

Agenda Item No:

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

GREATER LONDON AUTHORITY (GLA) BILL – UPDATE

REPORT OF:

HEAD OF WASTE STRATEGY AND CONTRACTS

FOR SUBMISSION TO:

AUTHORITY MEETING

DATE:

7th FEBRUARY 2007

SUMMARY OF REPORT:

This report updates Members about the Greater London Authority Bill and recent proposals to amend the Bill as published by the Government in order to create a single London Waste Authority as proposed by the London Mayor.

RECOMMENDATION

The Authority is recommended to:

- i) Support London Councils in setting up a shadow London Waste and Recycling Forum; and
- ii) Ask the Government 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.

Signed by:

Head of Waste Strategy and Contracts

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Date:.....

1.0 BACKGROUND

- 1.1 On 28th November 2006 the Government published a GLA Bill proposing an enhanced package of powers for the GLA – the Mayor of London and London Assembly – building on its progress to date. The Government said the Bill brings forward legislation to implement many of the outcomes of the review of the Mayor and Assembly’s powers, announced in July, and that the package gives London the strong leadership it needs as a world city to meet the challenges ahead.
- 1.2 The Bill proposes more strategic powers for the London Mayor in key areas – new lead roles on housing and tackling climate change, a strengthened role in planning and waste, and enhanced powers in health and culture. The Bill also sets out the new powers for the London Mayor to amend London boroughs’ local development schemes and to determine planning decisions of strategic importance for the whole of London.
- 1.3 The Department of Communities and Local Government will also shortly bring forward a Local Government Bill which, it is reported, will see further, significant devolution from Whitehall to local authorities.
- 1.4 The GLA Bill covers a wide range of issues, of which the following will be of greatest relevance to the Authority:
 - Planning (Bill clauses 31-35)
 - Waste (Bill clauses 36-37)
 - Climate change (Bill clauses 38-40)
- 1.5 These were set out in full in the report tabled at the December 2006 meeting of the Authority.

2.0 PAST AUTHORITY POSITION

- 2.1 The Authority has opposed the creation of a single waste authority for London in the past, both within the London Mayor’s consultations on his municipal waste management strategy (Authority Meetings, 26th September 2001 and 11th December 2002) and separately on a “London Single Waste Authority” (Authority Meeting, 19th October 2005) and the Government’s more recent consultation on their review of the powers of the London Mayor and the London Assembly (Authority Meeting, 8th February 2006).
- 2.2 The Authority’s principal grounds for opposition have been that it already has sufficient economies of scale to fulfil its obligations efficiently and that the constitutional link between the collection and disposal tiers (waste disposal authority Members are drawn from the boroughs as waste collection authorities, and the Authority is almost fully funded by the boroughs) ensures proper “joined up” decisions will be taken that consider the full environmental and financial impact of all options and are therefore in the best interests of the local community.

3.0 PROPOSED AMENDMENT TO THE G.L.A. BILL

- 3.1 On 17th January 2007 Karen Buck MP (Regents Park and Kensington North) tabled an amendment at the GLA Bill Public Bill Committee that would have the effect of creating a single waste authority for London (the London Waste Authority). Key issues are set out below and the full text is at Appendix 1.
- 3.2 The proposed London Waste Authority (LWA) in this amendment would be a new functional body within the GLA, working for the London Mayor. It would be governed by a Board of 15 Members, 6 of whom would be elected Members of London Boroughs or the Common Council of the corporation of London, but the London Mayor himself could not sit on the Board. The London Mayor would have the power, however, to remove Board members and to appoint the Chairman and Deputy Chairmen. The Board could have sub-committees on which non-Board members could sit, but in a non-voting capacity.
- 3.3 This LWA would take over all the functions, contracts and assets of the North London Waste Authority and of our constituent borough councils' re-use and recycling centres (civic amenity sites). This would include the disposal of abandoned vehicles that is currently delegated by the Authority to our constituent borough councils.
- 3.4 It would also have explicit wider powers to promote or oppose Bills in Parliament; to prepare a minerals and waste land-use development scheme for London; to compulsorily purchase land; to charge boroughs for delivering waste at different rates for different processes and in different localities; to direct boroughs where to deliver their recyclable wastes; to form partnerships and companies and various forms of joint working; and to run promotional campaigns.
- 3.5 Whilst this amendment was subsequently withdrawn by Ms Buck before it was voted upon (meaning it can be brought back again at a later stage), it is understood from London Councils that the London Mayor continues to lobby for the creation of a single waste authority for London, including suggesting to the Home Counties that without such a body, they will receive far more of London's waste in the future.

4.0 UNADDRESSED MATTERS IN THE G.L.A. BILL

- 4.1 Neither the Bill nor the amendment include provision for the Government's proposed London Waste and Recycling Forum to be established on a statutory basis, indicating that the Government considers this is unnecessary. London Councils said it was comfortable with this position and would continue to lobby for the early setting-up of this body with at least 50% borough membership.

