

Agenda Item No:

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

**CONSULTATION ON
GOVERNMENT PROPOSALS FOR ADDITIONAL POWERS AND RESPONSIBILITIES
FOR THE LONDON MAYOR AND ASSEMBLY**

REPORT OF:

HEAD OF WASTE STRATEGY & CONTRACTS

FOR SUBMISSION TO:

AUTHORITY MEETING

DATE:

8 FEBRUARY 2006

SUMMARY OF REPORT:

This consultation paper sets out the Government's options and proposals for granting additional powers and responsibilities to the Greater London Authority (GLA), the Mayor of London and the London Assembly. The consultation paper looks at which powers the GLA, and in particular the Mayor, might assume, and considers whether doing so would improve strategic planning and delivery in London. This report sets out the principal matters raised in the consultation paper produced by the ODPM on the Government's proposals and provides a draft response to the consultation for consideration by the Authority.

RECOMMENDATION

It is recommended that the Authority approves the draft response to this consultation at Appendix 1.

Signed by:

Head of Waste Strategy and Contracts

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Date:

1.0 BACKGROUND

- 1.1 When the current Government was elected in 1997 it embarked on a programme of 'democratic renewal'. This programme included creating a new Greater London Authority (GLA), with a Mayor and Assembly 'to fill the democratic deficit and provide strong leadership for London.' Londoners voted in favour of these proposals in 1998 and the first Mayor and Assembly were elected in 2000.
- 1.2 Five and half years on from the above, the Government is now seeking to review the powers of the Mayor of London and the London Assembly and in the Government's 2005 manifesto it pledged to carry out such a review. The lead Government department is the Office of the Deputy Prime Minister (ODPM).
- 1.3 In the foreword to the ODPM consultation document David Miliband, Minister of Communities and Local Government and Jim Fitzpatrick, Minister for London state that, 'the GLA has now led London for five and a half years, and we believe that the time is right to consider whether the strategic planning and delivery of services in the capital could be improved by devolving more powers and responsibilities to the Mayor and Assembly.'
- 1.4 However, the consultation document also notes in the terms of reference for the consultation (which were published on 6 September 2005), 'that the GLA should remain a focused and strategic authority, as originally conceived, rather than becoming a major service delivery agent.
- 1.5 The foreword states that the Government is committed to devolving responsibilities to the most appropriate level, be that national government, the GLA or the London boroughs and that in reviewing the powers of the Mayor and the London Assembly, the key test must be whether any changes 'would improve the quality of life for Londoners'.

Purpose

- 1.6 The ODPM website says of the consultation:

"The Government is looking at ways to shift powers away from Whitehall giving the Greater London Authority more control on key strategic issues affecting the capital.

Proposals issued today by the Office of the Deputy Prime Minister reveal that Ministers are willing to consider major decentralisation but only if the result is improved quality of life in London.

Now Londoners are being asked for their views on a package of changes and options giving the Mayor greater freedom of choice and more influence over delivery of key services like housing, skills, planning and waste. The consultation 'The Government's proposals for additional powers and responsibilities for the Mayor and Assembly' also offers the London Assembly the chance to play a bigger role in policy development and scrutiny - a move aimed at maintaining the balance of power between the two parts of the Greater London Authority."

Scope

- 1.7 The consultation paper sets out the Government's options and proposals for granting additional powers and responsibilities to the Greater London Authority (GLA) – the Mayor of London and the London Assembly. The paper looks at the scope of additional powers for the Mayor and focuses on four main areas – housing; learning and skills; planning; and waste management and waste planning.
- 1.8 The paper also seeks views on the Mayor's relationship with his functional bodies. Specific proposals include the following:
 - Providing for the Mayor to be the chair of the Metropolitan Police Authority (MPA).
 - Reconfiguring the membership of the London Fire and Emergency Planning Authority (LFEPA) to enable the Mayor to appoint three members to represent business, under-represented groups and LFEPA staff, and one to champion London resilience.
 - Empowering the Mayor to give LFEPA directions and guidance, provided these are compatible with the Fire and Rescue National Framework.
- 1.9 The scope of the consultation also includes the development of the role of the Assembly in policy development and extending its scrutiny role to London-wide public bodies not directly accountable to the Mayor.
- 1.10 In parallel with this review, but not a formal part of it, two other pieces of work are also underway – Sir Michael Lyons's inquiry into local government and the legislative framework to deliver London's obligations in relation to the 2012 Olympic and Paralympic Games.

- 1.11 All the changes proposed in the consultation involve giving the London Mayor and/or the Assembly, additional powers; reducing the powers of the Mayor and the Assembly is not considered as an option, although a 'do nothing' option is included.
- 1.12 The Authority's draft response to the consultation document and this Authority paper are focussed upon the proposals for waste management and waste planning included within the consultation paper.
- 1.13 The timescale for the consultation and subsequent implementation of any agreed changes is as follows:
- Responses to the consultation are required by 22nd February
 - The foreword to the document then states that a final package of proposals will be announced in the spring
 - With implementation of the same 'at the earliest opportunity'.
- 1.14 It should be noted that the Mayor's 'scoping paper' which was published on 15 September 2005, i.e. prior to this Government consultation, outlined the Mayor's own views and proposals for new arrangements for wastes management in London, therefore preceding the Government consultation.
- 1.15 The Authority considered the Mayor's scoping paper at its meeting on 19th October 2005, and a copy of the Authority's response is attached as Appendix 2.
- 1.16 Subsequently, on 17th January 2006, the Mayor also summarised his views on the whole of the Government consultation paper to which this Authority report relates. This summary is just a relatively re-statement of the position set out in the Scoping Paper reported to the Authority in October 2005.

