

# Agenda Item

<b>NORTH LONDON WASTE AUTHORITY</b>	
<b>REPORT TITLE: APPOINTMENT OF MEMBERS TO COMMITTEES AND OTHER APPOINTMENTS</b>	
<b>REPORT OF: MANAGING DIRECTOR</b>	
<b>FOR SUBMISSION TO: THE NORTH LONDON WASTE AUTHORITY</b>	<b>DATE: 30<sup>th</sup> JUNE 2010</b>
<b>SUMMARY OF REPORT:</b>  Outlines matters that must be taken into account when establishing committees, details procedures relating to attendance at meetings and seeks decisions on appointments to the North London Waste Authority Urgency Committee, the LondonWaste Ltd Shareholder Group and the LondonWaste Ltd Pensions Trustees.  Local Government Act 1972 – Access to Information: No documents required to be listed.  Contact Officer: Gianni Franchi, Committee Officer, NLWA, Camden Town Hall, Judd Street, London WC1H 9JE (020 7974 1914) Email: gianni.franchi@camden.gov.uk	
<b>RECOMMENDATIONS:</b>  The North London Waste Authority is RECOMMENDED to:  i) Note the political balance requirements as they affect the Authority for the ensuing municipal year  ii) Establish and appoint an Urgency Committee as set out in paragraph 3.  iii) Appoint 3 Members ( Chair and two Vice-Chairs) onto the LondonWaste Ltd Shareholders Group as identified in paragraph 4  iv) To delegate authority to the Managing Director to make interim appointments of Trustees to the LondonWaste Ltd Pensions Scheme as set out in paragraph 5.  v) To agree that a further report on Member responsibilities be submitted to the September meeting of the Authority as set out in paragraph 6.  vi) Note the position regarding attendance at meetings.	

Signed by:



Date: 21/6/10

## **APPOINTMENT OF MEMBERS TO COMMITTEES AND OTHER APPOINTMENTS**

### **1. Introduction**

- 1.1 This report sets out the proposed Committee structure for the Authority for the next municipal year and asks Members to deal with certain appointments. It also deals with the issue of attendance at Authority and Committee meetings.

### **2. Political Balance**

- 2.1 The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 deal with the requirement that an Authority allocates places on its Committees, Sub Committees and other Bodies to each political group. The allocation must be in the same proportion as the number of Members of the Group bears to the Authority as a whole. Statutory Joint Waste Disposal Authorities are included in the bodies to be subject to these arrangements, and this Authority has a duty to review its political balance at its Annual Meeting (or as reasonably practical thereafter).
- 2.2 The Authority has a duty when allocating seats on a particular body or reviewing the allocation of seats to give effect, *so far as reasonably practicable*, to four principles:
- (a) All the seats are not allocated to the same political group;
  - (b) The majority of the seats go to the political group in the majority on the Authority;
  - (c) Subject to (a) and (b) above, that the number of seats on the total of all the ordinary Committees of the Authority allocated to each political group bears the same proportion to all the seats on the full Authority; and
  - (d) Subject to (a), (b) and (c) above, that the number of seats on the body allocated to each political group bears the same proportion to all the seats on that body as is borne by the number of members of that group to the membership of the Authority.
- 2.3 With the nominations made by constituent Councils for 2010/11, the Authority has the following number of members divided by party lines as follows:
- 2 Conservative Members
  - 12 Labour Members

The percentages for each party are therefore 85.5% Labour and 14.5% Conservative.

### **3. Committee Structure**

#### **Urgency Committee**

3.1 The Authority has operated in the past with an Urgency Committee to deal with any matters of urgent business which occur between Authority meetings. Its terms of reference (as quoted from the NLWA Standing Orders) are as follows:

“To act on behalf of the Authority on any matters within the functions of the Authority as referred to in A.2.1 of these Standing Orders that will not admit of delay”

3.2 In the past the Urgency Committee comprised six members. It is now proposed that the membership should now be 7, one representative from each London borough. This would allow each authority to have a representative on the Urgency Committee. As a result of this it is suggested that the quorum should be increased to three. Each authority may also appoint a substitute member

3.3 It should be noted that the Urgency Committee, whilst a necessity, has not met since June 2003 and it is therefore not expected that its workload would be very great.