- 4.2 It was noted at the first meeting of London Councils' Officer Advisory Panel on Waste on 22nd January 2007 that the risk that consequent delay in establishing this Forum may impede the distribution of its proposed £25m fund for improving waste recycling and composting services. London Councils has indicated it will establish a shadow body to the new Forum in the meantime, and that it will engage with the joint waste authorities and boroughs in this. It is therefore recommended that the Authority should support this approach by London Councils as this will increase the prospects of the organisational capacity existing to distribute the proposed fund.
- 4.3 A further provision not in the Bill is a provision for an appeals system in relation to 'Directions' from the London Mayor requiring the fulfilment of his stated strategic objectives in a specified way. This Bill could provide an opportunity to introduce a right to arbitration (as already exists in the Environmental Protection Act 1990 - s.52(11) - in relation to other waste matters) or a right of appeal to the Secretary of State for Environment. It is understood that London Councils is taking up this concern with the Department of Communities and Local Government Bill team and the Secretary of State for Environment, Food and Rural Affairs, but it is also recommended that the Authority should make its own representations to Government requesting that such a provision be made as the absence of such means that the London Mayor's power is currently virtually absolute, but without the responsibility to deal with the local financial or other consequences.

5.0 OTHER LEGISLATIVE CHANGE

- 5.1 On 22nd January 2007 the Government separately announced new powers for English local authorities which will allow two or more councils to establish a statutory Joint Waste Authority. The Government believes this will be of relevance to County and District Councils, and possibly to small Unitary Councils, and that it will facilitate better partnership working in a way that will give greater confidence to private sector tenderers for new long-term waste contracts.
- 5.2 These new authorities may encompass street cleansing, waste collection and/or waste disposal. It is not clear at the time of writing this report however if and how the proposal might affect the North London Waste Authority itself. Further updates will be provided when possible.

6.0 COMMENTS OF THE FINANCIAL ADVISER

- 6.1 The Financial Adviser has been consulted in the preparation of this report and has no further comments to add.

7.0 COMMENTS OF THE LEGAL ADVISER

7.1 The GLA Bill has completed its second stage which is the first substantive stage in its passage to become law. The Bill is now in the committee stage where each clause and schedule will be examined and any amendments can be made.

8.0 RECOMMENDATIONS

- 8.1 The Authority is recommended to:
- (i) Support London Councils in setting up a shadow London Waste and Recycling Forum; and
 - (ii) Ask the Government 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.

Local Government Act 1972 – Access to information

Greater London Authority Bill, Secretary of State for Communities and Local Government

Amendment to the Greater London Authority Bill tabled by Karen Buck MP 17th January 2007 at the GLA Bill Public Bill Committee

Department of Communities and Local Government News Release 2007/0007, 22nd January 2007

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CLAUSE 36

DUTIES OF WASTE COLLECTION AUTHORITIES ETC

Question proposed, That the clause stand part of the Bill.

The Chairman: With this it will be convenient to discuss the following: Clause 37 stand part.

Amendment No. 62, in clause 39, page 41, line 45, at end insert—
'(iv) the London Waste Authority,'.

Amendment No. 64, in schedule 2, page 53, line 36, at end insert—
'Section 356(3).'

New clause 35—*London Waste Authority*

- (1) After section 359 of the GLA Act 1999 (confidential information about waste contracts) insert—
“359A London Waste Authority
- (1) There shall be a body corporate to be known as the London Waste Authority.
 - (2) The London Waste Authority shall have the functions conferred or imposed on it by this Act, or made exercisable by it under this Act, and any reference in this Act to the functions of the London Waste Authority includes a reference to any functions made exercisable by it under this Act.
 - (3) The London Waste Authority shall have—
 - (a) the functions of the waste disposal authority for Greater London for the purposes of Part 2 of the Environmental Protection Act 1990 (c. 43), and
 - (b) any other such functions as are conferred or imposed on it by this Act.
 - (4) The London Waste Authority shall exercise its functions—
 - (a) in accordance with such guidance or directions as may be issued to it by the Mayor under section 359B(1),
 - (b) for the purpose of facilitating the discharge by the Greater London Authority of the duties under sections 353 to 361E of the GLA Act 1999, and
 - (c) for the purpose of securing or facilitating the implementation of the municipal waste management strategy.
 - (5) Schedule 29A shall have effect with respect to the London Waste Authority.
 - (6) The control of places provided for the deposit of household waste in Greater London under section 1(1) of the Refuse Disposal (Amenity) Act 1978 (c. 3) and 51(1)(b) of the Environmental Protection Act 1990 (c. 43) shall transfer to the London Waste Authority.
 - (7) The authorities established by Parts 2, 3, 4 and 5 of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985 (S.I., 1985/1884) are dissolved, whereupon any remaining property, rights or liabilities are transferred to the London Waste Authority.

359B Directions etc by the Mayor

- (1) The Mayor may issue to the London Waste Authority—
 - (a) guidance as to the manner in which it is to exercise its functions,
 - (b) general directions as to the manner in which it is to exercise its functions, or
 - (c) specific directions as to the exercise of its functions.
 - (2) Directions issued by the Mayor under subsection (1)(c) may include a direction not to exercise a power specified in the direction.
 - (3) The guidance or directions which may be issued by the Mayor under subsection (1) may include in particular guidance or directions as to the manner in which the London Waste Authority—
 - (a) is to perform any of its duties, or
 - (b) is to conduct any legal proceedings.
 - (4) Any guidance or directions issued under subsection (1) must be issued in writing and notified to such officer of the London Waste Authority as it may from time to time nominate to the Mayor for the purpose.”.
- (2) After Schedule 29 of the GLA Act 1999 insert Schedule 29A set out in Schedule [London Waste Authority] to this Act.
 - (3) Schedule [London Waste Authority - consequential amendments] shall have effect.’.