2.0 RATIONALE FOR CHANGE

Waste Management

- 2.1 The ODPM consultation paper is focussed upon London-wide issues and proposed solutions covering a range of functions. Issues of relevance to North London and the Authority specifically are outlined in Appendix 1 which is the Authority's draft response to the consultation document.

- 2.2 London's waste arisings (municipal, commercial and industrial, construction and demolition and special waste, of which municipal waste is a quarter) are forecast to rise from 17.3 million tonnes in 2001 to 23.5 million tonnes in 2020 according to the consultation document. But, the capital's recycling performance lags behind much of the rest of the country according to the consultation document and 70% of London's municipal waste is exported to landfill sites, largely outside of the capital. Analysis undertaken by the Association of London Government shows however that London's recycling performance is good compared to other metropolitan areas.
- 2.3 According to the Greater London Authority, the capital will need an additional 5 million tonnes of recycling and recovery capacity by 2020 to achieve its landfill diversion targets and become self-sufficient in waste management.
- 2.4 However, the current arrangements for waste management can be a barrier to progress says the ODPM, with some local authorities acting independently and in conflict with each other. This can confuse the public, as well as failing to take advantage of more efficient use of resources and expertise under joint working arrangements.

Waste Planning

- 2.5 In the face of an expected growth in population of 800,000 (more than 30% greater than the total population of Glasgow, which has a population of 600,000) and 636,000 more jobs in London by 2016, together with the plans for the 2012 Olympics this means that there will be increased waste arising in the capital over the same period. Coupled with this is an additional demand for higher levels of recycling and diversion from landfill. In the face of this change London needs a planning system that is fit for purpose.
- 2.6 In summary the paper seeks views on a number of options, including the Mayor's proposals for a range of enhanced planning powers. However, the consultation states that any extension to the Mayor's and the GLA's powers should be based on clear evidence that change will lead to an overall improvement in the delivery of planning in London and an enhancement of the quality of life for Londoners.
- 2.7 The consultation seeks views on the case for change, and preferred options and suggestions for transitional arrangements, should change be agreed.

Summary of proposed changes

- 2.8 The ODPM suggests three options for changing waste management and waste planning alongside a 'do nothing' option:
- 2.9 The first option is the Mayor's proposals for a London Single Waste Authority (LSWA)¹, operating as a functional body of the GLA, like Transport for London or the Metropolitan Police Authority for example. The Mayor would still retain a waste strategy team within the GLA, to whom the new functional body would report. Alongside the new LSWA the Mayor would take over responsibility for waste planning, with powers to identify specific sites through a regional waste plan and to undertake development control functions for waste and compulsory purchase of land. (Note that this differs slightly from the Mayor's original proposals which suggested that compulsory land purchase would sit within the LSWA, noting that the London Development Agency has compulsory purchase powers for regeneration purposes and Transport for London, the same for transport purposes).
- 2.10 The second option is for a new capital-wide Statutory Waste Authority which would sit alongside a separate single Statutory Waste Planning Authority. In this option however, each body would comprise a committee of representatives from the London boroughs and a representative from the Mayor. Critically, compared to option one, these bodies would not be responsible to the Mayor.
- 2.11 Thirdly is the option of extending the sub-regional arrangements currently operating in some parts of the capital and creating additional statutory sub-regional Joint Waste Disposal Authorities. Alongside this in waste planning would be the opportunity to create statutory sub-regional Joint Waste Planning Authorities who would have site identification and development control functions.
- 2.12 A related option (E) for planning is that waste planning authorities would retain their existing development control functions but alongside this, the Mayor's planning powers would be enhanced. This could be done by allowing the Mayor to make site allocations, giving him powers to determine strategic waste applications and allocating him powers of direction over local plans and documents.
- 2.13 On wider planning policy, the ODPM asks whether the Mayor should be given significant new powers allowing him to direct boroughs on local plans and become the development control authority for defined classes of strategic planning application or in relation to defined strategic sites.

¹ Note that the London Mayor's Scoping Paper referred to a London Single Waste Authority or LSWA as a Mayoral functional body. The ODPM consultation paper refers to a Single Waste Authority (SWA) meaning either a functional body of the Mayor or a Statutory Waste Authority.

- 2.14 Alternatively, the Mayor could be given more limited powers enabling him to direct boroughs' local plans only in relation to certain issues and be able to decide specific categories of strategic planning applications.

