

Agenda Item No:

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

CONSULTATION RESPONSES

REPORT OF:

HEAD OF WASTE STRATEGY AND CONTRACTS

FOR SUBMISSION TO:

AUTHORITY MEETING

DATE:

30th June 2010

SUMMARY OF REPORT:

This report summarises the approach taken by officers in responding to formal consultations and contains details of the consultation responses submitted under delegated authority since the Authority meeting on 07 February 2010.

The report also seeks delegated authority to submit a response to the Mayor of London's further consultation on a draft Municipal Waste Management Strategy should it be necessary to do so before the next Authority meeting.

RECOMMENDATION

It is recommended that the Authority delegates authority to the Head of Waste Strategy and Contracts, in consultation with the Chair and Vice Chairs, to submit on behalf of the Authority a formal response to the London Mayor's public consultation draft municipal waste strategy if the submission deadline does not permit it being presented first to an Authority meeting.

**Signed by Head of Waste Strategy
and Contracts**

Date: 21st June 2010

1.0 Introduction

- 1.1 The Authority regularly responds to consultations issued by a variety of organisations including central government, the Greater London Authority and local authorities, generally the constituent boroughs or neighbouring authorities. Appendix 1 sets out the procedure by which consultations are screened and an analysis of historic levels of activity.
- 1.2 This report principally advises Members of the responses that have been submitted since the February Authority meeting and of the expected public consultation from the London Mayor on his Draft Municipal Waste Management Strategy.

2.0 Consultation responses since 10 February 2010

- 2.1 At the Authority Meeting on 16th April 2008 the Authority delegated power to the Head of Waste Strategy and Contracts, in consultation with the Chairman, to submit a response to any relevant Area Action Plans if and when Authority meetings do not allow the draft responses to these consultations to be brought to a full Authority meeting.
- 2.2 At the extraordinary Authority meeting on 24th March 2010, it was reported that a number of consultation documents had just been published by Central Government, which would require comments from the Authority. As there were no programmed meetings of the Authority until June, it was noted that the Clerk would use her 'urgency powers' under Standing Orders A.30.3 (iii) to arrange for responses to any such consultations on behalf of the Authority, where appropriate, following consultation with the Chair, Vice-Chairs and relevant borough officers.
- 2.3 Since the last scheduled Authority Meeting on 10th February 2010 Officers have considered responding to 15 consultations under these delegated powers. The breakdown of these is shown in the table below.

Consulting organisations	10 February 2010 to 30 June 2010	
	Screened	Responded
NLWA Boroughs	3	2
Other local authority	0	0
Defra	4	3
Other Government Department	5	2
Mayor of London & Greater London Authority	2	2
Other	1	0
TOTAL	15	9

2.4 Officers were able to respond to the above consultations using the powers previously delegated at the Authority meetings on 16th April 2008 and 24th March 2010.

2.5 Copies of the Authority's response to these consultations have not been included in this report but are available to Members upon request and are published on the Authority's website as Appendix 2 to this report. In summary they were:

- i) **London Borough of Barnet** – Local Development Framework Development Plan Document site suggestions – second call
- ii) **London Borough of Enfield** - Consultation on the draft New Southgate Masterplan: Supplementary Planning Document
- iii) **Department for Business, Innovation and Skills** - Consultation on the Waste Electrical and Electronic Equipment Code of Practice
- iv) **Department of Energy and Climate Change** – Renewable Heat Incentive Scheme
- v) **Mayor of London** – Draft Climate Change Adaptation Strategy – Public consultation draft
- vi) **Defra** – Consultation on implementing the Packaging Strategy: Recovery and Recycling Targets, funding transparency and technical changes
- vii) **Defra** – Consultation on meeting the EU Landfill Diversion Targets
- viii) **Defra** – Consultation on the introduction of restrictions on the landfilling of certain wastes

2.6 In addition to the above, the following consultation was responded to under previously delegated approval provided at the Authority meeting on 10th February 2010:

- (ix) **Mayor of London** – Assembly Draft of the Mayor's Draft Municipal Waste Strategy, London's Wasted Resource.