New clause 36—Powers and duties of the London Waste Authority

- ‘(1) After section 359B of the GLA Act 1999 (inserted by section [London Waste Authority] (1) of this Act) insert—
“359C Sustainable disposal of waste

When exercising its functions under section 51(1)(a) of the Environmental Protection Act 1990 (c. 43) (functions of waste disposal authorities), the London Waste Authority shall—

- (a) do so in a manner calculated to contribute towards the achievement of sustainable development in the United Kingdom,
- (b) take into account any policies announced by Her Majesty's Government with respect to climate change or the consequences of climate change, and
- (c) comply with any guidance or directions issued to the London Waste Authority by the Secretary of State or the Mayor with respect to the means by which, or manner in which, the London Waste Authority is to perform the duties imposed on it by paragraph (a) or (b) above.

359D Publicity and advice

- (1) The London Waste Authority may promote or undertake publicity in any form.
- (2) The London Waste Authority shall promote—
 - (a) the reduction and reuse of waste in Greater London, and
 - (b) the sustainable management of waste in Greater London.
- (3) The London Waste Authority may advise companies operating in Greater London on the items referred to in subsection (2).

359E Waste management

The London Waste Authority may apply for a waste management licence under section 36 (grant of licences) of the Environmental Protection Act 1990 (c. 43) for the purposes of treating, keeping or disposing of waste that is delivered to it by a person other than a waste collection authority.

359F Power of the London Waste Authority to promote or oppose Bills in Parliament

- (1) The London Waste Authority—
 - (a) may promote a local Bill in Parliament; and
 - (b) may oppose any local Bill in Parliament.
- (2) Subsection (1)(a) applies only if the Greater London Authority—
 - (a) gives its written consent to the Bill; and
 - (b) confirms that consent in writing as soon as practicable after the expiration of 14 days after Bill has been deposited in Parliament.
- (3) If the Greater London Authority does not confirm the consent as required by subsection (2)(b), it shall give notice of that fact to the London Waste Authority, which shall take all necessary steps for the withdrawal of the Bill.
- (4) If the Authority, in giving notice under subsection (3), states that it confirms its consent to the Bill if provisions specified in the notice are omitted or are amended as so specified, the London Waste Authority may, instead of withdrawing the Bill pursuant to subsection (3), take all necessary steps for the omission or, as the case may be, the amendment of the provisions in question in accordance with the notice.
- (5) Without prejudice to subsections (2) to (4), the functions conferred on the London Waste Authority by subsection (1)(a) are exercisable subject to, and in accordance with, the provisions of Schedule 29B.
- (6) Subsection (1)(b) applies only if the Greater London Authority gives its written consent to the London Waste Authority to oppose the Bill.
- (7) If—
 - (a) the London Waste Authority deposits a petition against a Bill in Parliament, but
 - (b) the consent required by subsection (6) has not been given before the end of the period of 30 days following the day on which the petition is deposited, the London Waste Authority shall take all necessary steps for the withdrawal of the petition.
- (8) The functions conferred or imposed on the Greater London Authority by this section shall be functions of the Greater London Authority which are exercisable by the Mayor acting on behalf of the Greater London Authority.
- (9) Before exercising the functions conferred on the Greater London Authority by subsections (2)(a) or (b), (4) or (6), the Mayor shall consult the Assembly.

359G Joint exercise of functions

- (1) The London Waste Authority may discharge any of its functions jointly with one or more local authorities and, where arrangements are in force for them to do so,—
 - (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and section 101(2) of the Local Government Act 1972 (c. 70) shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
 - (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (2) Arrangements made under subsection (1) by the London Waste Authority and one or more local authorities with respect to the discharge of any of their functions shall cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the local authorities.
- (3) Subsection (2) does not affect arrangements made by virtue of section 20 of the Local Government Act 2000 (c. 22) (joint exercise of functions).”.
- (2) In section 360(1) of the GLA Act 1999 for “359” substitute “359G”.

- (3) In section 51(4A) of the Environmental Protection Act 1990 (c. 43) after “but” insert “in the case of a waste disposal authority that is not the London Waste Authority”.
- (4) After section 51(1) of the Environmental Protection Act 1990 (c. 43) insert—
 - “(1A) It shall be the duty of the London Waste Authority to arrange for places to be provided at which persons resident in its area may deposit their household waste to be reused or recycled and to make arrangements for the reuse and recycling of such waste.”.
- (5) Section 48(2) (duties of waste collection authorities as respects disposal of waste collected) of the Environmental Protection Act 1990 shall not apply to waste collection authorities in Greater London.
- (6) After Schedule 29A of the GLA Act 1999 (inserted by section [London Waste Authority] (2) of this Act) insert Schedule 29B set out in Schedule [Promotion of Bills in Parliament by the London Waste Authority] to this Act.’.

