

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

CHANGE TO STANDING ORDERS

REPORT OF:

CLERK

FOR SUBMISSION TO:

THE AUTHORITY

DATE:

25TH JUNE 2008

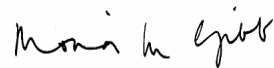
SUMMARY OF REPORT:

This report seeks to minimise the time in which no formal meetings of the Authority can be held, immediately prior to the Annual General Meeting, by proposing an alteration to the months in which it may be held

RECOMMENDATIONS

That Members agree to amend Standing Order A.4.1 so that it reads "the annual meeting of the Authority will take place in May or June."

Signed by



Date: 16th June 2008

1. Background

- 1.1 The Authority has an annual meeting at which it considers formal business including
- Appointment of a Chair and Vice Chairs
 - Receiving a statement on the Membership of the Authority
 - Appointing the urgency committee and any other committee for the forthcoming year
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- 1.2 Under Standing Order A.4.1, that meeting must take place during the month of June.
- 1.3 The constituent Boroughs appoint two Members to the Authority each year, either in a Council meeting or through delegated Authority. Most of the Authorities chose to carry out this process in the annual Council meetings which take place during May. The membership of the Authority therefore changes during May, but is not adopted by the Authority until the AGM. The effect of this is that no decision making meetings can take place during May. Standing Orders contain (A.30.3) a delegation to the Clerk to act in respect of any functions of the NLWA on a matter which in his or her opinion does not admit of delay, during the period when there are no elected members of the Authority. This power is only exercisable in consultation with the Chair or the Vice-Chairs and if possible with the leaders of the Opposition Parties, except (A.30.3 (iv)) during the period when there are no elected members of the Authority following elections and the appointment of Members to the Annual Meeting of the Authority. This is intended to deal with decisions that arise and cannot await the next meeting of the Authority, and not foreseeable decisions.
- 1.4 The timetable for the procurement process which the Authority is currently undertaking indicates that it is likely that next May or early June is the time when the Authority will be in a position to deselect bidders from the process. It will be in the interests of the Authority to do this promptly when it is ready to do so, in order to reduce the number of bidders with whom negotiations are taking place.

2 Timing of AGM

- 2.1 Officers therefore recommend that the period during which the Authority is unable to take decisions is minimised. To achieve this, the AGM should be held as soon as possible once the membership has been determined by the constituent Boroughs. It is therefore proposed that Standing Order A.4.1 be amended to read:
- “The annual meeting of the Authority will take place in May or June”.
- 2.2 It is required that the approval of the Authority’s accounts, must take place in June, but the detail required to finalise those accounts is not available until early in June. In order to avoid two meetings in June, the AGM has been set towards the end of June, to enable approval of accounts at the ordinary meeting which follows the AGM.
- 2.3 It is likely that next year the AGM will need to be held earlier, to enable critical decisions on the procurement process, but an ordinary meeting will still be

required at the end of June to approve the accounts (together with any other business.

3. Comments of the Financial Adviser

- 3.1 Members will be aware that as a result of the Government's accelerated timetable by which local authorities must prepare their final accounts that the Authority has already arranged to hold its AGM and first business meeting in June rather than July. Whilst it is feasible to bring forward the AGM to an earlier date it is not always possible to accelerate the formal business of Authority.
- 3.2 The Authority, in common with all other local authorities, has a statutory duty to produce and report on the final accounts for the previous financial year by 30 June of the year following the year in question. The Authority must also approve a draft statement of accounts before the accounts can be passed to the external auditor for audit. This is an important part of the governance process and cannot be delegated. Given the wide-ranging issues that need to be addressed as part of the final accounts process it is not feasible for these statements to be reported on any earlier than the latter part of June and therefore there will be a continuing need to meet at the end of June so that accounts may be formally reported on and approved.
- 3.3. Over the next few years it is expected that the Authority will be required to make a number of key decisions in relation to the procurement process. As delay in making such decisions has the potential to adversely impact on the final outcome and expose the Authority to additional financial costs, particularly if delay exposed the Authority to penalties under the Landfill Allowance Trading Scheme, it is important that the Authority takes all reasonable steps to mitigate these risks.

4. Comments of the Legal Adviser

The legal adviser has been involved in the preparation of the report, and has no comments to add

Access to Information

There are no documents used in the preparation of this report which require disclosure

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