3. THE OPTIONS IN DETAIL

Waste Management Options

- 3.1 There are a number of options outlined in the paper for changing waste management in London. These are:
- Option 1 for a *London-wide Single Waste Authority* (LSWA) – a functional body of the GLA with responsibility for the disposal of London's municipal waste, plus 'an appropriate degree of oversight over waste collection contracts'.
 - Option 2 for a *Statutory Waste Authority* – i.e. a single waste authority but one which is NOT a functional body of the Mayor. This body would, it is proposed, be given the same level of oversight of collection as in option 1.
 - Option 3 – a *sub-regional approach* whereby the existing unitary authorities join new or existing waste disposal authorities so that all waste disposal arrangements in London are sub-regional.
 - Option 4 – a *Do nothing* option where the current mix of two-thirds of London boroughs being within structures like the Authority and one third of London boroughs being independent unitary collection and disposal authorities continues.
- 3.2 For options 1 and 2 there are a number of proposals presented which vary the scope of the responsibility of a proposed new single waste authority, be it a Mayoral functional body or a London Statutory Waste Authority. These are:
- Operational and strategic responsibilities for collection and disposal of municipal waste only
 - Operational and strategic responsibilities for collection and disposal of municipal waste and strategic responsibility for non-municipal waste
 - Operational and strategic responsibilities for collection and disposal of municipal waste and strategic and operational disposal responsibility for non-municipal waste
 - Operational and strategic responsibilities for collection and disposal of municipal waste and strategic and operational collection and disposal of non-municipal waste

3.3 The table below summarises these options:

Options for the scope of responsibility for either
a London Single Waste Authority (a Mayoral Functional Body)
or a Statutory Waste Authority

Nature of responsibilities for:				
Option	Municipal collection	Municipal disposal	Non-municipal collection	Non-municipal disposal
1.	Operational & strategic	Operational & strategic	None	None
2.	Operational & strategic	Operational & strategic	Strategic only	Strategic only
3.	Operational & strategic	Operational & strategic	None	Operational & strategic
4.	Operational & strategic	Operational & strategic	Operational & strategic	Operational & strategic

3.4 The consultation seeks views on the case for change, preferred options and suggestions for transitional arrangements should change be agreed.

Waste Planning

3.5 On waste planning – five different suggestions are put forward for consideration in the document:

Option A

That *the Mayor be given enhanced planning powers* in relation to waste. Under this option the Mayor would be responsible for planning for all waste streams in London with powers to identify specific sites through a regional waste plan, undertake development control functions for waste and compulsorily purchase land. Note, that this option does not suggest that a functional waste management body, would have any planning functions.

Option B

A single Londonwide, statutory joint waste planning authority, with a representative from each borough and the Corporation of London sitting on the Committee, would be responsible for planning all waste streams in London with powers to identify sites, undertake development control functions and compulsorily purchase land. The ODPM consultation document says that this statutory joint waste planning authority could also include a representative of the Mayor.

Option C

Statutory sub-regional, joint waste planning authorities, with a representative from each constituent borough sitting on the respective committee, would be responsible for planning all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land.

Option D

Do nothing. The boroughs would remain responsible for planning for all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land. Implicit in this option is the continuation of voluntary joint working between waste planning authorities, as has been agreed within the Authority's area.

Option E

Waste planning authorities would retain Development Control functions and the Mayor's existing planning powers would be enhanced, through one or more of the following:

- a. allowing the Mayor to make site allocations;
- b. giving the Mayor powers to determine strategic waste applications (for example for those falling within the broad locations for facilities identified in the London Plan, or over a certain throughput threshold);
- c. giving the Mayor powers to direct over Local Development Schemes (LDSs) and Development Plan Documents (DPDs) on waste issues;
- d. consulting the Mayor on all waste development proposals and any planning applications for a change of land use from waste.

Energy

- 3.6 Energy is currently not one of the areas where the Mayor is required to produce a strategy – although he voluntarily produced an Energy Strategy for London called *Green Light to Clean Power* in February 2004.
- 3.7 The consultation paper states that the Government would like to explore whether there would be any benefit in making the production of an energy strategy a clear statutory responsibility for the Mayor. The paper says that the decision by the Mayor to produce an Energy Strategy for London voluntarily was very welcome.

- 3.8 No guidance is given about how the delivery of a strategy might be achieved, although reference is made in the consultation document to the fact that the London Energy Partnership (LEP), which was launched in February 2004, brings together a range of key regional partners to help deliver the Mayor's Energy Strategy and in particular to implement those areas of the strategy which require cross sector working. The paper also references the Climate Change Agency for London which is based in the LDA which will work with the private sector to deliver enhanced energy infrastructure and improved energy efficiency in new and existing buildings.

Sustainable Development

- 3.9 The paper also makes reference to the fact that some public bodies, including the GLA, have a statutory duty to have regard in all that they do to the achievement of sustainable development in the UK. The consultation suggests that now is a timely opportunity to invite views about whether the Mayor's existing powers assist or inhibit the fulfilment of this statutory duty on sustainable development.

4. IMPACT ON THE AUTHORITY

- 4.1 Disregarding the "do nothing" options, all the options for change to the existing waste management and waste planning arrangements within London have an impact on the Authority. Their potential impacts vary from an anticipated minimal change if Disposal Option 3 (the sub-regional approach) and Planning Option C or E (statutory sub-regional planning bodies or development control remaining at borough level with supporting enhanced planning powers for the Mayor) are selected, to a significant major impact if Disposal Option 1 for waste management (a Mayoral controlled LSWA/ functional body) and Planning Option A (waste planning becomes a Mayoral function) are selected by the Government. The latter option for waste management would see the abolition of the Authority.
- 4.2 However, in providing a response to the consultation it is important to consider the remit of the consultation, i.e. the key test must be whether any changes proposed, "would improve the quality of life for Londoners". The response to the consultation is therefore made in that context, with a view to considering what is the best solution for the whole of London, rather than just the area covered by this Authority.
- 4.3 Additionally, on the planning aspects of the consultation document, the Government states that it would wish to test specific proposals for the scope of planning powers against the following criteria:

- Would the change lead to a demonstrable improvement in the performance and delivery of regional and local planning activity in London?
- Can this be achieved whilst preserving the delivery of national policy on important matters?
- Would there be adequate democratic accountability in decision-making?
- What would be the impact on adjoining regions from any particular change, individually or cumulatively?