New clause 37—*Mayor to prepare minerals and waste development scheme*

- ‘(1) PCPA 2004 shall be amended as follows—
 - (a) in section 16(1) after “district council” insert “and the Mayor of London”; and
 - (b) in section 16(3)(a) after “county council” insert “and the Mayor of London, as appropriate”.
- (2) The Town and Country Planning (Local Development) (England) Regulations 2004 (S.I. 2004/2204) shall be amended as follows—
 - (a) in regulation 3(1)(b)(ii) after “county council” insert “and the Mayor of London”;
 - (b) in regulation 12(3) after “scheme” insert “prepared by a county council”; and
 - (c) after regulation 12(3) insert—
 - “(4) Where paragraph (1) or (2) applies to a minerals and waste development scheme prepared by the Mayor of London, within 2 weeks he must send a copy of—
 - (a) the scheme, or
 - (b) the scheme incorporating the revision,
 to teach local planning authority in Greater London.”.’.

New clause 38—*Municipal waste management strategy*

- ‘(1) The GLA Act 1999 shall be amended as follows—
 - (a) omit “municipal” in—
 - (i) section 353(2)(b) (the Mayor's municipal waste management strategy), and
 - (ii) section 353(5)(e); and
 - (b) in section 355 (duties of waste collection authorities etc.) for “Part II” substitute “Part 2 or section 89 of Part 4”.
- (2) After section 357(4) of the GLA Act 1999 insert—
 - “(4A) Where the Mayor has been notified by a waste authority under subsection (1), (2) or (4) he shall consult the London Waste Authority.”.’.

New clause 39—*London waste charging scheme*

‘After section 359G of the GLA Act 1999 (inserted by section [Powers and duties of the London Waste Authority] (1) of this Act) insert—

“359H London waste charging scheme

- (1) The Mayor may by order make a scheme to charge waste collection authorities in London for the delivery of waste to the London Waste Authority, to be known as the London waste charging scheme.
- (2) An order under this section may—
 - (a) specify charges for the delivery to the London Waste Authority by a waste collection authority of waste;
 - (b) impose a charge per tonne of delivered waste;
 - (c) impose separate charges for different types of waste based on the technology or processes used to manage or dispose of such waste;
 - (d) make different provisions for different cases, including different provisions in relation to different waste collection authorities, circumstances or localities;
 - (e) provide for the times at which, and the manner in which, the charges prescribed by the scheme are to be paid;
 - (f) revoke or amend any previous charging scheme; or
 - (g) contain supplemental, incidental, consequential or transitional provisions for the purposes of the scheme.
- (3) The power of the Mayor to make an order under this section includes a power exercisable by order to revoke, amend or re-enact any such order.
- (4) An order made by the Mayor under this section shall not have effect unless and until it is confirmed by an order made by the Secretary of State.”.

New clause 40—*Transfer schemes*

‘After section 359H of the GLA Act 1999 (inserted by section [London waste charging scheme] of this Act) insert—

“359I Transfer schemes

- (1) The power conferred by subsection (2) is exercisable in connection with the establishment of the London Waste Authority.
- (2) The London Waste Authority may make one or more schemes for the transfer of property, rights or liabilities from any body falling within subsection (3) to any other such body as specified in or determined in accordance with the scheme.
- (3) Those bodies are—
 - (a) the London Waste Authority,
 - (b) any subsidiary of the London Waste Authority;
 - (c) any local authority in Greater London; and
 - (d) an authority established by Part 2, 3, 4 or 5 of Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985 (S.I., 1985/1884).
- (4) On a date specified by a scheme as the date on which the scheme is to have effect, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (5) A scheme under this section shall not take effect unless and until it has been approved by the Mayor.
- (6) Where a scheme under this section is submitted to the Mayor for his approval, he may, after consultation with the London Waste Authority, modify the scheme before approving it.
- (7) The transfers which may be made by virtue of a scheme under this section include transfers taking effect before, on or after the dissolution of the joint waste authorities under section 359A(7).

- (8) Schedule 12 (which makes further provision in relation to schemes under this section) shall have effect.”.

New clause 42—*Litter*

- ‘(1) Section 360 of the GLA Act 1999 (interpretation) is amended as follows.
(2) In the definition of “waste contract” in subsection (2) for “Part 2 of that Act (waste on land)” substitute “Part 2 (waste on land) or section 89 of Part 4 (Litter etc.) of that Act”.’.

New schedule 1—

‘LONDON WASTE AUTHORITY

This is the Schedule that is to be inserted as Schedule 29A to the GLA Act 1999—
“Schedule 29A

LONDON WASTE AUTHORITY

PART 1

ESTABLISHMENT

Status and Capacity

- 1 (1) The London Waste Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
(2) The members and staff of the London Waste Authority shall not be regarded as civil servants and the property of the London Waste Authority shall not be regarded as property of, or held on behalf of, the Crown.
(3) It shall be within the capacity of the London Waste Authority to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of its functions.

