

Kent Resource Partnership Operating Framework

(5th Approved version: 14 November 2019)

1. Purpose of the KRP Operating Framework

1.1 The purpose of this Operating Framework is to set out the following: -

Constituent councils (Section 2).
Status (Section 3).
Scope (Section 4).
Operating Framework: Regularity of Review (Section 5).
KRP Strategic Objectives (Section 6).
Functions of the KRP (Section 7).
KRP Structure (Section 8).
Members Board (MB) (Section 9).
Officers Advisory Group (OAG) (Section 10).
KRP Project Groups (Section 11).
KRP Resources (Section 12).
KRP Stakeholders (Section 13).

2. Constituent Councils

2.1 The constituents of the KRP are the twelve district councils (the Waste Collection Authorities: WCAs) and Kent County Council (the Waste Disposal Authority: WDA). These are (in alphabetical order): -

Ashford Borough Council	Maidstone Borough Council
Canterbury City Council	Sevenoaks District Council
Dartford Borough Council	Swale Borough Council
Dover District Council	Thanet District Council
Folkestone & Hythe District Council	Tonbridge & Malling Borough Council
Gravesham Borough Council	Tunbridge Wells Borough Council
Kent County Council	

3. Status

3.1 The KRP supports the constituent councils by providing a forum for discussion about issues relating to the formation and delivery of the Kent Joint Municipal Waste Management Strategy (KJMWMS). For clarity the KRP is not constituted under any legislation whereby powers, functions or duties of the constituent councils become powers, functions or duties of the KRP. This includes, but is not limited to, Section 101 (5) and 102 (1) of the Local Government Act 1972 and Section 20 of the Local Government Act 2000.

3.2 The KRP does not qualify under the provisions of the Local Government Act 1972 to be required to hold meetings in public or provide public access to meetings. Those responsibilities belong to the 13 constituent councils themselves, and/or to any formal Joint Committees arranged by two or more of the constituent councils. However, minutes of MB meetings will be published in accordance with KRP practices.

- 3.3 The KRP cannot employ staff or enter into a contract(s) in its own right. In those respects it will have to act through an agent - normally one of the 13 Kent councils whom constitute the KRP.

4. Scope

- 4.1 The scope of the KRP is to consider, advise and make recommendations to the 13 Kent councils on all aspects that relate to the following services: -

- A. Waste collection and waste disposal functions, powers, duties and resources.
- B. Street cleansing functions, powers, duties and resources.
- C. Environmental enforcement functions, powers, duties and resources.

Climate change and sustainability are embraced within the KRP's activities in as much as related directly to A, B and C above.

- 4.2 For clarity 'all aspects' in 4.1 above includes: -

- Legal duties and powers.
- Strategic direction and objectives.
- Service planning and delivery.
- Joint working between the 13 councils and with any others.
- Innovation and creativity.
- Customer engagement.
- Anything else not specified in this list and agreed by the OAG and the KRP Members Board.

5. Operating Framework: Regularity of Review

- 5.1 This Operating Framework (5th approved version) was amended by the KRP Members Board on 14 November 2019 and reported to all constituent councils through their own procedures as necessary. The MB (or its successors) shall review the Operating Framework every four years from 2019 (i.e. 2023, 2027, 2031 and so on). This provides automatic opportunity for the 13 councils to review circumstances following the widespread district council elections in those years. At those times, the KRP can opt to keep the Operating Framework as it is, to amend it, or to disband the KRP subject to a minimum of nine of the constituent councils supporting any formal motions put forward.

- 5.2 The Operating Framework may also be amended outside of the scheduled review years, where a minimum of nine of the constituent councils is required to agree disbandment, and a majority in respect of amendments that simply update the Operating Framework.

6. KRP Strategic Objectives

- 6.1 The purpose of the KRP is to deliver three strategic objectives: -

Objective 1: Deliver the Kent Joint Municipal Waste Management Strategy. This is the Strategy agreed by all 13 Kent councils in 2007 to manage municipal waste. The Strategy may be updated from time to time to reflect changing circumstances and ambitions. All 13 councils adopted a set of refreshed policies in 2017/18..

