

## **Member Partnership Board**

### **Terms of Reference**

#### **INTRODUCTION**

These Terms of Reference has been approved by each Partner Authority as the terms of reference of the Member Partnership Board. For the avoidance of doubt the Member Partnership Board shall be established in such a way for those Parties who participate in it to work together in an open and transparent way.

Any decision of the Member Partnership Board shall stand as a recommendation to one or more Partner Authorities (where and if appropriate).

#### **1. ESTABLISHMENT OF THE MEMBER PARTNERSHIP BOARD**

The Member Partnership Board shall, unless the Member Partnership Board otherwise decide, be referred to as the "Member Partnership Board".

#### **2. AIMS AND OBJECTIVES**

2.1 The aims and objectives of the Member Partnership Board are set out in Schedule 2 (Aims and Objectives). Notwithstanding the foregoing, the overriding purpose of the Member Partnership Board is to act as a forum for the Essex and Southend Waste Partnership to consider issues relating to the Joint Municipal Waste Management Strategies, the waste management system across Essex and acting as a 'champion' within those Partner Authorities and the wider Essex Waste Partnership.

2.2 The Member Partnership Board:

2.2.1 shall have no legal identity or personality;

2.2.2 is not intended to be a joint board for the purposes of s101 of the Local Government Act 1972 or otherwise;

2.2.3 cannot and is not intended to fetter the discretion of the Member of any Partner Authority but shall take into account the views from time to time expressed at any other member forum within the Essex Waste Partnership;

2.2.4 cannot and is not intended to make decisions which bind or are intended to bind any Partner Authority; and

2.2.5 shall be an advisory member group and shall not have any delegated powers.

### **3. MEMBERSHIP AND APPOINTMENT OF THE MEMBER PARTNERSHIP BOARD**

- 3.1 The Member Partnership Board shall comprise each Partner Authority's Member who is a member for that Partner Authority with responsibility for waste functions (a "**Lead Member**").
- 3.2 Each Lead Member may appoint an alternate Member of his/her employing authority to act on his/her behalf provided that such alternative Member must have responsibility for or suitable knowledge of the waste functions, and such alternate Member shall be treated for this purpose as if he/she were the Lead Member.
- 3.3 Each Partner Authority may at any time appoint another Member to be that Partner Authority's Lead Member, and any member of the Member Partnership Board shall automatically cease to be a member of the Member Partnership Board upon ceasing to be an member of his/her Partner Authority.
- 3.4 All appointments to membership of the Member Partnership Board shall be made by notification in writing from the Partner Authority to the other Lead Members via the Secretary to the Member Partnership Board.

### **4. CHAIRMAN AND VICE-CHAIRMAN OF THE MEMBER PARTNERSHIP BOARD**

The Member Partnership Board shall make its own arrangements for the conduct of its meetings, including electing two Members of the Member Partnership Board, one to act as Chairman and one to act as Vice-Chairman at its meetings.

### **5. SECRETARY TO THE MEMBER PARTNERSHIP BOARD**

- 5.1 The Member Partnership Board shall be supported by the secretary to the Member Partnership Board.
- 5.2 The secretary of the Member Partnership Board shall be an officer of one of the Partner Authorities appointed by the Member Partnership Board for this purpose. Essex County Council shall meet the reasonable costs of the secretary in administering the Member Partnership Board.
- 5.3 The functions of the secretary of the Member Partnership Board shall be:
  - 5.3.1 to maintain a record of membership of the Member Partnership Board;
  - 5.3.2 to arrange meetings of the Member Partnership Board in accordance with paragraph 6 below;
  - 5.3.3 to prepare and send out the agenda for meetings of the Member Partnership Board in consultation with the Chairman and the IAA Officer Working Group
  - 5.3.4 to keep a record of the proceedings of the Member Partnership Board;

- 5.3.5 to take such administrative action as may be necessary to give effect to decisions of the Member Partnership Board; and
- 5.3.6 such other functions as may be determined by the Member Partnership Board.