4.4 Once the Government has considered all responses and selected a preferred option, it is expected that further detail will be provided about the precise proposed nature and timescales for any change, and then the implications for the Authority can be further assessed.

4.5 In relation to other aspects of the North London Joint Waste Strategy, all of the options proposed in the consultation document have the potential to disrupt the Authority's ability to implement the strategy. The fact that change is suggested may have implications particularly for the procurement process and the waste planning work currently being carried out across North London. The Authority's draft response to the consultation document Question 16, paragraph A1.4 outlined in Appendix 1 details some of particular concerns in relation to existing work programmes in a general sense.

4.6 Consultation between officers and Members of the other three statutory joint waste disposal authorities in London has taken place to assist the preparation of this report. There has also been informal consultation at Chief Executive level between the constituent boroughs.

5. RECOMMENDATION

5.1 It is recommended that the Authority approves the draft response to the Government's consultation of the powers and responsibilities of the Greater London Authority attached as Appendix 1 to this report.

6. COMMENTS OF THE FINANCIAL ADVISER

6.1 Without a clear understanding of the options for change, and as a consequence of how the financing arrangements for each of the options might work, it is not possible to assess what the financial impact of the options could be on the Authority's cost base. The Authority's draft response requests further detailed consultation and it is at this point that it should be possible to assess the full financial implications of proposals made by the Government.

6.2 Now that the Government is about to amend the default arrangements for apportioning the levy to a tonnage basis it would be unfortunate if the funding arrangements for the Mayor's proposed new functional body (if agreed by the Government) were to result in the loss of a beneficial change which has taken some ten years to secure.

7. COMMENTS OF THE LEGAL ADVISER

7.1 The Legal Adviser has been consulted and there are no legal implications arising out of this report.

Local Government Act 1972 – Access to information

Documents and Websites used:

The Greater London Authority: The Government's proposals for additional powers and responsibilities for the Mayor and Assembly, Office of the Deputy Prime Minister, November 2005

Recycling and recovery facilities, Sites investigation in London, Prepared by Land Use Consultants and SLR Consulting Ltd. for the Greater London Authority, July 2005

www.odpm.gov.uk/pub/904/TheGreaterLondonAuthorityconsultationpaper_id1161904.pdf

Draft Alterations to the London Plan (Spatial Development Strategy for Greater London), Housing Provision Targets, Waste and Minerals, October 2005

ODPM: New Localism – Citizen Engagement Neighbourhoods and Public Services – Evidence from Local Government, January 2005

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**APPENDIX 1
DRAFT RESPONSE TO OFFICE OF THE DEPUTY PRIME MINISTER
(ODPM)
CONSULTATION ON THE GREATER LONDON AUTHORITY: THE
GOVERNMENT'S PROPOSALS FOR ADDITIONAL POWERS AND
RESPONSIBILITIES FOR THE MAYOR AND ASSEMBLY**

The GLA Review
Office of the Deputy Prime Minister
10th Floor
Riverwalk House
157-161 Milbank
London
SW1P 4RR

8 February 2006

Dear Sir or Madam

Consultation on the Greater London Authority: the Government's proposals for additional powers and responsibilities for the Mayor and Assembly

Thank you for providing us with the opportunity to respond to the consultation on the above. NLWA is one of the six joint waste disposal authorities in England. We are responding within the context of having agreed with our constituent boroughs a joint waste strategy with a recycling and composting target of 35% recycling and composting by 2010 and 45% recycling and composting by 2015 and all our boroughs having agreed to prepare a joint waste development plan document. Our response is primarily focussed upon the waste management and waste planning proposals included within the consultation document, although some reference is also made briefly to both the energy and sustainable development proposals within the consultation paper.

Officers from the NLWA and the constituent boroughs have discussed the above consultation paper collectively but you will receive a response individually from both tiers of local waste services and planning within our area.

Thank you once again for the opportunity to respond to this consultation and if you require clarification on any of the points raised, please do not hesitate to contact me.

Yours faithfully

**Cllr Ray Dodds
Chair, North London Waste Authority**

Consultation response on The Greater London Authority: The Government's Proposals For Additional Powers And Responsibilities For The Mayor And Assembly

North London Waste Authority (NLWA) Draft Response

The NLWA sets out below answers to your direct questions; however we also comment that because this consultation is focussed on strategic issues, our responses are made at this level. The Authority therefore comments that it is essential that a second round of consultation is carried out once more detailed proposals have been put forward within the Government's future preferred option(s), as it is essential that the practical complexities are not underestimated.