Membership of the London Waste Authority

- 2 (1) The London Waste Authority shall consist of fifteen members appointed by the Mayor of whom no fewer than six have been nominated by, and (at the time of their appointment) are elected members of—
(a) a London borough council, or
(b) the Common Council of the City of London.
(2) The Mayor may determine the process of nominating and appointing members under sub-paragraph (1).
(3) The Mayor cannot appoint himself as a member of the London Waste Authority.
(4) In appointing a person under sub-paragraph (1), the Mayor shall have regard to the desirability of ensuring that the members of the London Waste Authority between them have experience in—
(a) running a business,
(b) delivering large capital programmes,
(c) regeneration,
(d) waste management, and
(e) recycling.

- (5) The terms and conditions of appointment of a member of the London Waste Authority (including conditions as to remuneration) shall be such as the Mayor may determine.
- (6) The Mayor may, by notice to a member of the London Waste Authority, remove that member from office.

Chairman and deputy chairmen

- 3 The Mayor shall designate—
 - (a) one of the members of the London Waste Authority to be chairman of the London Waste Authority, and
 - (b) another of the members to be deputy chairman of the London Waste Authority.

Staff

- 4 (1) The London Waste Authority may appoint such staff as it considers necessary for assisting in the exercise of any of its functions.
- (2) The staff of the London Waste Authority shall be appointed on such terms and conditions (including conditions as to remuneration) as the London Waste Authority shall determine

Proceedings of the London Waste Authority

- 5 (1) Subject to the provisions of this Schedule, the London Waste Authority may regulate its own procedures and that of the committees of the London Waste Authority and sub-committees of such committees (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the London Waste Authority shall not be affected—
 - (a) by any vacancy among the members or in the office of chairman or deputy chairman, or
 - (b) by any defect in the appointment of any person as a member, or as chairman or deputy chairman, of the London Waste Authority.

Membership of committees and sub-committees

- 6 (1) A committee of the London Waste Authority or a sub-committee of such a committee may include persons who are not members of the London Waste Authority.
- (2) A person who is a member of a committee of the London Waste Authority or a sub-committee of such a committee but is not a member of the London Waste Authority shall be a non-voting member of the committee or sub-committee.

General powers

- 7 (1) The London Waste Authority may form, promote and assist, or join with any other person in forming, promoting and assisting, a company for the purpose of—
 - (a) carrying on any activities which the London Waste Authority has power to carry on, or
 - (b) carrying on such activities together with activities which the London Waste Authority does not have power to carry on.

- (2) The London Waste Authority may enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the London Waste Authority or otherwise, of any activities which the London Waste Authority has power to carry on (and, in particular, with respect to the disposal of waste).
- (3) The London Waste Authority may also enter into and carry out an agreement with any person for the carrying on by that person (“the contractor”) of any activities which the London Waste Authority does not have the power to carry on if the agreement includes provision for one or more of the following, namely—
 - (a) the carrying on by the contractor of such activities as are mentioned in sub-paragraph (2);
 - (b) the provision by the contractor to the London Waste Authority of services ancillary to the disposal of waste; and
 - (c) the use by the contractor of land or other property owned by the London Waste Authority, or transferred to the contractor by the London Waste Authority, for the purposes of the agreement.
- (4) Where an agreement has been entered into under sub-paragraph (2) or (3), the powers conferred on the London Waste Authority by that subsection include power to enter into and carry out other agreements with other persons for the purpose of—
 - (a) fulfilling any condition which must be fulfilled before the agreement can have effect; or
 - (b) satisfying any requirement imposed by or under the agreement.
- (5) Where—
 - (a) a company has been formed in the exercise of the powers conferred by sub-paragraph (1) (whether by the London Waste Authority alone or by the London Waste Authority jointly with some other person); or
 - (b) the London Waste Authority has entered into an agreement with any person in exercise of its powers under sub-paragraph (2) or (3),the London Waste Authority may enter into arrangements with that company or person for the transfer from the London Waste Authority to that company or person, in such manner and on such terms (including payments by any of the parties to the arrangements to any of the other parties) as may be provided for by the arrangements, of any property, rights or liabilities of the London Waste Authority relevant to the purpose for which the company was formed or (as the case may be) to the performance by that person of his obligations under the agreement.
- (6) The London Waste Authority shall have power to enter into and carry out agreements with—
 - (a) any of its subsidiaries; or
 - (b) any person with whom it has entered into an agreement by virtue of sub-paragraph (2) or (3),providing for the London Waste Authority to give assistance to the other party to the agreement by making available to that party any services, amenities or facilities provided by, or any works or land or other property belonging to, the London Waste Authority, on such terms (including the reciprocal provision by that other party for similar assistance for the London Waste Authority) as may be agreed between them.
- (7) The power of the London Waste Authority under sub-paragraph (2) or (3) to enter into an agreement as there mentioned is exercisable notwithstanding that the agreement involves the delegation of the functions of the London Waste Authority under any enactment relating to any part of its undertaking.

