

## **THE NORTH LONDON WASTE AUTHORITY**

At a meeting of the **NORTH LONDON WASTE AUTHORITY** held on **WEDNESDAY 7<sup>TH</sup> FEBRUARY 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 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 Elefetherios 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 John Boast - London Borough of Enfield  
Councillor Jayanti Patel - London Borough of Haringey

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

#### **1. APOLOGIES**

Apologies for absence were received by Councillors Boast and Patel.

There were no other apologies.

#### **2. DEPUTATIONS**

There were no deputations.

#### **3. ANNOUNCEMENTS**

There were no announcements.

**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 and also the following:

- Councillors Cohen and Coleman advised that in relation to agenda item 14, Hendon Relocation Update, they had personal but not prejudicial interests as cabinet members of the London Borough of Barnet.
- Councillors Haley, Cohen and Sizer advised that, in relation to agenda item 27, Request by LondonWaste Limited for Approval Under the Acquisition and Collaboration Agreement, in part two of the agenda, they had personal and prejudicial interests and would withdraw from the meeting during consideration of this item.
- Councillor Allan declared a personal but not prejudicial interest in relation to Item 26, Hornsey Street Update – Potential Litigation, on part II of the agenda as he was a London Borough of Islington nomination for appointment to the board.

There were no other declarations.

**5. MINUTES**

It was

**RESOLVED -**

THAT the minutes of the meeting of the Authority held on the 20<sup>th</sup> December 2006, 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 were no such notifications.

**7. MEMBERS QUESTIONS**

Members considered the report by the Deputy Clerk.

Members noted that there had been no questions. It was therefore

**RESOLVED –**

THAT the report be noted.

**8. REVENUE BUDGET AND LEVY 2007/08**

Members considered a report by the Financial Adviser, which was introduced by the Finance Officer.

Members noted that, since the time of writing the report, officers had received all the relevant information in relation to constituent boroughs' 2007/08 council tax bases and 2005/06 household tonnage levels. As a consequence of this, officers advised that there were no changes to appendix A.

The Chairman thanked Councillors Allan and Haley for joining him for a cross-party meeting in January to discuss thoroughly the draft budget; the outcome of that meeting had informed the budgetary process to the benefit of all. He was pleased to state that as a result of the meeting, it had been possible to reduce the proposed rise in the total cost to boroughs in 2007/8 to an increase of 4.56%, which was lower than original estimates.

In response to a question from Councillor Allan, the Chairman advised that he had requested officers to prepare a report on the Authority's earmarked recycling reserves, providing options for Members to select what could be done with it, including the possible redistribution to constituent boroughs. He advised that this report would be presented to the Authority in the next six months.

**ACTION BY: Financial Adviser  
TO NOTE: Deputy Clerk**

After discussion it was

**RESOLVED –**

- (i) THAT the 2006/07 revised budget and the 2007/08 proposed budget be considered;
- (ii) THAT the 2007/08 non-household waste charge be agreed at £56.97 per tonne;
- (iii) THAT the Authority was satisfied that the proposed budget would be sufficient to meet the net expenditure requirements for the year ahead and that the 2007/08 budget be agreed at £48.593m;
- (iv) THAT the medium term budget forecast for 2008/09, 2009/10 and 2010/11 be noted;
- (v) THAT the levy for 2007/08 be determined at £34.901m;
- (vi) THAT it be noted that the levy would be apportioned in accordance with default provisions of the joint Waste Disposal Authorities (Levies) (England) Regulations 2006;
- (vii) THAT the Financial Adviser be authorised to make the arrangements for collection of the levy and charges for non-household waste; and
- (viii) THAT the prudential indicators as set out in section 8 of the report be approved.

**ACTION BY: Financial Adviser**

## **9. JOINT WASTE STRATEGY UPDATE**

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

Councillor Stops expressed the wish that officers, as part of the forthcoming Strategic Environmental Assessment, ensure that the recycling of plastics was actually beneficial overall in the longer-term and was not less environmentally friendly than not recycling them would be or resulted in them being dumped inappropriately in foreign countries. In response, it was noted that London Councils (formerly the Association of London Government) had engaged the organisation, London Remade, to investigate where all British recyclables went, with the recommendation that there should be an appropriate recycling facility abroad if that was to be the final destination of the materials. The Chairman therefore requested officers ensure that any work undertaken by them did not duplicate the work being done by London Councils.

