

## 8. Governance

### Highlights

- The equality objective has been reviewed in light of this year's activities.
- The annual risk review took place in September 2016 and no risk levels were increased as a result of that review.

### Related party transactions and hospitality

- 8.1** Related party transactions of officers and members will be reported as necessary in the Authority's statutory accounts in September 2017.
- 8.2** Any offer of hospitality, and whether it was accepted or refused, must be declared. During 2016/17 there were 24 declarations from staff; 18 offers of hospitality were accepted and six refused.

### Data protection

- 8.3** The Authority renewed its registration as a data controller with the Information Commissioner's Office (ICO) for the start of January. Registration is done annually and the Authority continues to meet the statutory definition of a data controller. The Authority has not received any data subject access requests for personal information held.
- 8.4** The General Data Protection Regulations (2016/697) (GDPR) was made on 27 April 2016 and it is due to come into force on 25 May 2018. The Authority would need to put in place measures to ensure compliance with the GDPR during 2017/2018. A GDPR implementation team has been put in place and a road map for ensuring compliance by 25 May 2018 has been agreed.

### Freedom of Information and Environmental Information Regulations

- 8.5** The Authority responded to 26 requests for information under the Environmental Information Regulations in 2016/17. Of these, 25 requests were responded to within the 20 working days required by the legislation; one response took longer to respond to so an extension was required. The average response time was nine working days. There were no enquiries open at the end of the year (March 2017). In addition there were no appeals against refusal to release information and no complaints were made to the ICO regarding requests for information made to the Authority.

### Information Transparency Code

- 8.6** The Authority continues to publish information in accordance with the Information Transparency Code 2015 (the Code) on its website at [nlwa.gov.uk/governance-and-accountability/transparency-and-supplier-payments](http://nlwa.gov.uk/governance-and-accountability/transparency-and-supplier-payments). This information includes details of all payments to suppliers for invoices greater than £500, the Authority's Standing Orders, and information on land and building assets the Authority uses to deliver services. Information on senior employee salary details is also available in the annual statements of accounts to which there is a link on the web page.

## 8. Governance

- 8.7** Officers have assessed the Authority's current compliance with the Code and can confirm full compliance with the mandatory provisions.

### Equality objective

- 8.8** The Authority has set a single equality objective in compliance with the Equality Act 2010 (Specific Duties) Regulations 2011 (2011 Regulations). The objective is then broken down so that it reflects the broad categories of activity across the Authority, with measurable outcomes for each category of activity. The objective is:

<b>Equality objective</b>	We will aim to ensure that we provide a waste disposal service that is fair, open to all and promotes equality of opportunity.
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The measurable outcomes are:

<b>Authority's activity</b>	<b>Measurable outcomes</b>
Waste disposal procurement and contract management	Ensuring that any contractors appointed are capable of complying with the duty, understand their obligations, and meet the duty in practice.
Communications and partnership working with boroughs	Ensuring that communications from the Authority are accessible to people with disabilities.
Waste prevention outreach and campaign work	Ensuring accessibility of activities and events to people with the relevant protected characteristic and encouraging participation from underrepresented groups.
RRCs, visitor centres and other public facing services	Ensuring accessibility of sites and that reasonable adjustment is made for disabilities.

- 8.9** The equality objective will be reviewed every four years as required by the 2011 Regulations, and is next due for review in 2018. The Equalities Act 2010 (Specific Duties and Public Authorities) Regulations 2017/353 (2017 Regulations) was made on 9 March 2017 and came into force on 31 March 2017. The 2017 Regulations imposed gender pay gap reporting requirements on public authorities specified in schedule two, not later than 30 March 2018. The Authority does not come within the list of public authorities in schedule two. The 2017 Regulations applies to public authorities with 150 or more employees and consequently does not apply to the Authority.