Delegation by the London Waste Authority

- 8 (1) Subject to any express provision contained in this Act or any Act passed after this Act, the London Waste Authority may arrange for any of its functions to be discharged on its behalf by—
- (a) any committee of the London Waste Authority,
 - (b) any sub-committee of such a committee,
 - (c) any wholly owned subsidiary (within the meaning of section 736(2) of the Companies Act 1985) of the London Waste Authority,
 - (d) any member or officer of the London Waste Authority, or
 - (e) any body of members or officers, or members and officers, of the London Waste Authority.
- (2) Where the London Waste Authority makes arrangements under this paragraph for the discharge of any function, the person or body by whom the function is to be discharged shall exercise the function subject to any conditions imposed by the London Waste Authority.
- (3) Arrangements made by the London Waste Authority for the discharge of functions under this paragraph shall not prevent the London Waste Authority from exercising those functions.

Delegation by committees, sub-committees, etc

- 9 (1) Where the London Waste Authority makes arrangements for the discharge of any function by a committee under paragraph 7, the committee may (subject to any conditions imposed by the London Waste Authority) arrange for the discharge of the function on its behalf by—
- (a) any sub committee of the committee,
 - (b) any member or officer of the London Waste Authority, or
 - (c) any body of members or officers, or members and officers, of the London Waste Authority.
- (2) Where—
- (a) the London Waste Authority makes arrangements for the discharge of any function by a sub-committee under paragraph 7, or
 - (b) a committee of the London Waste Authority makes arrangements for the discharge of any function by a sub-committee under sub-paragraph (1),
- the sub-committee may (subject to any conditions imposed by the London Waste Authority or the committee) arrange for the discharge of the function on its behalf by any member or officer of the London Waste Authority, or any body of members or officers, or members and officers, of the London Waste Authority.
- (3) Where a committee or sub-committee makes arrangements under this paragraph for the discharge of any function, the person or body by whom the function is to be discharged shall exercise the function subject to any conditions imposed by the committee or sub-committee.
- (4) Arrangements made by a committee or sub-committee for the discharge of functions under this paragraph shall not prevent the committee or sub-committee from exercising those functions.

Joint committees with local authorities

- 10 (1) The London Waste Authority shall be treated as a local authority for the purposes of the following provisions of the Local Government Act 1972 (c. 70) (arrangements for the discharge of functions of a local authority by joint committees with other local authorities)—
- (a) section 101(5),
 - (b) section 102, apart from subsection (1)(a) and subsection (4), to the extent that it would permit the London Waste Authority to appoint a committee that is not a joint committee, and
 - (c) section 103.
- (2) Nothing in section 13 of the Local Government and Housing Act 1989 (c. 42) (voting rights of members of certain committees: England and Wales) shall require a person to be treated as a non-voting member of a committee appointed by the London Waste Authority and one or more other local authorities by virtue of section 101(5) of the Local Government Act 1972 if that person—
- (a) is appointed to the committee by the London Waste Authority, and
 - (b) is not a member of the London Waste Authority.

Minutes

- 11 (1) Minutes shall be kept of proceedings of the London Waste Authority, of its committees and sub-committees of such committees.
- (2) Minutes of any proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Application of seal and proof of instruments

- 12 (1) The application of the seal of the London Waste Authority shall be authenticated by the signature of any member, officer or member of staff of the London Waste Authority who has been authorised for the purpose, whether generally or specially, by the London Waste Authority.
- (2) In sub-paragraph (1) the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced; and, in paragraph 13, the word “signed” shall be construed accordingly.

Documents service etc. on the London Waste Authority

- 13 (1) Any document which the London Waste Authority is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the London Waste Authority by any member, officer or member of staff of the London Waste Authority who has been authorised for the purpose, whether generally or specially, by the London Waste Authority.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the London Waste Authority and to be duly executed under the seal of the London Waste Authority, or to be signed or executed by a person authorised by the London Waste Authority for the purpose, shall be received in evidence and be

treated, without further proof, as being made or so issued unless the contrary is shown.

- (3) Any notice which is required or authorised, by or under any provision of any other Act, to be given, served or issued by, to or on the London Waste Authority shall be in writing.

Members' interests

- 14 (1) If a member of the London Waste Authority has any interest, whether direct or indirect, and whether pecuniary or not, in any matter that is brought up for consideration at a meeting of the London Waste Authority he shall disclose the nature of the interest to the meeting; and, where such a disclosure is made—
 - (a) the disclosure shall be recorded in the minutes of the meeting; and
 - (b) the member shall not take any part in any deliberation or decision of the London Waste Authority, or any of its committees or sub-committees, with respect to that matter.
- (2) A member need not attend in person at a meeting of the London Waste Authority in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to ensure that the disclosure is made by a notice which is read and considered at the meeting.
- (3) The Mayor may, subject to such conditions as he considers appropriate, remove any disability imposed by virtue of this paragraph in any case where the number of members of the London Waste Authority disabled by virtue of this paragraph at any one time would be so great a proportion of the whole as to impede the transaction of business.
- 4) The power of the Mayor under sub-paragraph (3) includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Mayor.
- (5) Where the Mayor exercises the power under sub-paragraph (3) to remove a disability—
 - (a) he shall notify the London Waste Authority that he has done so, and of this reasons for doing so, and
 - (b) the removal of the disability and the Mayor's reasons shall be recorded in the minutes of the London Waste Authority.
- (6) If any person fails to comply with the provisions of sub-paragraph (1), he shall for each offence be liable on summary conviction to a fine not exceeding level 4 on the standard scale unless he proves that he did not know that the contract, proposed contract or other matter in which he had the interest was the subject of consideration at the Meeting.
- (7) A prosecution for an offence under this paragraph shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (8) The London Waste Authority may provide for the exclusion of a member from a meeting of the London Waste Authority while any contract, proposed contract or other matter in which he has such an interest as is mentioned in sub-paragraph (1) is under consideration.
- (9) Section 95 of the Local Government Act 1972 (pecuniary interests for the purposes of section 94) shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- (10) Section 96 of that Act (general notices and recording of disclosures for the purposes of section 94) shall apply for the purposes of this paragraph, but taking—