Objective 2: Deliver financial and performance benefits to Kent taxpayers; and manage risks to finances and performance as appropriate.

Objective 3: Contribute to, and set a national lead, in delivering projects that manage supply chain issues in the leanest and most effective ways; securing value from discarded materials; and proactively identifying innovation and excellent practices.

6.2 The objectives above are supported by three clear principles of how the KRP (and, by definition, the functions of the 13 constituent councils) will deliver in practice: -

KRP Principle 1: Empower citizens to manage waste/recycling activities in the community, and maintaining high resident satisfaction with waste and street cleansing services. Create a sense of local co-ownership of services between residents and councils, as perceived by residents themselves.

KRP Principle 2: Ensure the contributions to Kent's economy by the 13 councils' waste and street cleansing services are clearly defined and understood and that jobs, value and skills in the Kent economy are well supported by the KRP.

KRP Principle 3: Support the resourcing of wider services of all 13 councils by freeing-up money that would have otherwise been spent on waste, streetscene and environmental enforcement services.

7. Functions of the KRP

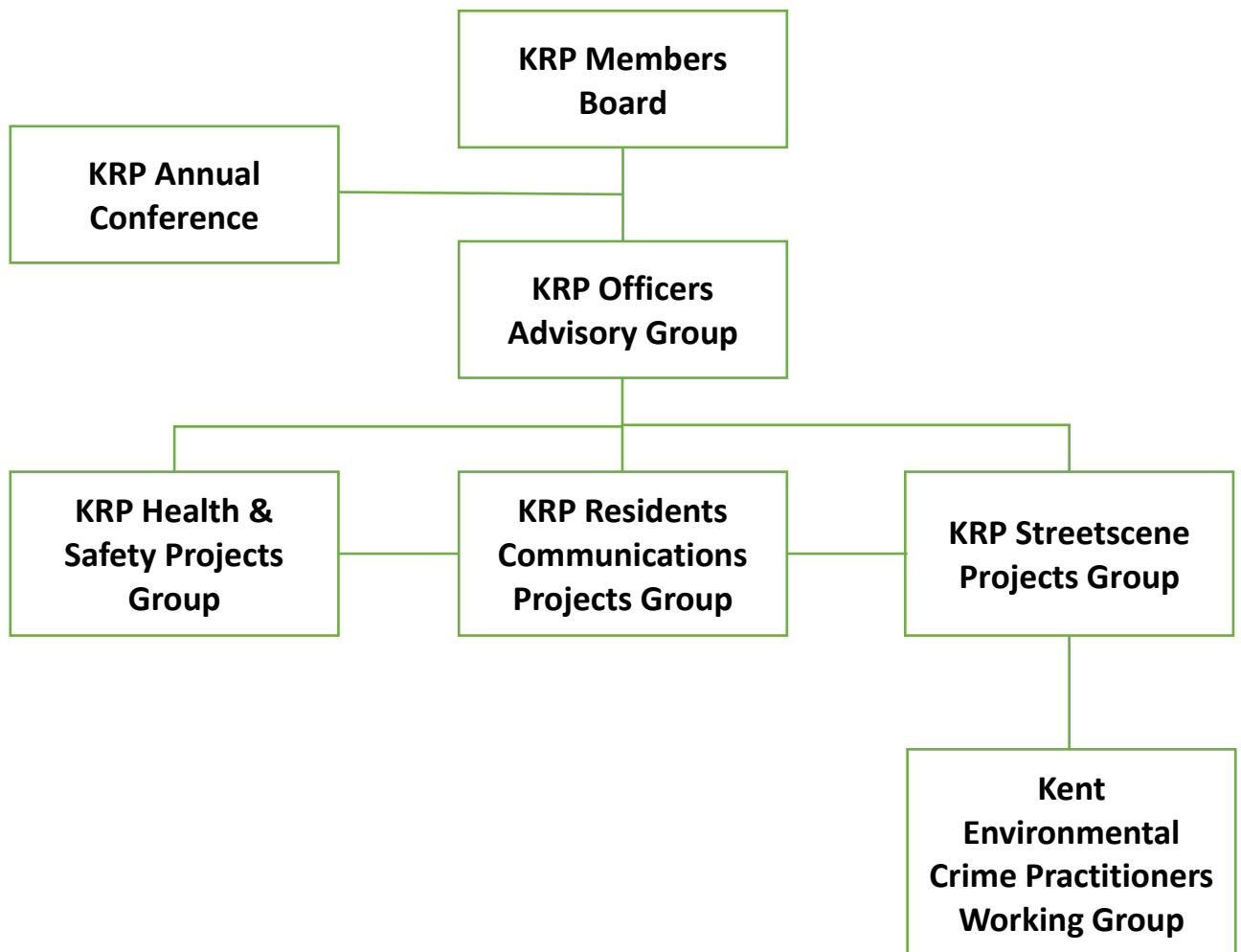
7.1 The KRP's functions are as follows: -