### **ACTION BY: Head of Waste Strategy and Contracts**

It was then

### **RESOLVED –**

- (i) THAT it be noted that North London Joint Waste Strategy (NLJWS) could not be fully adopted until a retrospective Strategic Environmental Assessment was completed and any changes agreed by all partners;
- (ii) THAT finalisation of any potential revisions to the draft NLJWS resulting from the Mayor of London's formal comments be deferred and instead incorporated into a single strategy review to be carried out alongside the results of the retrospective Strategic Environmental Assessment; and
- (iii) THAT the Head of Waste Strategy and Contracts, in consultation with the Chairman, issue, if appropriate, a "scoping report" for the Strategic Environmental Assessment of the North London Joint Waste Strategy for public consultation

### **ACTION BY: Head of Waste Strategy and Contracts**

## **10. THIRD-PARTY RE-USE AND RECYCLING CREDIT REGISTRATIONS**

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

The Chairman advised that he and officers had met representatives of one of the companies making applications for third-party recycling credits, namely Tesco. He reported that, despite the company advising that, if it did not receive recycling credits, its proposed rolling out of sophisticated recycling points in North London would not be financially viable, the pilot scheme was already being introduced in certain boroughs.

The Chairman proposed that, in order not to stifle increased recycling levels across North London, negotiations should continue. He explained that recommendation (iii)

was an enabling recommendation rather than one committing the Authority to approving the private companies' applications, and proposed that it be amended to allow any final decision to be agreed by the Head of Waste Strategy and Contracts, in consultation with him as Chairman and also the leaders of all the parties represented on the Authority.

There then followed a lengthy discussion on the proposals during which some Members advised that they considered it inappropriate for third-party recycling credits to be awarded to profit-making companies. It was also suggested that large supermarket chains should be encouraged instead to concern themselves with waste minimisation by the reduction of unnecessary packaging. Some Members took a different view and suggested that granting the applications would encourage other companies to apply for them and thereby work towards the Authority's aim of significantly increasing recycling across North London.

The Chairman sought clarification from Members on their view as to whether third-party re-use and recycling credits should not be awarded to profit-making organisations in general or just to Tesco. In response, Members advised that their objection was to profit-making organisations.

Members then decided not to defer consideration of the report to another meeting of the Authority to allow for further investigations to take place.

After the debate, the Chairman put the recommendations to the vote. In relation to recommendation (iii) the vote was lost. It was therefore

**RESOLVED –**

- (i) THAT the additions to the Authority's third-party re-use and recycling credits policy outlined in paragraphs 4.3 and 4.4 of the report be approved;
- (ii) THAT the applications for registration from all fifteen community sector, non-profit or charity organisations for re-use and recycling 2007/08 as outlined in table 1 of the report be approved;
- (iii) THAT the registration application from Tesco and Chris Carey Collections for the third-party re-use and recycling credits not be approved;
- (iv) THAT the community sector and charity payment criteria set out in paragraph 5.4 of the report be approved; and
- (v) THAT it be noted that the Authority's policy on paying third-party re-use and recycling credits would be kept under review in relation to any unforeseen issues that may arise with specific reviews in September 2007 and September 2008.

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

**11. NLWA REPRESENTATION AT THE ANNUAL GENERAL MEETING OF LONDONWASTE LIMITED**

Members considered the report of the Deputy Clerk.

**North London Waste Authority: 7<sup>th</sup> February 2007**

It was proposed by Councillor Coleman and seconded by Councillor Cohen that Councillor Chris Knight be appointed as the Authority's representative to vote at the Annual General Meeting of LondonWaste Limited.

It was proposed by Councillor Sizer and seconded by Councillor Stops that Mr Robert Bench, Finance Office, be proposed as the Authority's representative to vote at the Annual General Meeting of LondonWaste Limited.

It being put to the vote, it was

**RESOLVED –**

THAT Mr Robert Bench, Finance Officer, be appointed as the representative to vote at the LondonWaste Limited Annual General Meeting on behalf of the North London Waste Authority and that he vote in accordance with his own wishes following consultation with the Financial Adviser to the Authority and the Chairman.