## **6. CONVENING OF MEETINGS OF THE MEMBER PARTNERSHIP BOARD**

- 6.1 Meetings of the Member Partnership Board shall be held at such times, dates and places as may be notified to the members of the Member Partnership Board by the secretary to the Member Partnership Board, being such time, place and location as:
  - 6.1.1 the Member Partnership Board shall from time to time resolve;
  - 6.1.2 the secretary of the Member Partnership Board, in consultation where practicable with the Chairman and Lead Members, shall determine in response to receipt of a request in writing addressed to the secretary of the Member Partnership Board from any member of the Member Partnership Board, which request sets out an urgent item of business within the functions of the Member Partnership Board.
- 6.2 Meetings of the Member Partnership Board shall be held in public.
- 6.3 The secretary of the Member Partnership Board shall settle the agenda for any meeting of the Member Partnership Board with the Chairman and shall incorporate in the agenda any items of business and any reports submitted by any of:
  - 6.3.1 the Lead Members;
  - 6.3.2 the IAA Officer Working Group;
  - 6.3.3 the IAA Member Working Group
  - 6.3.4 the Member Partnership Board;
  - 6.3.5 the chief executive of a Partner Authority;
  - 6.3.6 the chief finance officer to a Partner Authority; or
  - 6.3.7 the monitoring officer to a Partner Authority.

## **7. PROCEDURE FOR DECISIONS OF THE MEMBER PARTNERSHIP BOARD**

Any decision of the Member Partnership Board shall stand as a recommendation to the relevant Partner Authorities.

## **8. POWERS OF THE MEMBER PARTNERSHIP BOARD**

The Member Partnership Board shall be an advisory member board and shall not have any delegated powers.

## **9. ATTENDANCE AT MEETINGS OF THE MEMBER PARTNERSHIP BOARD**

- 9.1 Members of the Member Partnership Board shall be entitled to invite to any meeting of the Member Partnership Board any other elected member of the relevant Partner Authority and/or any of the officers specified in paragraph 9.2 below to attend such meeting to participate, unless the particular member or officer has a conflict of interest as a result of a personal interest in the matter under consideration.
- 9.2 The following are the officers who shall have a right of attendance in accordance with clause 9.1:
- 9.2.1 the chief executive of any of the Partner Authorities;
  - 9.2.2 the chief finance officer of any of the Partner Authorities;
  - 9.2.3 the monitoring officer of any of the Partner Authorities;
  - 9.2.4 the officers of Partner Authorities with responsibility for waste functions; and
  - 9.2.5 the secretary to the Member Partnership Board.
- 9.3 Notwithstanding the foregoing, the Member Partnership Board shall be entitled to invite external stakeholders to any meeting of the Member Partnership Board.

## **10. ADMINISTRATIVE SUPPORT**

Essex County Council shall provide facilities and administrative support to enable the Member Partnership Board to operate in accordance with these Terms of Reference.

## Schedule 1

### (Definitions and Interpretation)

1. The provisions of this Schedule 1 shall apply and have effect in relation to the capitalised words and expressions used in these Terms of Reference:

<p><b>“Essex Waste Partnership”</b></p>	<p>the partnership consisting each of the Partner Authorities as set out below:</p> <ul style="list-style-type: none"> <li>• Basildon District Council;</li> <li>• Braintree District Council;</li> <li>• Brentwood Borough Council;</li> <li>• Castle Point Borough Council;</li> <li>• Chelmsford Borough Council;</li> <li>• Colchester Borough Council;</li> <li>• Epping Forest District Council;</li> <li>• Essex County Council;</li> <li>• Harlow District Council;</li> <li>• Maldon District Council;</li> <li>• Rochford District Council;</li> <li>• Southend-on-Sea Borough Council;</li> <li>• Tendring District Council; and</li> <li>• Uttlesford District Council.</li> </ul>
<p><b>“Inter Authority Agreements” or “IAAs”</b></p>	<p>the agreements between Essex County Council and each of the Partner Authorities save for Southend on Sea Borough Council;</p>
<p><b>“IAA Officer Working Group”</b></p>	<p>the group established pursuant to clause 5 and schedule 5 of the IAAs;</p>
<p><b>“Joint Municipal Waste Management Strategies”</b></p>	<p>the Essex Waste Partnership’s Joint Municipal Waste Management Strategy and Southend on Sea Borough Council’s Municipal Waste Management Strategy;</p>
<p><b>“Joint Working Agreement”</b></p>	<p>the agreement between Essex County Council and Southend on Sea Borough Council setting out how those two authorities will work together;</p>
<p><b>“Lead Member”</b></p>	<p>has the meaning given to it in paragraph 3.1 above;</p>