- a. Provide a platform for co-operative and joint working to improve or deliver services, including promoting honest, open and frank discussion between partners.
- b. Act as a single voice for strategic waste issues for Kent local authorities and to influence Central Government and other bodies as necessary on key strategic waste, street cleansing and environmental enforcement issues;
- c. Increase awareness of waste as a resource and to interact with other stakeholders to promote waste minimisation and achieve an economically, environmentally and socially sustainable waste strategy;
- d. Work with and support as required statutory agencies, non governmental organisations (NGO's), small and medium sized enterprises (SME's), business, scientific and commercial organisations and other bodies whom share the KRP's aspirations of developing, supporting and influencing the future direction of sustainable waste/resource management;
- e. Ensure the implementation, monitoring and review of the approved Kent Joint Municipal Waste Management Strategy (KJMWMS);
- f. Advise the 13 Kent councils on the future development of the KJMWMS;
- g. Produce plans, including resources that are needed, which support the activities of the KRP in delivering the KJMWMS;
- h. Approve allocations of the KRP's budget that supports the KRP's activities each year. The budget is held by Kent County Council as the host authority on the KRP's behalf. The KRP's funds are protected and will not be seen by the host authority as being part of its own funds.
- i. Undertake joint funding applications relevant to the implementation and future development of the JMWMS and the Annual Action Plan;

- j. Encourage the adoption and sharing of waste management good practices and initiatives that provide value for money to Kent taxpayers;
- k. Co-ordinate baseline evaluation and monitoring of services;
- l. Facilitate constructive partnership working internally among the 13 councils and externally;
- m. Inform and raise awareness of Members, officers, and the community with regards to key waste management, streetscene and environmental enforcement issues;
- n. Influence, advise and lobby government and other agencies both nationally and internationally, where to do so is consistent with Kent's JMWMS and in the interests of Kent taxpayers; and
- o. Carry out such other activities calculated to facilitate, or which are conducive or incidental to, the discharge of the KRP's functions.

