

THE NORTH LONDON WASTE AUTHORITY

At a meeting of the **NORTH LONDON WASTE AUTHORITY** held on **WEDNESDAY 12TH DECEMBER 2007** at 3.00 pm in the Council Chamber, Camden Town Hall, Judd Street, London WC1H 9JE.

MEMBERS PRESENT

Councillor George Allan – London Borough of Islington
Councillor Robert Belam – London Borough of Waltham Forest
Councillor John Boast – London Borough of Enfield
Councillor Melvin Cohen – London Borough of Barnet
Councillor Brian Coleman – London Borough of Barnet (Chairman)
Councillor Brian Haley – London Borough of Haringey
Councillor Chris Knight – London Borough of Camden
Councillor Alan Laing – London Borough of Hackney
Councillor Alexis Rowell – London Borough of Camden
Councillor Eleftherios Savva – London Borough of Enfield
Councillor Eric Sizer – London Borough of Waltham Forest
Councillor Vincent Stops – London Borough of Hackney
Councillor Lucy Watt – London Borough of Islington

MEMBERS ABSENT

Councillor Ray Dodds – London Borough of Haringey

The minutes should be read in conjunction with the agenda for the meeting.

1. APOLOGIES

There were no apologies.

2. DEPUTATIONS

There were no deputations.

3. ANNOUNCEMENTS

The Chairman on behalf of the Authority welcomed Andrew Maughan, the Legal Adviser, and Tim Judson, the Director of Procurement, to their first meeting of the Authority.

Councillor Haley proposed that Thomas Ribbits, the former Deputy Clerk, should be thanked for his diligent work on behalf of the Authority. The Chairman confirmed that

he had written to Mr Ribbits to thank him prior to his departure and added that he would be much missed.

4. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

Members noted the standing declarations recorded in the agenda.

There were no other declarations.

5. MINUTES

RESOLVED –

THAT the minutes of the meeting of the Authority held on 19th September 2007, having been confirmed as a correct record, be signed by the Chairman.

6. NOTIFICATION OF ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES TO TAKE AS URGENT

There was no such business.

7. MEMBERS' QUESTIONS

Members considered a report of the Deputy Clerk and a tabled response to Councillor Rowell's question which is attached to these minutes as **APPENDIX B**.

Councillor Rowell asked a supplementary question seeking clarification about where a Member should take concerns about LondonWaste Ltd operations if not to the Chairman of the Authority. The Chairman responded that the issue raised in Councillor Rowell's question was a matter between LondonWaste Ltd and the London Borough of Camden, to which the North London Waste Authority was not a party.

RESOLVED –

THAT the report and the tabled paper be noted.

8. JOINT WASTE STRATEGY UPDATE

Members considered a report of the Head of Waste Strategy and Contracts.

In response to questions, the Head of Waste Strategy and Contracts, confirmed that the establishment of a capital programme would have an impact on the levy to constituent borough councils. The intention was to get the best deal for dry recyclable and biodegradable wastes and it was considered by officers that purchasing a site, in line with DEFRA guidance, was the best way to do this. The cost of transporting materials to a facility on the other side of London was estimated at up to £1million in the next financial year and these costs would continue if the Authority did not acquire its own site. The climate change and energy agendas would be incorporated into the Strategy as it moved forward and as the procurement work moved forward it would also take account of these issues. Officers had not visited Gasrec in Guildford or Greenfinch in Shropshire but had been briefed on their operations.

The Finance Officer commented that detailed returns from the constituent borough councils had shown that there was likely to be a doubling of recyclables in 2008/09 and so the Authority needed to make provision for this. Members had been alerted to this issue in September and borough Directors of Finance were also aware of it.

Members made the following comments on the report:-

- It was encouraging to see anaerobic digestion mentioned in the report.
- Councillors Rowell and Laing were of the view that the North London Recycling Forum did a good job and that measures suggested in Appendix 1 of the report should be in addition to the activities of the Forum.
- There was some concern that the Authority would run out of the capacity to deal with recyclable and biodegradable waste within a matter of months.
- Constituent boroughs were unlikely to support an addition to the levy to fund dry recyclable and biodegradable waste facilities unless they could be assured that it made financial sense.
- Members had previously asked officers to proceed with the development of new recycling and composting infrastructure, but a clear justification was nevertheless needed for establishing a capital programme at this stage.

In the light of Members' comments officers agreed to bring recommendation (ii) back to the February meeting when more work had been done on the available options. In the meantime, leading Members would be briefed as would the directors of finance in constituent borough councils.

**ACTION BY: Head of Waste Strategy and Contracts /
 Financial Adviser**

RESOLVED –

- (i) THAT authority be delegated to the Head of Waste Strategy and Contracts, in consultation with the Chairman and the group leaders, to revise the Strategic Environmental Assessment (SEA) scoping report following the recent consultation and to approve the SEA environmental report for public consultation once it is produced; and

- (ii) THAT authority be delegated to the Head of Waste Strategy and Contracts, in consultation with the Chairman and the group leaders, to approve direct financial support to borough community initiatives meeting the criteria outlined in Appendix 1 of the report, within a budget of £25,000 for 2008-09, and within agreed budgets for future years.