<b>“Member Partnership Board”</b>	the board established in accordance with these Terms of Reference;
<b>“Partner Authority”</b>	each of the Partner Authorities who are a party to the IAAs together with Southend on Sea Borough Council and <b>“Partner Authorities”</b> shall be construed accordingly;

2. In these Terms of Reference, unless where the context otherwise requires:
- a. the singular includes the plural and vice versa;
  - b. headings are for convenience of reference only; and
  - c. words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words.

## Schedule 2

### (Aims and Objectives)

- 1.1 Each of the Members of the Member Partnership Board wish to establish a clear and accountable forum for them to work together to promote the economic, environmental and social well-being of their respective areas and in order that they are able to respond in a more effective and co-ordinated way in relation to the implementation of the Joint Municipal Waste Management Strategies.
- 1.2 Each of the Members of the Member Partnership Board recognise in particular the need to address central government and European targets for recycling and recovery of waste and the promotion of sustainable development including the use of waste as a resource.
- 1.3 Each of the Members of the Member Partnership Board, in recognition of the need for delivering value for money/best value, promoting financial efficiency and effectiveness, and securing continuous improvement in the provision of waste management services, wish to:
  - 1.3.1 collaborate on the implementation of the Joint Municipal Waste Management Strategies;
  - 1.3.2 monitor the effectiveness of the implementation and progress of the Joint Municipal Waste Management Strategies and the related action plan(s);
  - 1.3.3 celebrate success within the Essex Waste Partnership;
  - 1.3.4 consider performance across the Essex Waste Partnership and in the context of the Local Area Agreement (or any successor) including waste reduction, reused and recycling in accordance with the principles of the waste hierarchy;
  - 1.3.5 act as 'champions' within their own Partner Authority in relation to the Joint Municipal Waste Management Strategies and the Essex Waste Partnership;
  - 1.3.6 increase awareness of waste as a resource opportunity and to interact with a range of stakeholders to achieve an economically, environmentally and socially sustainable resource management programme;
  - 1.3.7 provide support and advice to Partner Authorities in their endeavour to reach their statutory recycling targets;
  - 1.3.8 consider the development and implementation of a strategic:
    - (a) marketing plan (for the development of a materials marketing strategy);
    - (b) waste minimisation and waste avoidance plan; and/or
    - (c) education and awareness plan;

- 1.3.9 offer support to the IAA Officer Working Group, IAA Member Working Group and Partner Authority's engaged in any procurement for waste services,
  - 1.3.10 receive reports on progress on the procurements referred to in paragraph 1.3.9;
  - 1.3.11 work with statutory agencies, non-governmental organisations (NGOs) small and medium sized enterprises (SMEs), business, scientific and commercial organisations, ReMaDe Essex and other bodies who are in pursuit of developing, supporting and influencing the future direction of sustainable waste/resource management, where necessary;
  - 1.3.12 collectively lobby central or regional government on issues within the waste and environment sector;
  - 1.3.13 issue joint consultation responses where appropriate;
  - 1.3.14 review best practice systems and procedures and to advise the Partner Authorities accordingly;
  - 1.3.15 keep an overview of the East of England Regional Waste Management Strategy and to engage in the development of opportunities and discussions with neighbouring authorities;
  - 1.3.16 work together in a spirit of mutual trust, support and respect, and to ensure that when difficulties or differences of opinion arise they are addressed quickly, honestly and openly;
  - 1.3.17 share in a fair and equitable manner the costs and work included in achieving these Aims and Objectives;
  - 1.3.18 endeavour to fully engage all stakeholders, where appropriate, and to maximise the contributions which each Partner Authority may be able to make; and
  - 1.3.19 provide a forum and mechanisms for ensuring that there is a coherent programme and organisational structure for joint working.
- 1.4 Each of the Partner Authorities have agreed to establish and maintain the Member Partnership Board with the membership, powers, duties and responsibilities set out in these Terms of Reference.