8. KRP Structure

8.1 The KRP is structured as shown in the diagram below: -



9. Members Board (MB)

MB Meetings

- 9.1 The MB will meet three times a year, usually in July, November, and February/March or as close to these times as is logistically feasible.
- 9.2 The July meeting, or whichever meeting occurs soonest after July if that meeting is postponed or cancelled, is specified as the Annual General Meeting.
- 9.3 The venue for the meetings shall be arranged by the KRP Manager so as to enable effective discussion between Members and represent value for money. Ideally, the venue should allow all Members to see each other comfortably.
- 9.4 An electronic copy of the agenda for each meeting and the minutes of the previous meeting, shall be dispatched to the appointed members of the MB five working days in advance of meetings. If the appointed Member is not able to attend a MB meeting, it is the responsibility of that appointed Member and OAG officer to ensure a copy of the agenda is passed to any substituting Member.
- 9.5 The quorum for a meeting shall be 7 Members to enable decisions to be made. Officers may not substitute for elected Members but may attend meetings and support Members as is required.
- 9.6 Where some Members are in attendance but not enough for a quorum, the Chair has the discretion to agree with those Members present how decisions can be made by other means (for example by email votes to the Members Board following the meeting).
- 9.7 The default nominated representatives of the MB comprises the portfolio holders (or committee chairs) with responsibility for household waste within the 12 Districts and the County. However, constituent councils may determine another portfolio holder (or committee chair) or Member is that Council's representative in accord with local needs or preferences. MB members are entitled to one vote at the MB and will act as the constituent council's appointed Member.
- 9.8 Constituent councils may each appoint another named elected Member to act as a substitute for their appointed MB Member on the occasions that a council's portfolio holder is unable to attend a MB meeting.
- 9.9 The substitute Member may speak and vote at meetings so long as the KRP Manager has been advised of the substitution by either the relevant waste portfolio holder, or the Council's nominated OAG officer, no later than the end of discussion of the 'Apologies' item on MB meeting agendas.
- 9.10 The Chair (or Vice-Chair in the absence of the Chair) will invite Members to speak on items on the agenda. As the MB is a Members' meeting, it shall be a general rule that officers may speak when invited to do so.
- 9.11 Business not contained on the agenda may be discussed at the Chair's discretion (or Vice-Chair in the absence of the Chair) so long as it relates to the Functions of the KRP, and there is an urgent need for discussion and/or decision.
- 9.12 The KRP Manager is required to keep a record of Members' attendance at meetings to support the needs of individual councils. The KRP Manager is also required to report to the Chair any occasions where a specific council has been unrepresented by a Member at three consecutive MB meetings, including any Special Meetings that may be called. The

Chair may decide to raise the issue with that council's waste portfolio member directly, and/or to that council's Leader as appropriate.

Election of Chair and Vice-Chair and Responsibilities

- 9.13 The Chair and Vice-Chair of the MB shall be elected at the Annual General Meeting and must be one of the local authority portfolio holders (or committee chairs). Appointments take effect up to the point of electing a new chair and/or vice chair at a subsequent Annual General Meeting.
- 9.14 The responsibilities of the Chair and Vice-Chair are threefold: -
1. To oversee that the KRP delivers the agreed Kent Joint Municipal Waste Management Strategy.
 2. To facilitate effective consideration, discussion and decision of issues at MB meetings, and ensure good order is maintained.
 3. To represent the KRP as appropriate to KRP stakeholders, the media and at other times as required, in accordance with supporting the objectives, and Functions of the KRP.
- 9.15 The KRP Manager shall introduce the item on Elections of Chair so that any incumbents may take part in the election, and the process is seen as fair. Neither the KRP Manager, nor any other officer present, shall have any vote.
- 9.16 The KRP Manager will invite nominations and seconders. The KRP Manager will then seek the willingness of nominees to stand for election.
- 9.17 If only one Member indicates a willingness to stand, the KRP Manager shall ask the MB to raise hands if they approve of the Member's election.
- 9.18 To be elected, a Member must secure a majority of all those entitled to vote. Thus, if seven Members are in attendance, four votes in favour are required. If 13 Members are in attendance, seven votes in favour are required. This ensures that the Chair and Vice-Chair have the confidence of the majority of waste portfolio holders.
- 9.19 If two or more Members indicate their willingness to stand, the KRP Manager will ask each Member to write their preference on a piece of paper. Votes will be counted by the KRP Manager. The paragraph above applies as to the number of votes required. If no Member seeking election secures the required number of votes, the Member with the lowest number of votes must drop-out. A re-vote (or re-votes) will then take place of those remaining in the contest until a Member secures the number of votes needed as in the paragraph above.
- 9.20 The Chair and Vice-Chair of the MB shall also be known as the Chair and Vice-Chair of the KRP.
- 9.21 In the absence of the Chair for any reason the responsibilities of the Chair can be discharged by the Vice-Chair.
- 9.22 There is no maximum number of times a Chair or Vice-Chair may serve either in unbroken, or broken, terms of office.
- 9.23 There is no requirement that specific constituent councils must hold either position of Chair or Vice-Chair, or that positions must rotate between county and district councils from one year to the next.
- 9.24 If a Chair or Vice-Chair ceases to be their council's appointed member of the KRP MB for any reason, (s)he automatically and immediately relinquishes the position as Chair or Vice Chair.