Questions

Q 16: What, if any, is the case for change to current waste disposal and waste planning arrangements in London, taking into account:

- a. Experience since the GLA came into being;**
- b. The changes arising from the planning reform agenda and updated planning policy on waste management; and**
- c. Options for enhancing the Mayor's planning powers detailed by options in the planning section?**

A16.1 Whilst the Authority supports the case for review as part of good practice, it does not necessarily agree that the review needs to be now or that the review should necessarily result in any of the proposed options for change. The following list outlines some of the key reasons in favour of reviewing the current waste disposal and waste planning arrangements in London, but it should be noted that some of these are considered to be premature:

- i) *Strategic need.* There is a need for long term planning (both site planning and strategic waste management planning) to meet regional self-sufficiency aims. Work carried out for the Greater London Authority (Recycling and Recovery Facilities, Sites Investigation in London, July 2005) shows that whilst London as a whole has sufficient land available to meet future waste management need, this is not the case at an individual borough level, so joint working will be essential in planning terms alone. Self sufficiency is therefore unlikely at a borough level so, as a minimum, voluntary joint working must be made the norm. It appears to the Authority that the common financial destiny of boroughs in statutory joint waste disposal authority areas (brought about by the aggregation of costs and the future sharing of LATS gains and penalties) makes this far more likely than in unitary authority areas in London.

- ii) *Economic reasons.* The design, development and delivery of strategic waste and resources recycling, reprocessing and recovery facilities is likely to be more economical if the facilities are planned and designed to take material from more than one borough, and from non-municipal sources. Similarly, within either the municipal or non-municipal waste stream there may be some cases where a single pan-London facility might be the most appropriate solution, so a review to enable a more strategic approach to the planning of such facilities would be appropriate. The guiding principle however should be that decisions are taken at the most local appropriate level. For example, if it were demonstrated that a battery reprocessing facility was needed in London, and that it needed to gather its feedstock from two or more sub-regions, then a pan-London body (a borough-led body or the Mayor) could be responsible for site allocation, having full regard to other local needs for sites.

It is most important not to assume here that sub-regional or borough level land-use planning will not be able to deliver such change, as there are always advantages to having such a facility nearby (principally reduced transport costs and impacts, and local job creation)

- iii) *The location of and demand for existing and new waste management facilities* can also usefully be reviewed. For example in North London the joint waste disposal authority has access to a range of facilities, all of which serve more than one borough but are relatively conveniently located for all. Boroughs elsewhere may be better, worse or similarly served currently. An assessment of the current structure in the light of maximising the use of existing resources could therefore be beneficial in targeting future investment.
- iv) *The need for waste management and waste planning to work together even more closely in the forthcoming years* in the light of the challenges of landfill diversion and recycling targets is clear. However, it is premature to consider fundamental changes to planning arrangements when the revised planning framework provided principally by Planning Policy Statement 10 (PPS10) (which was only finalised after much consultation and discussion between Government, planning authorities and other stakeholders) has not, to our knowledge, yet been tested to any degree in London.
- v) In a similar way, a review that considers the need for any specific strategic, potentially pan-London facilities may also be helpful, as this would inform the preparation of joint waste development plan documents, but it is not appropriate at this stage for a London-wide body to dictate actual sites for specified facilities.

- vi) And, finally, carrying out a review in the light of the requirements for Gershon efficiency savings may also be of benefit, although such a review may be best focused on forthcoming procurement plans.

A16.2 Examples countering the case for change drawn from Government policy in non-waste areas have been examined and they demonstrate the cascading of powers downwards and alignment with borough and local boundaries, as Government seeks to follow its stated belief in devolving power and responsibility to the most local level that is appropriate in order to maximise the engagement of people in decision-making processes that affect their lives.

A16.3 In areas such as neighbourhood renewal, neighbourhood management, new localism, practice-based commissioning in health, independence for schools and Crime and Disorder the Government appears to be showing a desire to work with the lowest appropriate organisational level with regards to many public services. . The Government has made no case within its paper to justify making London's waste management arrangements such an important exception to its policy of subsidiarity. It would therefore be inconsistent of the Government to agree with the Mayor to advocate a Single London Waste Authority that would provide the Mayor with overall control of the waste planning and disposal service, and thereby positively reduce the local level of political accountability that exists now.

A16.4 The Authority also has a number of practical and operational concerns:

- i) A move to a functional body would potentially lead to a greater separation of waste collection and disposal functions. This is critically important. The old GLC model was entirely appropriate for the simple task of sending municipal waste to landfill sites mostly in the home counties. The new challenge of achieving Landfill Directive targets substantially through sophisticated and integrated recycling and composting schemes requires very close integration of decisions about collection, handling, treatment and disposal.

The current statutory joint waste disposal authorities in London are 'bound together' with their boroughs by shared LATS targets, the levying structure and our governance structure (boroughs appoint Members to serve on the disposal authority) – indeed it is these considerations that have in large part caused all the North London boroughs, in their separate capacity as waste planning authorities, to come together to prepare a joint waste development plan document. And in the unitary boroughs joint development planning, operational management and contracts development are already shared. Any move towards a system which increases the separation of collection and disposal is potentially a backward step.

- ii) Any new functional body could also not be realistically established until 2008 at the earliest and in the interim there may be disruption (blight) in the planning and development of facilities. This is also likely to affect the ability of existing bodies (and their contractors or tenderers) and any new body to plan for the most appropriate size of facility, whilst the potential feedstock and catchment area for the future remains undecided and result either in a series of relatively new facilities being built which are not the most appropriate for future needs, or nothing being built at all.
- iii) There may be concerns from an investment perspective in relation to explaining how a new regional facility financed with money 'drawn' from local boroughs may potentially be used by a range of new users as a sub-regional or regional facility.
- iv) In addition, one of the reasons we understand for the Mayor's proposals for a new functional body, is the ability to potentially use existing sub-regional facilities, particularly the existing energy-from-waste incinerators, for regional/pan-London purposes. Whilst it is clear that insufficient capacity exists (by a long margin) to divert all London's residual waste away from landfill by such means, it should also be noted that the practical and environmental implications of this in terms of transport movements would be significant too.
- v) The impact of the 2012 Olympics and Paralympics on the capital and the waste arisings from the site development and build programme also mean that now is a particularly poor time to make substantial change. The principal task for the new Olympic Delivery Authority must be to proceed as quickly as possible with the "One Olympics" vision of sustainability, rather than be caught up in a web of local government reorganisation.