- (a) any reference to a proper officer of the authority as a reference to an officer appointed by the London Waste Authority for the purpose;
 - (b) any reference to a member of the authority as a reference to a member of the London Waste Authority;
 - (c) any reference to premises owned by the authority as a reference to premises owned by the London Waste Authority; and
 - (d) any reference to section 94 of that Act as a reference to this paragraph.
- (11) Subsections (4) and (5) of section 97 of that Act (disregard of certain interests for the purposes of section 94) shall apply in relation to this paragraph as they apply in relation to section 94 of that Act, but as if—
- (a) the members of the London Waste Authority were members of a local authority; and
 - (b) in subsection (5), for “a pecuniary interest” there were substituted “an interest (whether pecuniary or not)”.
- (12) Section 19 of the Local Government and Housing Act 1989 (members' interests) shall apply as if—
- (a) the London Waste Authority were a local authority;
 - (b) the members of the London Waste Authority were the members of that local authority;
 - (c) an officer appointed by the London Waste Authority for the purpose were the proper officer of that local authority;
 - (d) any reference to a pecuniary interest were a reference to an interest, whether pecuniary or not; and
 - (e) any reference to section 94 of the Local Government Act 1972 were a reference to this paragraph.
- 15 (1) Subject to the following provisions of this paragraph and paragraph 16, the Secretary of State may authorise the London Waste Authority to purchase compulsorily any land which is required by the London Waste Authority or a subsidiary of the London Waste Authority for the purposes of the discharge of any function.
- (2) The Acquisition of Land Act 1981 (c. 67) shall apply to any compulsory purchase by virtue of sub-paragraph (1).
- (3) The London Waste Authority shall not by virtue of sub-paragraph (1) submit to the Secretary of State a compulsory purchase order authorising the acquisition of any land in accordance with section 2(2) of the Acquisition of Land Act 1981 unless the Mayor has given his consent.
- (4) Subject to sub-paragraph (5), the power of purchasing land compulsorily in this paragraph includes power to acquire an easement or other right over land by the creation of a new right.
- (5) Sub-paragraph (4) does not apply to an easement or other right over land which forms part of a common, open space or fuel or field garden allotment within the meaning of section 19 of the Acquisition of Land Act 1981.
- 16 The London Waste Authority does not have power to acquire land (or any interest in land) for purposes which are not related to any of the activities, other than the development of land, of the London Waste Authority or any subsidiary of the London Waste Authority.”.

‘LONDON WASTE AUTHORITY—CONSEQUENTIAL AMENDMENTS

The Greater London Authority Act 1999

- 1 (1) The GLA Act 1999 shall be amended as follows.
- (2) For section 353(5)(b) (the Mayor's municipal waste management strategy) substitute “(b) the London Waste Authority”.
- (3) In section 353(5)(d) for “waste disposal authorities in Greater London” substitute “the London Waste Authority”.
- (4) In section 355 (duties of waste collection authorities etc.) for “each of the waste disposal authorities in Greater London” substitute “the London Waste Authority”.
- (5) In section 356(1) (directions by the Mayor) for “a waste disposal authority in Greater London” substitute “the London Waste Authority”.
- (6) In section 360(1) for “359” substitute “359B”.
- (7) In section 360(2) (interpretation of sections 353 to 359)—
 - (a) in the definition of “municipal waste” for paragraph (b) substitute “the London Waste Authority”;
 - (b) in the definition of “waste authority” for paragraph (b) substitute “the London Waste Authority”; and
 - (c) in the definition of “waste disposal authority in Greater London” omit “in Greater London”.
- (8) In section 424(1) (interpretation) in the definition of “functional body”, after “(b) the London Development Agency” insert “(ba) the London Waste Authority”.

The Environmental Protection Act 1990

- 2 (1) The Environmental Protection Act 1990 (c. 43) shall be amended as follows.
- (2) For section 30(2)(b) (authorities for the purposes of this part) substitute “in Greater London, the London Waste Authority”.
- (3) In section 44A(5)(a) (national waste strategy: England and Wales) after “Agency” insert “and the London Waste Authority,”.

The Joint Waste Disposal Authorities (Recycling Payments) (Disapplication) (England) Order 2006

- 3 In article 2 of the Joint Waste Disposal Authorities (Recycling Payments) (Disapplication) (England) Order 2006 (S.I. 2006/651) for “an authority established under regulation 2(1) of the Waste Regulation and Disposal (Authorities) Order 1985 and named in Schedule 1 to that Order” substitute “the London Waste Authority”.