- 9.25 If the Chair's position becomes vacant, and the duties of Chair are taken forward by the Vice-Chair, an election for Chair must be the first item of business at the next scheduled meeting of the MB. The Vice-Chair may choose to stand for Chair. If elected, an election for Vice-Chair must be the next order of business. After the election of the Chair, if the Vice-Chair did not seek election as Chair, or fails to be elected if election was sought, (s)he will be asked if they wish to continue as Vice-Chair through to the end of their current tenure. If (s)he wishes to remain as Vice-Chair, no election for Vice-Chair will take place.
- 9.26 If the positions of Chair and Vice-Chair both fall vacant simultaneously, the KRP Manager shall call an Extraordinary Meeting of the MB for the purpose of appointing a Chair and Vice-Chair so long as the next scheduled meeting of the MB is beyond more than one calendar month from the time the KRP Manager became officially aware of the vacancies.

Decision Making

- 9.27 As a general convention, every question shall be determined by the voices of those voting Members present.
- 9.28 For all votes at MB meetings, only the appointed elected Member of each constituent authority (or a valid substituting Member in the absence of the appointed Member) shall be entitled to vote.
- 9.29 In the event of a tied vote, the Chair shall have the choice to use, or not to use, a casting vote. In the event a vote remains tied, the motion shall be declared to be 'not carried'. A casting vote cannot be used to create a tied situation
- 9.30 Any Member, including the Chair, may request that a decision is determined by a show of hands. A simple majority is required, including taking abstentions into account, except on the matters of voting for Chair and Vice Chair and major issues relating to disbandment of the KRP (see Section 5).
- 9.31 Any Member, including the Chair, may request that votes are recorded. In that event, the KRP Manager shall ask each council in turn, alphabetically beginning with Ashford BC and ending with Tunbridge Wells BC, to state whether 'for, against or abstention'. The exception to a recorded vote is the election of Chair and/or Vice-Chair, which is carried out by means of written papers, if required.

Special Meetings

- 9.32 The Chair may summon a Special Meeting of the MB at any time in relation to the Functions of the KRP.
- 9.33 Appointed members of the MB may summon a Special Meeting on the requisition in writing to the Chairman (or Vice-Chair if the Chair's position is vacant) of not less than four voting Members. The requisition shall specify the business to be considered at the Special Meeting, which must relate to the Functions of the KRP.
- 9.34 The Chair may decide to decline a request for a Special Meeting if a scheduled meeting is due within one calendar month of the proposed date for a special meeting and he considers that the business for discussion can wait until that time.
- 9.35 Special Meetings must be quorate for any decisions to be made. Special Meetings do not have to be quorate for a discussion to be had, subject to the Chair agreeing that a meeting may continue if there is no quorum.

10. Officers Advisory Group (OAG)

- 10.1 The MB is supported in its work by the Officers Advisory Group (OAG). OAG has three cycles of meetings per year, usually scheduled around six weeks prior to MB meetings. Usual months of meetings are June, October and February in the Municipal Year.
- 10.2 Membership of OAG comprises officers from the 13 constituent councils whom direct and/or manage services within the scope of the KRP. One or more officers from constituent councils may attend meetings.
- 10.3 OAG meetings are designed to be informal as the aim is to arrive at co-operative solutions following discussion, and understanding of councils' and officers' positions. However, the goal is always the delivery of the KRP's objectives and functions.
- 10.4 The quorum for a meeting shall be five councils in attendance to enable decisions to be made. Meetings do not have to be quorate for a discussion to be had, subject to the Chair agreeing that a meeting may continue. However, no decisions can be made.
- 10.5 The purposes of OAG meetings are to ensure that: -
 - A. The objectives and functions of the KRP are delivered effectively by the 13 councils as a collective.
 - B. Each constituent council is contributing within the KRP, to the best of its abilities, to the delivery of the objectives and functions of the KRP; and delivery of the KJMWMS in the overall interests of Kent taxpayers.
 - C. Issues are discussed openly, professionally and objectively. In all discussions, the goal is to arrive at the best possible solutions to support the delivery of the KJMWMS and the overall best interests of Kent taxpayers.
 - D. MB and OAG cycles of meetings are planned effectively and professionally according to a schedule prepared at least a year in advance.
 - E. Reports on key issues are discussed and agreed for transmission to MB meetings.
 - F. The KRP budget is allocated appropriately towards delivery of the KRP's objectives and functions.
 - G. Sufficient resources are secured to deliver the KRP's objectives and functions including staff resources for the KRP itself, and also that staff resources in the constituent councils are available to support the KRP's interests when required.
- 10.6 Elections of Chair and Vice-Chair of OAG will take place at the October meeting and usually last for a period of two years.
- 10.7 The Chair of OAG shall also be the reporting manager for the KRP Manager. There is a responsibility to hold regular meetings with the KRP Manager and to ensure the KRP Manager is empowered to take forward business.