ACTION BY: Head of Waste Strategy and Contracts

9. LEGISLATION UPDATE REPORT

Consideration was given to a report of the Head of Waste Strategy and Contracts.

The Chairman reported that the Mayor of London had stated he would not be funding or taking part in the London Waste and Recycling Board.

Councillor Stops requested that all three group leaders be consulted on representations on, appointments to and bids to the London Waste and Recycling Board.

Councillor Rowell requested that the response to the consultation on the National Indicators Handbook of Definitions be amended to highlight the importance of carbon indicators and climate change.

RESOLVED –

- (i) THAT the Authority response to the government consultation on National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions be approved subject to amendments to place greater emphasis on the importance of carbon indicators and climate change;
- (ii) THAT the draft Authority response to the consultation on Recycling Targets for Packaging for 2008 and Thereafter, as attached at Appendix 3 to the report, be approved;
- (iii) THAT authority be delegated to the Head of Waste Strategy and Contracts, in consultation with the Chairman and Councillors Belam and Stops, to make representations to the Government Office for London for joint waste authority representation in the new London Waste and Recycling Board, to nominate a representative to sit on the London Waste and Recycling Board (should the opportunity arise and the process require it) and, with the support of relevant constituent borough councils, to submit bids to the London Waste and Recycling Fund should timescales preclude any bid coming to a future Authority meeting; and

- (iv) THAT the position taken by the London Councils Leaders' Committee, as reported in Appendix 4 of the report, to ban the distribution of free throw-away shopping bags in the capital be endorsed.

ACTION BY: Head of Waste Strategy and Contracts

10. WASTE SERVICES PROCUREMENT: GOVERNANCE, PROCEDURAL AND RESOURCE MATTERS

The Legal Adviser commented that, whilst under the Code of Conduct ultimately a matter for Members, in his opinion Councillors Boast, Cohen, Haley and Sizer as A-Directors and Alternate A-Director of LondonWaste Ltd did not have a prejudicial interest in relation to this item and therefore did not need to leave the meeting room for the duration of the discussion on it.

Councillor Cohen left the meeting at this point.

Consideration was given to a report of the Director of Procurement and to a tabled addendum setting out possible terms of reference for a Procurement Committee. The addendum is attached to these minutes as an appendix.

The Director of Procurement reported that, since the publication of the report, he had met with the Directors of Environment of six of the constituent boroughs who had indicated their keenness, as a group, to remain constructively engaged in the procurement process.

The Chairman indicated that a study tour of waste facilities in Germany, as referred to in the appendix to the report, was not appropriate at this time.

It was felt that there was a wide range of governance issues that needed to be examined in greater detail at future meetings including engagement and co-ordination with constituent borough council Leaders and decision making processes; potential conflicts of interest for those Members who had planning responsibilities in their boroughs; whether or not A Directors should be serving Members of the Authority; and whether the Authority should continue to hold shares in LondonWaste Ltd.

Following discussion, Members indicated that they were in favour of setting up a Procurement Committee to enable the procurement process to move forward in the short term.

The Legal Adviser suggested that a Procurement Committee of eight Members should be established which would require a composition of three Conservative Members, three Labour Members and two Liberal Democrat Members in order for it to be politically balanced. This Committee would be empowered to take decisions on procurement matters, meaning that Members with potential conflicts of interest would

not be drawn into deliberations and decisions on these issues. Members' attention was drawn to the suggested terms of reference set out in the tabled addendum.

RESOLVED –

- (i) THAT a Procurement Committee be established consisting of 3 Conservative, 3 Labour and 2 Liberal Democrat Members of the Authority, none of whom may be A-Directors of LondonWaste Ltd, and with the terms of reference set out in the tabled addendum to the report;
- (ii) THAT the proposals for comprehensive advice on other governance and decision-making processes to be submitted at its February 2008 meeting be noted;
- (iii) THAT the Director of Procurement and the Legal Adviser be authorised to proceed with seeking borough agreement to a Memorandum of Understanding as detailed in the report and, thereafter, an agreed statement of principles for an Inter Authority Agreement; and
- (iv) THAT the proposals for consultation with boroughs on the need for sufficient revenue resources over the coming year to underpin the procurement process be noted.

**ACTION BY: Director of Procurement / Legal Adviser /
 Financial Adviser**

11. 2007/08 THIRD BUDGET REVIEW AND 2008/09 BUDGET FORECAST

Consideration was given to a report of the Financial Adviser.

During discussion some concern was expressed about the cost of accommodation for the Procurement Team and the size of the contingency provision. Some Members also remarked that provision should be made in the budget for the reinstatement of funding for the Real Nappy Scheme and the North London Recycling Forum. There was also discussion about the decreasing value of tradable landfill allowances, the differing impacts on boroughs as a result of the tonnage based levy and the scale of increasing landfill tax costs.

