

**Waste Management Partnership Board
for Recycling, Waste Collection, Street Cleansing and Related Services**

**Epping Forest District Council
& Biffa Municipal Limited**

Terms of Reference

1. Partnership Arrangement and meeting Broader Strategic Objectives

This document sets out the expectations of the parties for the ongoing operation and management of the Partnership Board.

The aim of the Partnership Board is to establish a long term partnering relationship between the Council and Biffa to provide an economically and environmentally sustainable Collection and Street Cleansing contract to ensure that the Council meets its statutory duties, and to contribute to and improve the quality of the local environment for the benefit of the people who live in, work in or visit the area.

The broader strategic objectives for the Council and Biffa will be to work co-operatively to monitor the contract, discharge their responsibilities in relation to the services and to apply their respective special knowledge, skill and expertise, in accordance with the Terms of Reference and the contract.

2. Supplementary Definitions

“The Partnership Board” means a co-operative group established under these Terms of Reference and described in point 3 below.

“The Innovation Forums” means the groups established to bring innovation to the service and described in point 4 below.

3. The Partnership Board

The Partnership Board shall be chaired by the Authority’s Environment Portfolio Holder and shall meet quarterly or at such other times as the Partnership Board may determine. The members of the Partnership Board are to be nominated by the parties. As a minimum the Partnership Board shall consist of the following members:

The Council:

1. The Environment Portfolio Holder,
2. The Finance Portfolio Holder
3. Director of Neighbourhoods,
4. Assistant Director Technical,
5. Waste and Recycling Manager

Biffa:

1. Director
2. Regional Manager,
3. Business Manager,
4. Business Development Representative,
5. Director

To receive, on behalf of each of the parties, reports of the Partnership. The Partnership Board meetings can be attended by persons who are not members of the Board, at the invitation of the Board e.g. Chairpersons of the Innovation Forums or specialist advisors to the Board.

The functions of the Partnership Board are:

- *To Monitor Service Performance:* Ensure the services are delivered to a high standard in accordance with the contract, in particular by commissioning qualitative and quantitative

reports on performance and implementing/reviewing procedures for self-monitoring and reporting.

- *To be Innovative:* Develop and/or consider proposals for service improvement and for greater cost-effectiveness in the delivery of the services on a whole life cycle costs basis, in particular by studying examples of best practice elsewhere. To implement studies, reports and projects managed by the Innovation Forums and using joint teams.
- *To be Proactive:* Anticipate and consider proposals for any change in the service that may be required, for example, by any change in law or policy, or by any change in economic or social circumstances or expectations. To implement studies, reports and projects managed by the Innovation Forums and using joint teams.
- *To Ensure Partnership:* Consider any representations that may be made by either party to the contract concerning any matter that appears to be inconsistent with the parties' commitment to work co-operatively.
- *To Resolve Differences:* Seek the rapid and fair resolution of any differences between the parties to the contract. The parties commit to discuss problems as soon as they arise and to work together in a no blame culture. To put in place procedures for referring disputes to the Partnership Board if they cannot be resolved at contract Manager level.
- *To Review Partnership Performance:* Receive annual reports prepared separately by each of the parties setting out an open account of that party's opinion of the state of the partnership, successes and shortcomings over the year, and proposals for improvement in the partnership in future.
- *To Report on Performance:* Receive reports prepared jointly by the parties' senior staff on workforce matters, dealing with such matters as trends and notable events in relation to recruitment, retention, training and development, health and safety, equalities, and performance management.