11. KRP Project Groups

- 11.1 KRP Project Groups may be established to help deliver the KRP's objectives.

- 11.2 The OAG shall decide the creation and cessation of any Projects Groups; and that Projects Groups remain effective over their lifetime.
- 11.3 The key areas of focus for KRP Project Groups are to: -
- A. Support all councils' operations and services within the scope of the KRP and meet all legal, health and safety, and regulatory requirements at all times.
 - B. In respect to A. above, to also ensure issues are covered in terms of contractors, sub-contractors and entities further down (or up) the line (e.g. laws on exports of waste/recyclate).
 - C. Do more than ensure the councils operate legally by identifying, creating and implementing best practices on services within the scope of the KRP.
 - D. Be a forum for innovation, creativity and energy on ways to provide better value for money to Kent taxpayers. This includes a major focus on identifying recommendations relating to the services within the scope of the KRP to reduce costs now and in the future through improved joint working, better contracting, implementing lean management applications, reducing bureaucracy, sharing staff resources, and any other means considered appropriate.
 - E. Consider, discuss and recommend options for the best possible solutions to support taxpayers' needs. This includes openness of information on the web and other channels on councils' costs, performance, services and means of communications – and doing that in the most efficient ways possible as a collective of councils. It also includes mechanisms that secure high resident satisfaction with services in the scope of the KRP whilst maintaining excellent value for money in their provision.
- 11.4 KRP Project Groups will arrange their activities to co-ordinate with OAG and MB meetings. With the agreement of the KRP Manager, KRP Project Groups are able to arrange other meetings, workshops and forums that are consistent with the need to deliver effective results whilst also ensuring that administration, staff and travel costs are proportionate to the benefits that will be delivered.
- 11.5 It is not an automatic requirement that all councils need to be represented at all KRP Project Group meetings. The key issues are that KRP Project Groups have defined programmes of work; talent and resources are used effectively; and officers have opportunities to make a difference over-and-above what they already deliver in their home authorities.
- 11.6 KRP project Groups shall each elect a Chair whom shall work closely with the KRP Manager to organise activities.
- 11.7 KRP Project Group Chairs whom are not usual attendees of OAG meetings may be invited to attend to report progress on projects, receive feedback from OAG, and be part of OAG discussions.
- 11.8 Officers from external organisations, or from within the 13 councils, may be invited to attend KRP Project Group meetings and contribute to projects where that is deemed helpful to the delivery of the KRP's objectives and functions.
- 11.9 Oversight of KRP Project Groups' activities is done by the OAG. The KRP Project Group Chairs should meet as regularly as is needed to ensure consistency in direction.
- 11.10 For the period up to at least March 2025, four KRP project Groups shall be in place as follows: -
- **KRP Health & Safety Project Group:** the remit is to support the 13 councils' health and safety responsibilities where a partnership approach may be desirable. The Group

shall not in any way be seen as taking-on the legal responsibilities of any of the 13 councils.

