



Inter Authority Agreement 2: Variation Agreement

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Date: 19 July 2018

Inter Authority Agreement 2 (IAA2) was signed by the four joint waste collection contract authorities in June 2017. This agreement established the Contract Management Office (CMO, now known as Joint Waste Solutions) and sets out how the responsibilities arising from the joint contract are shared between the authorities.

IAA2 now needs to be updated for a number of reasons:

1. To formalise the transfer of Surrey County Council's Partnership Functions, and associated Waste Development staff, into Joint Waste Solutions (JWS). The Surrey Waste Partnership (SWP) staff, who are currently hosted by SCC, will also be transferring into JWS at the same time.
2. To agree more detail on how JWS and the partner authorities will work together, and expectations on both sides.
3. To agree more detail on the functions that JWS will be carrying out for the five authorities.

This will be done via a Variation Agreement as this approach is simpler and quicker than creating a completely new IAA. The draft Variation Agreement and a number of supporting documents are appended to this report, and the key aspects of these are explained below.

Variation Agreement

This document sets out the changes that partners wish to make to IAA2. The Variation Agreement should be viewed alongside IAA2 in order to see where in the IAA the changes will take effect. The key changes are:

- A number of amendments refer to the changes in governance which mean that the Joint Committee and Partnering Board will be overseeing the delivery of the WDA Partnership Functions, which are also defined in the Variation Agreement. SCC will become a full member of the Committee, but will still not be able to vote on matters directly relating to the waste collection contract.
- Changing the word 'Authorities' (which means the four joint collection contract authorities) to 'Parties' (which is all five authorities including Surrey County Council) in a number of places throughout the document. This is to reflect the expanded role that SCC will be taking with the transfer of the WDA Partnership Functions to JWS.
- The addition to clause 3.3 means that if SCC withdraws from the agreement, the discharge of the WDA Partnership Functions would return to SCC.
- The consequences of termination clauses have been updated to make it clearer that if an authority withdraws from the agreement, staff may be transferred back to that authority, or the withdrawing authority will have to cover any restructuring or redundancy costs. This is to protect Surrey Heath in particular as the administering authority.
- Clause 26.6, and the appended list of roles, has been updated to include the staff transferring from SCC.

- JWS will be responsible for administering the financial transfers between SCC (in its role as a Waste Disposal Authority) and all 11 Surrey Waste Collection Authorities. Clause 31.3.3 has been added to make it clear that SCC is responsible for providing the funds for this.
- Clause 31.3.4 has been added to make it clear that the budget for the SWP is separate to the CMO costs, and will continue to be funded by all 12 SWP authorities.

Schedule 2: Service Level Agreement

Schedule 2 of IAA2 was a proposed Service Level Agreement (SLA) between the CMO and the partner authorities. This has been updated to include a number of new sections which include provision of data, communications, new properties and transparency. The SLA has also been updated to recognise that the CMO is now carrying out county wide partnership functions, in addition to managing the joint contract.

An annex to the SLA has also been added which contains a detailed list of functions that JWS will be carrying out for the five partner authorities.

Recommendation

It is recommended that the Joint Committee approves the Variation Agreement.

Next steps

Subject to approval from the Joint Committee, the lead officer from each partner authority will sign the Variation agreement.

Work is ongoing with regard to joining up the governance of JWS and the SWP and it is anticipated that a completely new IAA will come into effect in April 2019.