

Agenda Item 10

NORTH LONDON WASTE AUTHORITY	
REPORT TITLE: APPOINTMENT OF MEMBERS TO COMMITTEES AND OTHER APPOINTMENTS	
REPORT OF: DEPUTY CLERK	
FOR SUBMISSION TO: THE NORTH LONDON WASTE AUTHORITY	DATE: 24 JUNE 2009
SUMMARY OF REPORT: Outlines matters that must be taken into account when establishing committees, details procedures relating to attendance at meetings and seeks appointments to the following bodies: <ul style="list-style-type: none">• The North London Waste Authority Urgency Committee• The Board of LondonWaste Limited• The LondonWaste Ltd Pensions Trustees• The Joint Waste Strategy Implementation Board• The Landfill Allowance Trading Scheme (LATS) Member Working Group• North London Waste Plan Planning Members' Group Local Government Act 1972 – Access to Information: No documents required to be listed. Contact Officer: Frances Wake, Deputy Clerk, NLWA, Camden Town Hall, Judd Street, London WC1H 9JE (020 7974 5726) Email: frances.wake@camden.gov.uk	

RECOMMENDATIONS:

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 directors, (with no alternative director) to the Board of LondonWaste Limited to serve until the next AGM of the Authority
- iv) Make appointments of Trustees to the LondonWaste Ltd Pensions Scheme as set out in paragraph 5.
- v) Appoint a representative and a substitute representative to the Joint Waste Strategy Implementation Board as set out in paragraph 6.
- vi) Make appointments to the Landfill Allowance Trading Scheme Member Working Group as set out in paragraph 7.
- vii) Appoint an observer and a substitute on the North London Waste Plan Planning Members' Group as set out in paragraph 8.
- viii) Note the position regarding attendance at meetings.

Signed by:

Date:

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 2009/10, the Authority has the following number of members divided by party lines as follows:

- 5 Conservative Members
- 5 Labour Members

- 4 Liberal Democrat Members

The percentages for each party are therefore 35.7% Labour, 35.7% Conservative and 28.6% Liberal Democrat.

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 It is proposed that the Urgency Committee should comprise five members: Proportionality would result in distribution of seats as 1.7:1.7:1.4 which in practice means a membership of five divided 2:2:1 between the parties. This would also allow all parties some representation on the Committee. The quorum should remain unchanged at two. Each party 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. Board of LondonWaste Limited

The Standing Orders of the Authority provided that at its annual meeting or as soon as possible thereafter each year appoint three Directors to serve on the Board of the LondonWaste Limited and one alternate Director to attend meetings but to vote only in the absence of a full Director.

Last year the Authority made the following appointments to the Board of LondonWaste Limited, none of who were Members of the Authority.

Ray Georgeson
Dr Chris Elliott
Councillor John Boast

The above are eligible for re-appointment.

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 Finance Adviser of the NLWA (the Authority's standing orders provide for the Financial Adviser to undertake this role) and a Councillor. The Authority may wish to continue with this practice and, if so, to confirm Mr Mike O'Donnell, the Authority's Finance Adviser, as trustee and appoint a Councillor to the other trustee position.
- 5.3 Members are asked to note that there is no requirement for political proportionality for these appointments

6. Joint Waste Strategy Implementation Board

- 6.1 The Government published guidance in March 2001 indicating that it expected a Joint Municipal Waste Management Strategy to be developed between waste disposal authorities and their constituent waste collection authorities. The London Mayor's Municipal Waste Management Strategy of September 2003 stated that each London waste disposal authority and its constituent boroughs should produce their joint strategy within a year of the publishing of the Mayor's own strategy. The Waste and Emissions Trading Act 2003 finally made it a statutory duty to prepare a joint waste strategy (with limited exceptions).
- 6.2 The NLWA and its Partners in 2004 set up a Joint Waste Strategy Implementation Board of elected Members from each Partner Authority with responsibility for developing, monitoring, reviewing and co-ordinating the implementation of the Strategy once agreed. It is served by a team of senior officers. The Board also monitors developments in legislation, changing public and political priorities and opportunities for new initiatives, and will recommend modifications to the Strategy at regular planned reviews once it is agreed.
- 6.3 Members are, accordingly, asked to elect a Representative and Substitute Representative to the Board until the AGM of the Authority in 2010.

7. LATS Member Working Group

- 7.1 The Authority has a cross-party working group of Members who give special attention to the Landfill Allowance Trading Scheme (LATS). On

the recommendation of this group the Authority has introduced a premium to its non-household waste charges to constituent borough councils and an incentive payment to constituent borough councils in relation to the diversion of biodegradable municipal waste.

- 7.2 It is envisaged that this group may have a role to play in examining proposals for the development and implementation of a trading strategy.
- 7.3 Previously the working group has consisted of 3 members, one from each political group.

8. North London Waste Plan Planning Members' Group

- 8.1 The North London Waste Plan is being delivered by the constituent borough councils as planning authorities to identify suitable sites for waste facilities to deal with the amount of waste and recycling up until 2020. The work is being supervised by the Planning Officers' Group. An Authority officer sits as an observer on the Planning Officers' Group, attending the non-confidential parts of each meeting.
- 8.2 The Planning Members' Group has met five times since its formation. It is composed of the cabinet members with responsibility for planning in each borough. The Planning Members' Group is not a formal decision making body because each borough must ratify the plan at each statutory stage. However, the Group exists to give member direction to the plan-making process and to act on Planning Officers' Group recommendations where appropriate. The Planning Members' Group is recognised as an important part of the plan making process and provides a vital link between key members and their boroughs.
- 8.3 In 2008/09 the Authority nominated an Authority member and substitute to sit as an observer on the Planning Members' Group and has been asked to do so again for the forthcoming year. This would provide valuable input from the Authority's perspective to an important plan making process which will affect its activities into the future and will also make member representation consistent with officer engagement on this subject.
- 8.4 The Planning Members Group meets at key points to oversee the plan preparation process.

9. Attendance at meetings

- 9.1 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.

9.2 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.

9.3 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.”

10. Financial Adviser Comments

10.1 The Financial Adviser comments are incorporated in the report.

11. Legal Comments

11.1 The Legal Adviser's comments are incorporated in the report.

Report Ends