**ACTION BY: Finance Officer/Deputy Clerk**

**12. TOWARDS THE MAYOR'S HOUSING STRATEGY CONSULTATION**

Members considered a report by the Head of Waste Strategy and Contracts and it was

**RESOLVED -**

THAT the draft response to the consultation attached as appendix one to the report be approved.

**ACTION BY: Head Of Waste Strategy And Contracts**

**13. A CONSULTATION ON CONTROLS ON THE HANDLING, TRANSFER AND TRANSPORT OF WASTE**

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

It was

**RESOLVED –**

- (i) THAT the draft response to the consultation outlined in appendix one of the report be approved; and
- (ii) THAT it be noted that further updates on proposed changes and potential implications for the Authority would be reported at future meetings.

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

**14. HENDON RELOCATION UPDATE**

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

It was

**RESOLVED –**

- (i) THAT the response to the consultation sent to Cricklewood Redevelopment Limited in December 2006 as attached as appendix one of the report be endorsed by the Authority; and
- (ii) THAT officers be instructed formally to request a firm outline proposal and commercial terms from Cricklewood Redevelopment Limited for the relocation of the Authority's existing facility.

**ACTION BY: Head of Waste Strategy and Contracts**

**15. REVISED DRAFT MINOR ALTERATION TO THE LONDON PLAN**

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

It was

**RESOLVED –**

THAT the response to the Revised Draft Minor Alterations to the London Plan attached as appendix two of the report be approved.

**ACTION BY: Head of Waste Strategy and Contracts**

**16. WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT UPDATE**

Members considered the report by the Head of Waste Strategy and Contracts

In relation to the upgrade funding being made available for publicly available collection sites for waste electrical and electronic equipment, the Chairman expressed a preference for the implementation of a flat rate to constituent borough councils rather than a mechanism being introduced to vary the payment in accordance with various criteria.

After discussion, it was

**RESOLVED –**

- (i) THAT all seven constituent borough councils re-use and recycling centres and bulking facilities be registered as designated collection facilities for waste electrical and electronic equipment by the end of March 2007, subject to boroughs' continuing

agreement;

(ii) THAT the appropriate contractors facilities be registered as designated facilities for waste electrical and electronic equipment by the end of March 2007 and that any handling fees and terms that may result be agreed by the Head of Waste Strategy and Contracts in consultation with the Chairman; and

(iii) THAT authority be delegated to the Head of Waste Strategy and Contracts in consultation with the Chairman to:

- Agree with the constituent borough councils whether or not to pool and upgrade funding which is made available for publicly accessible sites
- Choose and appoint a compliance scheme instead of waiting to be allocated a scheme if this is in the Authority's interest.

**ACTION BY: Head of Waste Strategy and Contracts**

## **17. CONTRACTS ACTIVITY**

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

It was

**RESOLVED –**

THAT the report be noted.

## **18. JOINT WASTE DEVELOPMENT PLAN DOCUMENT UPDATE**

Members considered the report by the Head of Waste Strategy and Contracts, who introduced the item.

Members then discussed the issue of the unpopularity with ward councillors and residents of building waste disposal facilities despite there being popular support for waste minimisation and recycling across London. Members advised that it was necessary for the Authority to develop a communications strategy to explain both the desirability and the necessity of the Authority's approach and that the Authority should also support constituent boroughs to help bring understanding to residents. The Chairman agreed with this position, stating that the issue of waste was now an important one and "politically centre-stage". He advised that he was discussing, with the Clerk to the Authority, the implementation of an effective communications strategy. He advised that a report would be presented to a future meeting of the Authority on this matter.

**ACTION BY: Head of Waste Management and Contracts**  
**TO NOTE: Deputy Clerk**

It was then

**RESOLVED –**

THAT the report be noted.

**19. HALF-YEARLY REVIEW OF RISK MANAGEMENT ARRANGEMENTS**

Members considered the report by the Financial Adviser.

It was then

**RESOLVED –**

THAT the content of the report be noted and that the changes to the risk register be approved.

**ACTION BY: Financial Adviser**

**20. GREATER LONDON AUTHORITY (GLA) BILL – UPDATE**

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

Members noted that neither the Government nor London Councils had been supportive of the proposed parliamentary amendment to the Bill to increase the power of the London Mayor, which had since been withdrawn.