2.7 Appendix 2, which is 92 pages long, contains a copy of the above consultation responses. As this appendix is long and not necessary for Authority decision making it is available on the Authority's website only at: http://www.nlwa.gov.uk/resources/authority_meetings_and_reports

3.0 Future consultation responses and recommendations

3.1 Four Borough-level planning consultations and a request by the Planning Inspector for an evidentiary statement for the London Plan Examination in Public in September are also dealt with in the Planning Update report elsewhere on this agenda. In addition, a further consultation is expected from the London Mayor on his draft Municipal Waste Management Strategy during the summer of 2010 although it is not yet known exactly when this can be expected.

3.2 When the London Mayor prepares a new strategy (or revises an existing one) he first submits a draft to the London Assembly and the Functional bodies for review and comment, then he makes the amendments he considers appropriate, then he runs a formal consultation. The first stage however is done in the public domain so the Authority and many other stakeholders take this opportunity to submit comments at this time as well as during the formal public consultation.

3.3 In relation to the development of Mayor Johnson's waste strategy the Authority has made comments against the Assembly draft as noted above but it is recommended that authority is delegated to the Head of Waste Strategy and Contracts, in consultation with the Chair and Vice Chairs, to submit a formal response on behalf of the Authority if the submission deadline does not permit it being presented first at an Authority Meeting.

4.0 Legal Adviser's comments

4.1 The Legal Adviser has been consulted during the preparation of this report and his comments are incorporated within it.

5.0 Financial Adviser's comments

5.1 The Financial Adviser has been consulted during the preparation of this report and has no further comments to add.

6.0 Recommendation

6.1 It is recommended that the Authority delegates authority to the Head of Waste Strategy and Contracts, in consultation with the Chair and Vice Chairs, to submit on behalf of the Authority a formal response to the London Mayor's public consultation draft municipal waste strategy if the submission deadline does not permit it being presented first to an Authority meeting.

Local Government Act 1972 – Access to information

Documents used: None

Contact Officers: Andrew Lappage, Head of Waste Strategy & Contracts,

Barbara Herridge, Policy and Development Manager

Jon Clark, Principal Policy Officer

Lee Valley Technopark
Unit 169, Ashley Road
Tottenham
N17 9LN
Tel: 020 8489 5730
Fax: 020 8365 0254
E-mail: post@nlwa.gov.uk

APPENDIX 1

1. How consultation responses are prioritised.

1.1 Consultations are regularly identified by the Authority or brought to the Authority's attention either by direct contact from the consulting organisation or by publicity in the media.

1.2 Officers screen these consultations in accordance with an established procedure to determine which should be responded to prioritise those consultations that require a response and focus on those that are issued by

Government Departments and Agencies
Local Government Association
Mayor of London
Constituent and neighbouring authorities

and considers responding only when the proposals are considered likely to

- affect the governance of the Authority
- affect the Authority's statutory duties
- have a significant budgetary impact on the Authority
- directly affect the provision of waste management services and facilities in and for the residents of the North London area

1.3 Consultations meeting the following criteria are not normally considered for a response

Proposals that do not directly affect the Authority
Proposals that primarily affect waste collection authorities
Proposals that primarily affect the Authority's contractors or their operatives

2. Analysis of previous consultation responses.

2.1 The table below shows the number of consultations that were considered for a response and the number that were subsequently responded to by the Authority over the past 3 years.

Consulting organisation	2007-2008		2008-2009		2009-2010	
	Screened	Responded	Screened	Responded	Screened	Responded
NLWA Boroughs	0	0	3	1	10	5
Other local authority	0	0	2	0	1	0
Defra	9	5	8	1	6	2
Other Government Department	3	2	4	2	4	2
Mayor of London & Greater London Authority	1	1	2	2	9	4
Other	4	2	3	1	2	1
TOTAL	17	10	22	7	32	14

2.2 The majority of consultation responses identified by the Authority are published by Defra and other Government departments. These are mostly seeking the Authority's opinion on proposed legislation or revised guidance on existing legislation.

2.3 In the last year there has been a marked increase in the amount of consultations relating to planning matters. Mainly these are consultations about strategic Masterplans for areas within the constituent Boroughs.

Report Ends