- **KRP Resident Communications Project Group:** the remit is to take forward county-wide initiatives relating to recycle quality; awareness of residents of recycle issues; improving resident participation in services; improving capture rates of materials; and waste prevention and re-use activities. As a principle, activities should be geared to providing financial AND performance benefits. Such initiatives may be in addition to existing complimentary activities by individual councils in respect to their own services (e.g. communicating changes in services, or supporting new materials for collections).
- **KRP Streetscene Project Group:** the remit is to ensure the 13 councils move forward together on issues relating to street cleansing operations and seeking best value for money for taxpayers across the 13 councils' services. This may include working with external agencies that also have statutory highways cleansing functions (e.g. Highways England). For avoidance of doubt, this Group shall have 'communications with residents' as part of its remit only if funding is committed by the 13 councils and/or by external organisations on a county-wide basis.
- **Kent Environmental Crime Practitioners Working Group (KECPWG):** the remit is to gather a 'Kent-wide' picture on the scale of fly tipping, build a strong culture to tackle waste crime together, share intelligence and learn from local and national best practice. This may include working with external agencies such as the Environment Agency, Defra, Kent Police, National Farmers Union etc.

12. KRP Resources

- 12.1 To enable the KRP to support the constituent councils in delivering shared objectives, a core fund is required from which costs for staff resources, meeting management and other supporting functions can be drawn.
- 12.2 A sum of £138K was decided in 2019/20 as being appropriate to support such costs from 2020/21 onwards. The KRP shall ensure there is a sufficient ongoing core fund to enable business to be taken forward effectively and efficiently.
- 12.3 Up to March 2030 the agreed contributions to the Core Fund are: WDA £69k per annum; and WCAs £69k per annum (£5,750 per district).
- 12.4 A dedicated KRP Manager is appointed to ensure the 13 councils are supported in the delivery of the Kent Joint Municipal Waste Management Strategy (KJMWMS), and taking forward the KRP's activities.
- 12.5 The appointment of the KRP Manager shall be on a full-time basis. The KRP Manager may take-on responsibilities subject to any prevailing circumstances that may prohibit such arrangements. (These may include conflicts of priorities with the KRP's objectives, and/or capacity issues, as examples). Kent County Council is the host authority for the KRP Manager and any other KRP staff. The KRP Manager shall have a title commensurate with the duties and profile of the role, and which assists in maximising reputational, status and funding benefits within the public and private sectors.
- 12.6 The core funds may also support the appointment of any other position that is required to ensure the effective delivery of the objectives, Functions of the KRP, and the wider delivery of activities within the scope of the KRP. Appointments may be on a full-time, permanent basis or otherwise as required to attract the skills needed.

- 12.7 A KRP Project Fund of £120,250 was decided in 2019/20 as being appropriate to support the partnership's activities from 2020/21 onwards. This sum is made up of each of the 13 Kent councils contributing £9,250 per year.
- 12.8 The KRP shall agree a Partnership Business Plan (PBP) and a Partnership Risk Plan (PRP). These will demonstrably support the effective, appropriate and timely delivery of the objectives and functions of the KRP, and the KJMWMS.
- 12.9 Should any KRP staff be made redundant, the costs of redundancy shall be shared by all 13 councils in equal proportion to their contributions to Core Costs. Thus KCC would share 50/110 of costs, and the district councils 60/110 of costs (5/110 per district). This ensures fairness towards all councils. Should a redundancy situation be faced, it should be timed (if at all possible) such that redundancy costs can be covered within existing Core Costs budgets within a financial year.

13. KRP Stakeholders

- 13.1 The KRP shall engage with stakeholders whom are connected with the delivery of the objectives and functions of the KRP. An output of the KRP shall be the organisation of an annual event titled the 'KRP Annual Conference' to which stakeholders are invited to attend.
- 13.2 Ordinarily, the event shall be held in September.
- 13.3 KRP stakeholders are those whom wish to support the work of the KRP, or whom the KRP wishes to engage. These include Members and officers of the 13 Kent councils as well as waste industry contractors, major retailers, packaging designers and producers, government officials, representatives of civil society and consumer organisations, environmental groups, and others.
- 13.4 The KRP Annual Conference is designed to promote shared thinking and doing by interested organisations and individuals. The KRP Annual Conference has no specific status other than to gather together parties whom may be interested to understand what is happening in Kent on waste and resource issues, to hear speakers' views on issues of national and local relevance, and to provide views among each other on future direction.

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