The Chairman then urged Members to support recommendation (i) of the report to support London Councils in setting up a shadow London Waste and Recycling Forum, particularly as the London Mayor was boycotting it; he reminded Members that the Forum was an all-party initiative.

It was then

**RESOLVED –**

- (i) THAT London Councils be supported in setting up a shadow London Waste and Recycling Forum;
- (ii) THAT the Government be asked to provide for arbitration or a right of appeal within the GLA Bill against “directions” from the Mayor to perform waste functions in specified ways to fulfil his strategy.

**ACTION BY: Head of Waste Strategy and Contracts**

**21. FUTURE REPORTS**

Members considered a report by the Deputy Clerk.

It was

**RESOLVED –**

THAT the report be noted.

**22. DATE OF NEXT MEETING**

It was noted that the date of the next meeting of the Authority was scheduled for Wednesday 11<sup>th</sup> April 2007. The meeting would commence at 3.00 pm and be held in the Council Chamber in the Town Hall, Judd Street, London WC1H 9JE.

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

There were no such items.

**24. 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 7<sup>th</sup> February 2007 during consideration of Items 25 to 27 on Part II 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 12(a) to the Local Government Act 1972 as amended. Specifically:

Publicity in respect of Items 25 and 27 would be likely to lead to the 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 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.

Publicity in respect of Item 26 would be likely to lead to disclosure of information in relation to which a claim to legal professional privilege could be maintained in legal proceedings. The reasons why the public interest favours withholding the information are that the release of such information could have a significant potential to prejudice the Authority's ability to defend or prosecute its legal interests either directly, by unfairly exposing its legal position to challenge, or indirectly by diminishing the reliance it could place on the advice having been fully considered and presented without risk of disclosure. It is in the public interest that the decisions taken by the Authority are taken in a fully informed legal context.

**25. LONDONWASTE LIMITED BOARD MINUTES**

Members considered the report by the Deputy Clerk.

It was

**RESOLVED –**

THAT the report be noted.

**26. HORNSEY STREET UPDATE – POTENTIAL LITIGATION**

Members considered the report by the Head of Waste Management and Contracts who introduced the item.

Members expressed strong concerns that the outstanding problems with the design and construction of the Authority's waste transfer station at Hornsey Street, Islington, had not yet been resolved two and a half years after the supposed date of completion. Members then discussed appropriate measures, including potential litigation, in relation to this matter. It was agreed that a report be presented to a future meeting of the Authority, and this should include a detailed step-by-step approach for the Authority to take to resolve the issues and a final recommendation on whether litigation was practical so that Members could decide whether to proceed to it. In response, officers undertook to provide this but advised Members that the information included in the report would have to be set within the context of what was permissible under access to information requirements.

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

It was then

**RESOLVED –**

(i) THAT officers be instructed to request the Hornsey Street Management Group to contact Arsenal Football Club directly to resolve the outstanding snags and design issues at the Hornsey Street facility and to attempt to recover the Authority's reasonable costs as set out in the report;

(ii) THAT officers be instructed to clarify all outstanding issues concerning liability for the unresolved snags and where appropriate to prepare the Authority's own case for litigation in the mean time in case the approach Hornsey Street Management Group was unsuccessful.

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

**27. REQUEST BY LONDON WASTE LIMITED FOR APPROVAL UNDER THE ACQUISITION AND COLLABORATION AGREEMENT**

Members considered the report by the Financial Adviser.

Councillors Haley, Cohen and Sizer withdrew from the room for the consideration of this item.

It was

**RESOLVED –**

- (i) THAT the contents of the report be noted;
- (ii) THAT agreement be given in principle to the proposed LondonWaste Ltd/ Polkacrest acquisition (subject to satisfying the criteria as set out in paragraph 5.2 of the report);
- (iii) THAT authority be delegated to Clerk of the Authority (or the Financial Adviser in her absence) in consultation with the Financial Adviser and Legal Adviser and the Chairman, to give (with or without conditions) or refuse the Authority's formal consent.

**ACTION BY: Clerk/Financial Adviser/Legal Adviser**

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

There was no such business.

The meeting ended at 4.00pm.

**CHAIR**

Officer Contact: Thomas Ribbits, Deputy Clerk, NLWA  
Telephone: 020 7974 1915  
Email: [thomas.ribbits@camden.gov.uk](mailto:thomas.ribbits@camden.gov.uk)

**MINUTES END**