### **4. LondonWaste Ltd Shareholders Group**

In December 2009 NLWA became the sole shareholder in LondonWaste Ltd. At the February 2010 meeting of the Authority it was decided that a Shareholder Group should be set up to scrutinise the Company's business plan, attend General meetings and vote on matters reserved to the shareholder at General meetings. The Chair and Vice-chairs agreed to form the first Shareholder Group.

### **5. LondonWaste Ltd Pensions Scheme**

5.1 The Authority and SITA UK agreed a pensions scheme for former NLWA employees who transferred to the Joint Venture Company at Vesting. The Authority is entitled to appoint two Trustees to the scheme.

5.2 Historically, these two positions have been taken by the Financial Adviser of the NLWA (the Authority's standing orders provide for the Financial Adviser to undertake this role) and a Councillor. It is now recognised that best practice should require that NLWA keep a distance from its involvement in the Londonwaste Ltd Pension Scheme, and that alternative professional Trustees should now be appointed to this body to

ensure that it functions effectively. Alternative appointments to the position of Trustees may take some time and in order to ensure that LondonWaste Ltd Pension Scheme still operates effectively then interim arrangements would be required. In order to facilitate these arrangements it is proposed that the Managing Director be given delegated authority to determine the interim trustee appointments.

## **6. Member responsibilities**

- 6.1 The authority has a wide range of policy decisions and operational matters that it has to determine. It is felt that authority Members and officers would benefit from having clear structures beneath the main authority that would enable Member guidance and involvement to be undertaken. In the light of this it is felt that further work should be undertaken by officers regarding the provision of such Member responsibilities and structures. This could include the provision of 'Member Champions' who would provide guidance to officers regarding specific matter e.g. procurement and recycling. Other matters that would be considered would be the need for a formal Audit Committee of the authority, the way forward regarding planning matters, along with formalising the budget scrutiny arrangements that currently exist.
- 6.2 Members are asked to give their views on this approach along with identifying matters that they wish to see included.
- 6.3 A report on the proposed way forward on Member responsibilities would be submitted to the September meeting of the authority.

## **7. Attendance at meetings**

- 7.1 Under Section 85 of the Local Government Act 1972, if a Member fails to attend meetings throughout a period of six consecutive months from the date of the last attendance, they are disqualified from membership.
- 7.2 In 2000/2001 a mechanism was established to provide prior warning for Councillors at risk from disqualification. The process is for Members and Constituent Councils to be sent an advisory letter if they risk disqualification from the Authority. This also gives the Member the opportunity to correct issues of non-attendance prior to disqualification coming into effect (e.g. attendance at a related meeting or other event not being taken into account). This system has worked effectively and in the last year there have been no disqualifications.
- 7.3 The Standing Orders for the Authority state:
- "A.3.3 Non-Attendance

(a) Members who do not attend any meeting of the Authority for a period of six months are disqualified from membership of the Authority, unless the reason for their non-attendance was approved by the Authority before the end of the six month period.

(b) Where the Deputy Clerk becomes aware that a Member has failed to attend a meeting of the Authority, its committees and/or its other subsidiary bodies for a period approaching six months, the Deputy Clerk will advise the member concerned and their constituent authority of their risk of disqualification.

(c) In the event of the Member concerned failing to attend a meeting of the Authority, the Authority will invite the constituent Council to appoint a replacement representative."

## **8. Financial Adviser Comments**

8.1 The Financial Adviser has no comments to add to this report.

## **9. Legal Comments**

9.1 The Legal Adviser has reviewed this report and all comments are contained within the report

**Report Ends**