continuation of that contract; and
- (d) where the parties do not intend to continue the contract should the proposed joint waste authority be established, the reasons why they do not so intend.

### Landfill obligations

7.—(1) If the proposed joint waste authority has the function of disposing of biodegradable municipal waste, the arrangements to ensure the fulfilment of its duties as a waste disposal authority for the purposes of the Waste and Emissions Trading Act 2003<sup>(3)</sup>.

(2) In this paragraph, “biodegradable municipal waste” has the meaning given by section 21 of that Act.

8.—(1) A copy of any agreement between the local authorities making the proposal concerning the arrangements for the payment of any penalty incurred by the proposed joint waste authority under

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(2) 1989 c. 42.

(3) 2003 c. 33.

section 9 of the Waste and Emissions Trading Act 2003<sup>(4)</sup>, or, where such an agreement has not yet been made, confirmation that such an agreement is being prepared and details of its proposed content.

(2) Where such an agreement has not yet been made, details of the timetable for finalising the agreement.

### **Private finance initiative credits**

**9.** Details of any private finance initiative credits (“PFI credits”) relating to waste management that have been awarded to each of the local authorities making the proposal, including—

- (a) the date the PFI credits were awarded;
- (b) the local authorities that may share the benefit of the PFI credits;
- (c) any conditions attached to the award of the PFI credits;
- (d) whether any of the PFI credits are to be phased and, if so, the level of credit for each phase and when support for each phase will start.

**10.** Details of any proposed arrangements for the transfer of the PFI credits to the proposed joint waste authority.

### **Costs savings**

**11.** Details of any anticipated costs savings as a consequence of the establishment of the proposed joint waste authority.

### **Environmental benefits**

**12.** Details of any anticipated benefits to the environment as a consequence of the establishment of the proposed joint waste authority.

### **Waste management services**

**13.—(1)** Details of the strategy for the maintenance or improvement of the current standard of waste management services for controlled waste in the area of the proposed joint waste authority.

(2) In this paragraph “controlled waste” has the meaning given by section 75(4) of the Environmental Protection Act 1990<sup>(5)</sup>.

### **Communications strategy**

**14.** Details of the strategy for communicating the establishment of the proposed joint waste authority to—

- (a) local residents;
- (b) local businesses; and
- (c) any interested local authority.

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(4) 2003 c.33.

(5) 1990 c. 43.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the matters that local authorities must include in a proposal for the establishment of a joint waste authority under section 205 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (regulation 2(a) and Schedule 1). Regulation 2(b) and Schedule 2 set out the information that must accompany such a proposal.

A Regulatory Impact Assessment in relation to provision on joint waste authorities was produced in connection with the Local Government and Public Involvement in Health Act 2007 and can be obtained from the Communities and Local Government website:

[www.communities.gov.uk/publications/localgovernment/healthact](http://www.communities.gov.uk/publications/localgovernment/healthact).

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 8 revoked by [S.I. 2013/141 reg. 7](#)
- Sch. 2 para. 7 substituted by [S.I. 2011/2499 reg. 14](#)