- vi) The Authority also understands that the Mayor is potentially interested in a new functional body so that gasification plants can be a key part of the strategy, producing gas which can be used by London Transport for buses across the capital. Whilst the Authority supports proposals to make the existing transport network more sustainable there is in the Authority's opinion, no reason why potential synergies to improve London's overall environmental footprint, such as using gasification outputs for the transport network cannot be realised within a sub-regional structure. The Authority also believes that the Mayor should be setting strategic objectives and looking at environmental outcomes; we do not believe the Mayor should be micro-managing the implementation of such sophisticated and integrated services from City Hall as the decisions on how to achieve the agreed objectives should be taken at a more local level (sub-regional and borough, as appropriate), where the specific needs of residents and local businesses are better understood.

- vii) Any change now will disrupt the existing momentum that is undoubtedly taking place in terms of increasing diversion from landfill disposal in response to Government policy instruments, principally LATS. From a timing perspective, this review in waste management terms, might more usefully have been carried out a couple of years ago or left until current responsible bodies have completed critical planning and procurement work for the Landfill Directive. Now, is a particularly poor time to be changing structures and systems, running the risk that performance on recycling and landfill diversion may worsen as a result at a time we can least afford it.

A16.5 On balance, the Authority supports the case for the review of current arrangements and the need for some change, but is concerned about the impact of this change at such a critical time and also the potential level at which the changes occur: pan-London, sub-regional or within the boroughs. The risks associated with implementing these changes mean that both the transitional arrangements and the extent of any changes made should be considered with great care.

Q 17: *Are there powers that could be given to the GLA, disposal authorities or planning authorities that would enable the current structure to work better?*

A17.1 The Authority supports the need to review the structure of current arrangements, but notes that some of the existing systems which impact on these arrangements themselves are relatively new – such as the new planning framework. The co-ordination of existing powers, however, may be improved upon. For example the mismatch between the Mayor’s sub-regional boundaries and our own have caused some difficulty. The benefit of using the Authority’s boundaries (other than as outlined above concerning our boroughs’ common finances through the levy) is that the relative scarcity of land suitable for waste facilities in our inner London boroughs will be compensated for by our outer London boroughs.

A17.2 The Authority therefore does not suggest that substantial additional powers should be given to the GLA or to disposal authorities at this point, but we would welcome a review set firmly in the context of the Mayor setting the objectives, the joint waste disposal authorities and their boroughs deciding how best to implement them locally, and the Mayor in some way holding them to account on the achievement of agreed objectives.

Q 18: If you consider there is a case for change, what is your preferred option for:

waste management and waste planning (including any options not covered in this section),

and what are your views on the risks and benefits of:

a. the range of options outlined above;

b. specifically, the Mayor's proposal.

A18.1 Having considered the case for change the Authority's preferred option is for:

i) **Disposal Option 3** – *a sub-regional approach to disposal* whereby the existing unitary authorities join new or existing WDAs so that all waste disposal arrangements in London are sub-regional for reasons given above. In this context we draw attention again to the benefit in planning terms to the fact that our boundaries include both inner and outer London boroughs, and that we would welcome a review of the Mayor's specific powers so long as this is set firmly in the context of the Mayor being responsible only for setting strategic objectives; **and Planning Option C** – *Statutory sub-regional, joint waste planning authorities*, with representatives from each constituent borough sitting on the respective committee(s), who would be responsible for planning all waste streams in London. Their detailed role in identifying specific sites, undertaking development control functions and compulsorily purchasing land should be the subject of further consultation.

Or

ii) **Planning Option B** – *A single Londonwide, statutory joint waste planning authority*, with a representative from each borough and the Corporation of London sitting on the Committee. Its detailed role in planning all waste streams in London, identifying sites, undertaking development control functions and compulsorily purchasing land should be the subject of further consultation, having regard to the sub-regional disposal arrangements from Option 3.

Or

- iii) **Planning Option B and C Hybrid** – A hybrid of the two options presented where the London-wide body is limited to planning matters of London-wide significance, and other matters remain either with sub-regions or with boroughs, again only after further detailed consultation.

A18.2 The underlying principle in the choices above is that both waste disposal and planning should remain as controlled by and accountable through locally elected Members, working within the strategic vision of a London-wide Mayor and Assembly. The rationale and benefits for this approach are that it would:

- i) ensure both minimum disruption to existing arrangements whilst making some of the changes required to improve efficiencies through joint working and improved facility planning and development.
- ii) it would enable an appropriate balance to be retained between local accountability and the need to implement sometimes unpopular decisions about new facilities, required to meet landfill diversion and recycling targets.
- iii) it would ensure that the financial imperative of LATS falls on the sub-regions and through them, onto the London Boroughs and thereby maximise productive joint working.
- iv) enable strategic sub-regional planning and implementation.
- v) pan London liaison with the GLA and the Mayor would be simplified – as a result of moving the existing unitary authorities into either existing or new sub-regional arrangements, i.e. there would be just six or seven local authorities in London developing strategies for and implementing waste management plans instead of the sixteen that currently exist.