4. Innovation Forums

The Partnership Board will establish Innovation Forums. The purpose of the Innovation Forums is to manage projects to:

- Develop and/or consider proposals for service improvement and for greater cost-effectiveness in the delivery of the services. For example to increase the rate of recycling through joint development of new initiatives or to develop promotional and awareness campaigns between Biffa and EFDC.
- Anticipate and consider proposals for any change in the service that may be required, for example, by any change in law or policy, or by any change in economic or social circumstances or expectations, for example, the impact of TEEP. Separate Forums would be established for different service areas as and when required. These Forums would meet formally and regularly and make written reports to the Partnership Board. The frequency of the forum meetings would be determined by the demands of the particular projects upon which they have been directed to work. Further Innovation Forums can be established, or existing ones dissolved as determined by the Partnership Board. The Innovation Forums may be charged with seeking and securing external grant funding for

projects whenever appropriate. Members of the Forums will be persons from both The Authority and the Provider with the appropriate experience and background to manage and promote the work of each specific Forum. Equal participation and membership from both the Authority and the Provider will be an aim of the Forums.

5. Partnership Duties

The parties each accept a duty to:

- Make a sincere effort to understand the other party's obligations, goals, expectations, duties and objectives in entering and performing their obligations under the contract.
- Be just and faithful in all dealings relating to this contract, and to give a true account of such dealings.
- Work at all times within a spirit of co-operation to ensure the delivery of the services to a high standard.
- Resolve differences that may arise in relation to this contract by discussion and negotiation wherever possible.
- Communicate clearly and effectively, and in a timely manner, on all matters relating to the contract.
- Make the most efficient use of resources, and seek to achieve cost-effective savings to the benefit of both parties.
- Make every endeavour to ensure that all persons engaged on the contract diligently and faithfully employ themselves to bring about its performance to a high standard.
- Give an early warning to the other party of any mistake, discrepancy or omission of which either party becomes aware within the contract, and offer fair and reasonable solutions where practicable.
- Give an early warning to the other party of any matter that they become aware of that could affect the achievement of any objective, obligation, or the like contained in the contract.
- To provide a platform for flexibility in the services provided, to ensure they are modern and relevant throughout the term of the contract, but also deliver value for money for the Council and its taxpayers

6. Day to Day Working in Partnership

To foster a successful working partnership at every level, the parties will ensure that:

- Biffa staff will work alongside and cooperatively with the Authority's staff and take advantage of the colocation of two members of the Authority's staff at Biffa depots.
- Staff secondments between the parties will be encouraged. Joint training and induction of staff will be encouraged.

- The parties will share information and, where possible, ensure communication systems are integrated.

7. Open Book Accounting

The parties agree to develop and continually improve the system of 'open book accounting'. The parties agree that for the contract and the Partnership to be successful it must be based on sustainable, accurate and realistic operational performance and on clear and robust financial information, and further that it is to their mutual benefit to share such information in confidence in order to develop trust and to better understand the pressures and market forces exerted on each of them. The parties will at all times act reasonably and in good faith in relation to all matters that may arise under this contract. This mutual commitment to each other includes an obligation on each party to ensure that the other party is not unduly prejudiced, financially or otherwise, as a result of the operation of the contract, the acts or omissions of the other party, market forces, changes of law or otherwise. Subject only to any requirements in law, the parties commit themselves not to disclose to any third party any commercially sensitive information unless by express written agreement of the other party. The parties jointly agree profit share and reinvestment of surpluses into the contract where initiatives have been developed.

8. Performance monitoring

The purpose of the Partnership Board would also be to take a strategic overview of the contract and the service being provided for the residents of Epping Forest District, this would include:

- Review of service performance in line with the agreed KPIs;

Contributing to the setting of thresholds for KPIs on an annual basis across a wide range of service related parameters.

9. Whistle Blowing

The Provider's attention is drawn to the Authority's Whistle Blowing Policy, which is intended to encourage and enable the Authority's staff, as well as staff of suppliers and contractors and organizations providing goods and services to the Authority, to raise serious concerns with the Authority.

The Whistle Blowing Policy provides a mechanism should the Provider have any concerns that the Authority

- a) has acted unlawfully
- b) is or has provided a service falling below established standards
- c) committed an act of impropriety
- d) put the health and safety of people at risk