It was agreed that an informal working group of three Members should be convened to examine the draft budget for 2008/09.

RESOLVED –

- (i) THAT the third review of the 2007/08 revenue budget be noted;
- (ii) THAT the current assessment of the budget and resource requirements for 2008/09 be noted;

- (iii) THAT the arrangements that have been made to establish the levy apportionment arrangements for 2008/09 be noted;
- (iv) THAT the issues that will need to be addressed at the budget and levy meeting on 6th February 2008 be noted; and
- (v) THAT an informal working party of three Members, one from each of the political parties represented on the Authority, be established to examine the draft budget for 2008/09.

ACTION BY: Financial Adviser

12. DRAFT NORTH LONDON WASTE PREVENTION PLAN

Consideration was given to a report of the Head of Waste Strategy and Contracts.

RESOLVED –

- (i) THAT it be noted that a draft North London Waste Prevention Plan is currently being developed and will include new and updated actions including: running a “North London Waste Prevention Week”; expanding trade waste prevention campaigns and support; and expanding re-use capacity; and
- (ii) THAT it be noted that a draft plan will be forwarded to Members for comment prior to a final draft being submitted for Authority approval in February 2008.

ACTION BY: Head of Waste Strategy and Contracts

13. CONTRACTS ACTIVITY

Consideration was given to a report of the Head of Waste Strategy and Contracts.

RESOLVED –

- (i) THAT the extension of the Civic Amenity Transport Contract, as set out in section 4.3 of the report, be approved;
- (ii) THAT the contract for WEEE services entered into under delegated authority, as set out in section 5 of the report, be noted;
- (iii) THAT authority be delegated to the Head of Waste Strategy and Contracts to enter into a Deed of Variation to the Main Waste Disposal Contract for clinical waste as set out in section 6 of the report;

- (iv) THAT the award under delegated authority of the Deed of Variation to the Main Waste Disposal Contract for In Vessel Composting Services, as set out in section 7 of the report, be noted.

ACTION BY: Head of Waste Strategy and Contracts

14. RECYCLING INCENTIVE PAYMENTS

Consideration was given to a report of the Head of Waste Strategy and Contracts.

RESOLVED –

- (i) THAT the payment of recycling credit payments to constituent borough councils for 2006/07, as set out in the report, be approved;
- (ii) THAT the payment of 2006/07 third party recycling credits as set out in this report be approved and the payments made for the 2007/08 scheme year be noted; and
- (iii) THAT the payment of biodegradable municipal waste incentive payments for 2006/07, as set out in the report, be approved and the outlook for likely payment levels in 2007/08 be noted.

ACTION BY: Financial Adviser

15. CHANGES TO AUTHORITY PERSONNEL

Consideration was given to a report of the Acting Deputy Clerk.

Councillor Laing commented that a report on the role of Media and Marketing Officer was still outstanding. The Clerk confirmed that such a report would be submitted to the next meeting.

ACTION BY: The Clerk

RESOLVED –

THAT the report be noted.

16. FUTURE REPORTS

Consideration was given to a report of the Acting Deputy Clerk.

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Councillor Stops commented that it had been agreed at a previous meeting that there would be a briefing from the Campaign for Real Recycling to a future meeting and requested that this placed on the agenda for the February meeting.

ACTION BY: Acting Deputy Clerk

Councillor Haley requested that reports on the Real Nappies Scheme subsidy, sponsorship of the North London Recycling Forum and the policy on paying third party reuse and recycling credits to profit making organisations be placed on the agenda for the next meeting.

ACTION BY: Head of Waste Strategy and Contracts
TO NOTE: Acting Deputy Clerk

RESOLVED –

THAT, subject to the additions detailed above, the report be noted.

17. DATE OF NEXT MEETING

It was noted that the next meeting was scheduled for Wednesday 6th February 2008 and this meeting would commence at 3.00 pm and be held in the Council Chamber, Camden Town Hall, Judd Street, London WC1H 9JE.

18. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES TO TAKE AS URGENT

There was no such business.

19. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION

It was

RESOLVED –

THAT the press and public be excluded from the proceedings of the North London Waste Authority on 12th December 2007 during consideration of item 20 on part 2 of the agenda, on the basis that, were Members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972, as amended. Specifically:

Publicity in respect of item 20 would be likely to lead to disclosure of information relating to Exempt Information Category 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and not required to be registered under various statutes: The reasons

why the public interest favours withholding the information are that the release of such information would prejudice the Authority's conduct of a commercial operation OR because the disclosure of the information is likely to prejudice the commercial interests of the Authority and organisations engaged in commercial activities as the information relates to commercial activities that are conducted in a competitive environment.

20. LONDONWASTE LIMITED BOARD MINUTES

Consideration was given to a report of the Deputy Clerk.

RESOLVED –

THAT the report be noted.

21. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND IS EXEMPT WITHIN THE MEANING OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

There was no such business.

The meeting ended at 4.50pm

Chairman

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MINUTES END