A18.3 The rationale for not supporting a single waste disposal authority is that Option 1 gives in the Authority's opinion, too much power to one person, and Option 2, a statutory joint committee would take a considerable time to establish and is cumbersome to manage. Although a statutory joint committee would be more locally accountable than a functional body, in a two tier structure where municipal waste collection remains at the level of a borough, the opportunities for joint working between collection and disposal is likely to be much easier at a sub-regional level than through a pan-London approach as well as being more locally accountable.

A18.4 A London-wide statutory joint waste disposal authority, however, is quickly deliverable in law.

A18.5 Secondly, given the stated aim in the terms of reference for the consultation paper, that ‘the GLA should remain a focused and strategic authority, as originally conceived, rather than becoming a major service delivery agent’, the Authority’s view is that the Mayor’s strategy on waste for London, as outlined in ‘Rethinking Rubbish in London, The Mayor’s Municipal Waste Management Strategy, September 2003’, can be best delivered by the Mayor remaining a strategy setting body, and that structures beneath should be responsible for the strategy implementation.

Q19: *If a Single waste Authority of some kind is established, what type of governance structure should it have (e.g. modelled on TfL, the LDA or LFEPA or the ALG Transport and Environment Committee and why?*

A19.1 The Authority would welcome a review of the Mayor’s specific powers set in this context, as the Mayor must have some powers to ensure that London is indeed moving in the direction he has set and at an appropriate pace.

A19.2 If a single waste authority of some kind is established, the Authority would support Option 2 for a *London Statutory Waste Authority* – i.e. a single waste authority but one which is NOT a functional body of the Mayor. Any level of oversight of collection should be minimal, and the subject of further detailed consultation.

A19.3 However, if a single waste authority is established (whether under the Mayor or a borough-led body), then the Authority suggests that some sub-regional implementation would still be required and that a ‘slimline’ single waste authority would therefore be the best approach, supported by a network of sub-regional committees. Boroughs might select two Members to serve on this new body, both serving on the sub-regional committee, but just one on the pan-London Authority. This type of approach to a single waste authority would allow for:

- i) Financing of the single waste authority by the single waste authority taking a percentage share of the sub-regional budgets – enabling a sub-regional levying structure to be implemented and therefore retaining a close financial link between collection and disposal and enabling this to be calculated on a relative tonnage basis.

- ii) Appropriate pan-London activities to be placed within the single waste authority, but the majority of waste contract implementation and delivery to be retained at the local and sub-regional level. Within a 'slimline' single waste authority based on this model the single waste authority could have responsibility for ensuring that both national and regional strategy is implemented in London; be responsible for finance, potentially including pan-London LATS trading; procurement support, pan-London communication activities to raise awareness and understanding of recycling and prevention and potentially some pan-London activities such as contracts for hazardous waste. This central body would, under this model deliver on the objectives set by the London Mayor, whilst the London Mayor would be responsible, as now, for developing the strategy and setting policies and strategies and the parameters for working, thus retaining its strategic remit.
- iii) This type of approach would also allow for the slimline single waste authority to have responsibility for wider wastes too, potentially with representation from the private sector (waste producers) on the main body or a policy sub-committee. The Authority suggests that such a body would have a duty regarding municipal waste and powers to act and provide in relation to non-municipal wastes, thus allowing the anticipated "Wider Waste Strategy" from the London Mayor to have an implementation body from the outset.
- iv) And it would also allow for the sub-regional committees to manage the contracts for recycling and disposal of municipal waste, which would bring both economies of scale and local accountability. However, this approach would require statutory borders to be imposed upon groups of unitary authorities.
- v) Finally this approach would allow for some locally elected members to serve both on the sub-regional committees and on the board of the SWA, thereby retaining regional, sub-regional, local links.

Q 20: In respect of waste planning:

- a. ***Would London be better equipped to achieve more sustainable waste management if disposal and planning responsibilities are met within the same organisation; at the same geographic scale; or both?***
- b. ***Should the Mayor be given powers to allocate sites for new waste facilities and make development control decisions?***

c. If so, are safeguards needed (such as an increased role for the Assembly) to ensure accountability, consistency, fairness and propriety? What might these be?

- A20.1 In respect of waste planning, in the Authority's view, London would be better equipped to achieve more sustainable waste management if disposal and planning policy responsibilities are met at the same geographic scale. The case has not been made, however, that boroughs will be unable to deliver in development control terms the approvals for new waste facilities, now that the improved PPS10 regime is in place.
- A20.2 In the Authority's view the Mayor could be given the power to identify sites for new strategic waste facilities which might require feedstock from two or more sub-regions, but not the power to make development control decisions. The financial imperatives to meet LATS and recycling targets are already starting to drive sub-regional joint planning activity, particularly on development strategies and community involvement. However, formalising these sub-regional planning arrangements through the establishment of joint committees would also enable often difficult, sub-regional development control decisions to be made in relation to planning for waste and reprocessing facilities.
- A20.3 If the Mayor is given powers to allocate sites for new strategic facilities and make development control decisions then the following safeguards would be required:
- i) A mechanism to ensure that the decisions about site allocations and waste facilities are related and complementary to other aspects of boroughs' core strategies and development frameworks such as housing.
 - ii) Clear responsibilities and costs assigned for the implementation of statements of community involvement and resultant communication strategies.
 - iii) A clear method by which borough views can be formally taken into account in making site allocation and development control decisions.
 - iv) Clarity over compulsory purchase orders.