## 8. Governance

**8.10** The Authority's activities in the last year for meeting the above outcomes and the equality objective have been reviewed. The following activities or actions have contributed towards meeting the equality objective:

- contracts entered into in the last year by the Authority have contained suitable equality obligations on contractors to not discriminate in relation to the provision of services to the public and to employment practices in relation to their staff; where appropriate, procurement procedures include a check of tenderers' equality policies;
- waste prevention work has continued to reach a wide range of audiences with presentations adapted if required;
- the Authority's website for the North London Heat and Power Project (NLHPP) ([northlondonheatandpower.london](http://northlondonheatandpower.london)) is compliant with Royal National Institute of Blind People (RNIB) guidelines and utilises audio and visual communication. All videos but one on the corporate website ([nlwa.gov.uk](http://nlwa.gov.uk)) have subtitles; one of the three videos on the NLHPP website does not have subtitles (but it does contain the architect's visualisation of the proposed replacement facility so there is less need);
- a review of site signage at all the RRCs has been undertaken primarily in order to ensure brand compliance and consistency of messages, but this has included reviewing the use of pictorial images as well as typography on the signage for individual waste and recyclable materials signage;
- a review of the Authority's brand guidelines is underway and will ensure continuing compliance with the public sector equality duty and compatibility with the Authority's equality objective, the new guidelines will be published in 2017/18; and
- a ramp is available at Berol House to aid wheelchair users to access the Authority's offices.

### Public Contracts Regulations 2015

**8.11** Contracting authorities are obliged to have suitable contractual provisions for payment of undisputed contractor invoices within 30 days under the Public Contracts Regulations 2015 (the Regulations). The Regulations further require contracting authorities to:

- publish data demonstrating compliance with this obligation over the previous 12 months; and
- ensure that any subcontract awarded by its contractors contains similar payment obligations.

**8.12** Regulation 113(9) provides that contracting authorities should have regard to any guidance issued by the Minister for the Cabinet Office in complying with this requirement. The guidance issued by the Cabinet Office specifies that the obligations should commence after March 2016 and then at the end of each financial year.

## 8. Governance

### Concessions Contracts Regulations 2016

- 8.13** The Concession Contracts Regulations 2016 (SI 2016/273) (2016 Regulations) came into force on 18 April 2016 and apply to all new procurement exercises for concession contracts that began after that date and that meet the conditions explained below.
- 8.14** The 2016 Regulations will apply to service and works concession contracts where a contracting authority:
- lets a public works or service contract with a value above the current EU threshold of £4,104,394;
  - the consideration given to the contractor is to permit the contractor to exploit the works or services that are the subject of the contract (together with payment if applicable); and
  - the award of the contract transfers the operating risk to the contractor and involves real exposure to the market.
- 8.15** The current EU threshold value will continue to apply until 31 December 2017.
- 8.16** The Authority has amended its standard contracts to ensure compliance with the payment requirement in paragraph 7.11 of the Regulations. Procurement training on the Regulations was delivered to Authority staff involved in procurement for the Authority, and the procurement guidance document has been updated. The standard procurement templates are also being updated.

### Modern Slavery Act 2015 and Modern Slavery (Transparency in Supply Chain) Bill 2016-2017

- 8.17** The Modern Slavery Act 2015 (the Act) received royal assent on 26 March 2015 and Section 52 of the Act requires public authorities to notify the Secretary of State if they have reasonable grounds to believe a person may be a victim of human trafficking or slavery. Public authorities with specific duties to notify are set out under section 52(5) of the Act, and a waste disposal authority is not one of public authorities listed. Section 54 of the Act deals with transparency in supply chains and requires commercial organisations with an annual turnover of more than £36m to publish an annual slavery and human trafficking statement. The statement should detail what steps the business has taken to eradicate slavery from its business and its supply chain, and should be published on the organisation's website. The Authority does not come within the meaning of 'commercial organisation' or 'public authority' in the Act.

## 8. Governance

**8.18** On 23 May 2016 the Modern Slavery (Transparency in Supply Chain) Bill (the Bill) had its first reading in the House of Lords. The Bill requires public bodies to be included within the requirement of section 54 to publish a transparency statement. A public body is defined as a contracting authority within the meaning of the Public Contracts Regulations 2015. Officers have monitored the progress of the Bill through the Houses of Parliament and the latest news published on the House of Parliament website states that the Bill was expected to resume its second reading before the Commons on 24 March 2017, but it was not taken to the next Parliamentary stage and it will not progress any further.

### Risk

**8.19** The Authority has a high level risk register which is reviewed by the Authority in September each year. The Authority's arrangements for managing risk are fully reviewed each year by the Members Finance Working Group (MFWG) and were reported to the 29 September 2016 meeting of the Authority (the report can be viewed on the Authority's website). As the report documents, members at the MFWG asked for an update on financial risks associated with cyber security, and it was agreed that an update would be provided. The risk review led to an update to management actions, but no new risks were identified. A high level risk register for LondonWaste Ltd was also reviewed.