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.(a).

Title, application, commencement and interpretation

1.—(1) These Regulations—
   (a) may be cited as the Joint Waste Authorities (Proposals) Regulations 2008;
   (b) apply in England; and
   (c) come into force on [     ] 2008.

   (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.
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 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 any 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 year funding

13. The anticipated level of funding required for the first year of operation of the proposed joint waste authority.

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.

Consultation

2. A summary of the consultation undertaken on the draft 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

3. Details of any 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

4.—(1) Details of contracts for the collection, recycling, treatment or disposal of waste to which each local authority making the proposal is, or expects to be, a party including—
   (a) the parties to the contract;
   (b) the date of the termination of the contract; and
   (c) the arrangements in place for that contract when the proposed joint waste authority is established.

(2) This paragraph does not apply to contracts with a value of less than £139,893.
Landfill obligations

5.—(1) If the proposed joint waste authority has the function of disposing of biodegradable municipal waste—

(a) 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(a); and

(b) the arrangements for the payment of any penalty incurred by it under section 9 of that Act.

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

Private finance initiative credits

6. 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.

7. Details of any proposed arrangements for—

(a) the transfer of the PFI credits to the proposed joint waste authority; and

(b) the payment of the revenue support grant to the proposed joint waste authority.

Agreement concerning the payment of penalties

8. A copy of the draft 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 section 9 of the Waste and Emissions Trading Act 2003, or confirmation that such an agreement is being prepared.

9. Details of the timetable for finalising the agreement.

Costs savings

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

Environmental benefits

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

Waste management services

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

(2) In this paragraph “controlled waste” has the meaning given by section 75 of the Environmental Protection Act 1990(b).

(a) 2003 c. 33.

(b) 1990 c. 43.
Communications strategy

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

(a) local residents;

(b) local businesses; and

(c) in the case of the establishment of a joint waste authority in any non-metropolitan county, any local waste authority in the county that is not party to the proposal.

EXPLANATORY NOTE

(This note is not part of these 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.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.