The Refuse Disposal (Amenity) Act 1978

- 4 (1) The Refuse Disposal (Amenity) Act 1978 (c. 3) shall be modified as follows.
- (2) Section 3(6) shall have effect as if—
 - (a) “whose area is included in the area of a London waste disposal authority” were omitted, and
 - (b) for “the authority in question” were substituted “the London Waste Authority, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, as the case may be”.
- (3) Section 3(8) shall have effect as if for “a London waste disposal authority” were substituted “the London Waste Authority”.

- (4) Section 4(8) shall have effect as if—
 - (a) for “in the area of a London waste disposal authority, that authority” were substituted “in Greater London, the London Waste Authority”, and
 - (b) section 4(8)(b) were omitted.
- (5) Section 5(4) shall have effect as if for “whose area is included in the area of a London waste disposal authority, that authority” were substituted “, the London Waste Authority”.
- (6) Section 5(5)(a) shall have effect as if—
 - (a) “whose area is included in the area of a London waste disposal authority” were omitted, and
 - (b) for “the authority in question” were substituted “the London Waste Authority, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority, as the case may be”.

New schedule 3—

PROMOTIONS OF BILLS IN PARLIAMENT BY THE LONDON WASTE AUTHORITY

This is the Schedule that is to be inserted as Schedule 29B to the GLA Act 1999—
“SCHEDULE 29B

PROMOTIONS OF BILLS IN PARLIAMENT BY THE LONDON WASTE AUTHORITY

Preliminary requirements

- 5 No Bill may be deposited in Parliament by virtue of section 359F(1)(a) until the requirements of paragraph 2 have been complied with.

Consultation on draft Bill

- 6 (1) The London Waste Authority shall—
 - (a) prepare a draft of the proposed Bill (“the draft Bill”);
 - (b) send copies of the draft Bill to the bodies and persons specified in sub-paragraph (2); and
 - (c) consult those bodies and persons about the draft Bill.
- (2) Those bodies and persons are—
 - (a) the Mayor;
 - (b) the Assembly;
 - (c) every London borough council; and
 - (d) the Common Council.
- (3) Where the London Waste Authority sends copies of the draft Bill to those bodies and persons pursuant to sub-paragraph (1)(b), it shall also give those bodies and persons notice of the time within which, and the place at which, they may make representations about the draft Bill.

Publicity for, and exposure of, the draft Bill

- 7
- (1) Throughout the consultation period, the London Waste Authority shall take such steps as in its opinion will give adequate publicity to the draft Bill.
 - (2) A copy of the draft Bill shall be kept available by the London Waste Authority for inspection by any person on request free of charge—
 - (a) at the principal offices of the London Waste Authority, and
 - (b) at such other places as the London Waste Authority considers appropriate at reasonable hours throughout the consultation period.
 - (3) A copy of the draft Bill, or of any part of the draft Bill, shall be supplied to any person on request during the consultation period for such reasonable fee as the London Waste Authority may determine.
 - (4) In this paragraph “the consultation period” means the period which—
 - (a) begins with the first day after the requirements of paragraph 2(1)(b) have been complied with; and
 - (b) ends with the time notified pursuant to paragraph 2(3).

Deposit of the Bill in Parliament

- 8
- (1) If, after the requirements of paragraph 2 have been complied with, a Bill is deposited in Parliament by virtue of section 359F(1)(a), that Bill must be in the form of the draft Bill, either as originally prepared or as modified to take account of—
 - (a) representations made pursuant to paragraph 2;
 - (b) other representations made within the consultation period; or
 - (c) other material considerations.
 - (2) In this paragraph “the consultation period” has the same meaning as in paragraph 3.

Bills affecting statutory functions of London local authorities

- 9
- (1) If a Bill proposed to be deposited in Parliament by virtue of section 359F(1)(a) contains provisions affecting the exercise of statutory function by a London local authority, the Bill shall not be deposited in Parliament unless—
 - (a) in a case where the exercise of statutory functions of one London local authority is affected, that authority has given its written consent to the Bill in the form in which it is to be so deposited; or
 - (b) in a case where the exercise of statutory functions of two or more London local authorities is affected, at least 90 per cent. of all London local authorities have given their written consent to the Bill in that form.
 - (2) In this paragraph “London local authority” means—
 - (a) a London borough council; or
 - (b) the Common Council.

Publicity for the deposited Bill

- 10
- (1) This paragraph applies where a Bill (“the deposited Bill”) is deposited in Parliament by virtue of section 359F(1)(a).
 - (2) During the period of 14 days following the day on which the deposited Bill is deposited in Parliament, the London Waste Authority shall take such steps as in its opinion will give adequate publicity to the Bill.

- (3) A copy of the deposited Bill shall be kept available by the London Waste Authority for inspection by any person on request free of charge—
 - (a) at the principal offices of the London Waste Authority, and
 - (b) at such other places as the London Waste Authority considers appropriate,
at reasonable hours throughout the period the Bill is in Parliament.
- (4) A copy of the deposited Bill, or of any part of the deposited Bill, shall be supplied to any person on request during that period for such reasonable fee as the London Waste Authority may determine.”!

Report Ends