Q 21: Are transitional arrangements required with any of the options set out for waste management and/or waste planning, and if so what are they?

A21.1 Complex transitional arrangements will be required for any of the options set out for waste management and waste planning. The main requirements for transitional arrangements for waste management are:

- i) Consultation on new boundaries and modelling on the same
- ii) Re-election of committee members and new scopes of working
- iii) A phased contract transfer for key disposal and recycling contracts, preceded by extensive communication with the sector to ensure everyone is aware of the impending changes.
- iv) An agreed scheme for the transfer of property and other assets
- v) A detailed assessment of the implications of current contractual arrangements and joint venture partnerships, such as our own
- vi) A detailed assessment of the impact on current procurement activity aimed at timely Landfill Directive compliance.
- vii) Practical implementation plan, including IT systems, TUPE transfers of staff, financial planning and levying systems

Q 22: What is the optimal geographic scale (i.e. borough level; sub-regional level; or pan-London level) for:

- a. Procurement of collection and disposal infrastructure; and**
- b. Management of collection and disposal operations?**

A22.1 In the Authority's opinion, the optimal geographic scale for the procurement of collection infrastructure is at the borough level and the procurement of disposal infrastructure at the sub-regional level for municipal waste.

A22.2 In the Authority's opinion, the optimal geographic scale for the management of collection operations is at a borough level and of disposal operations at a sub-regional level.

A22.3 The statutory joint waste disposal authority model, by joining both the finances (through the levy) and the governance (through the appointment of Borough-nominated Members), ensures effective co-ordination between the two tiers.

Q 23: What governance, operational or procurement links should be made between collection and disposal? Why?

- A23.1 The main operational links between collection and disposal should be:
- i) A mechanism to ensure that specifications are consistent between collection system and disposal, reprocessing and recycling facilities. Reprocessing and recycling in particular can drive collection specifications, particularly for recyclables, but equally, reprocessing and recycling operations cannot be economically designed and built if they do not take full account of the input loads that collection systems can provide and in order to maximise recycling tonnages and the diversion of waste away from landfill, it is important that the two work hand in hand.
 - ii) Similarly on the sale of recyclate – reprocessing operations must have markets for materials and therefore need to ensure that joint agreement is reached with collection operations to ensure that income is maximised and costs minimised.
- A23.2 The joint achievement of LATS targets must also be paramount and a financing or levying structure which incentivises both the collection and recycling/reprocessing operations to maximise the extraction of biodegradable and other recyclable material from the waste stream is essential.

Q 24: How can the sustainable management of London's non-municipal waste streams be assured? To what extent could management of municipal and non-municipal wastes be combined? And how could this be achieved?

- A24.1 The management of London's non-municipal waste streams is driven by market conditions and the regulatory framework. Primarily, commercial and industrial waste producers decide what to do with their waste on the basis of minimising cost, regulatory requirements and the options available to them. Two main areas where the non-municipal and municipal waste streams can be combined however is in the planning for, design and operation of reprocessing, recycling and disposal facilities – which are likely to accept both municipal and non-municipal input streams and in the area of producer responsibility where responsible producers' products are likely to have entered the municipal waste stream. It is noted, however, that new primary legislation could make it a requirement that commercial waste has to be collected by the WCAs, but it is not thought by the Authority that this is the Government's intention within this consultation.

A24.2 Additional, non-market based mechanisms to encourage the sustainable management of the non-municipal stream is largely in the hands of national government – in terms of fiscal and regulatory frameworks and controls. However, intervention at a pan-London/GLA/Mayoral level may be achieved on a voluntary basis – as with the Mayor’s green procurement code and/or financial or other support to end-market development and/or reprocessing facilities – e.g. through London Remade or the London Development Agency (LDA).

A24.3 Given these conditions, the role for a future single waste authority if it goes ahead is best to be one of encouragement, via planning, voluntary codes of practice and/or pump priming financial support through organisations such as London Remade or the LDA.

A25. Final points to note or reinforce

A25.1 Firstly, the management of waste and resources within London has become and is likely to continue to become increasingly complex. When the Greater London Council was responsible for the disposal of municipal waste collected by the constituent boroughs, the majority of waste was sent to landfill disposal outside of the capital. Within such an environment it was relatively easy for a single pan-London authority to manage the system. In 2006 however, the nature of the operating environment is significantly different. The borough and disposal authorities’ contributions to and relationship in increasing diversion away from landfill and increasing recycling and composting is complex. This means that a very close working relationship between the two tiers of local government is essential. The outlets for material within an environment of global commodity trading are much more varied and volatile than historical disposal outlets – to landfill for example, which also means that the ability to ‘switch on and switch off’ potential routes for material is very useful – a series of separately negotiated trading arrangements at a sub-regional level maximises these opportunities. Finally, given the challenges of site identification and facility planning, coupled with requirements placed on authorities for a more ‘front loaded’ planning process this means that the requirements for community engagement and involvement in the planning process can only increase. Again, in the Authority’s opinion, this close dialogue with residents is best achieved at a local level.

- A25.2 The financing arrangements for any of the change options proposed in the consultation paper need further detail. A functional body arrangement potentially results in no borough influence on financing waste management at a local level, and completely turns back the significant change the Government is making in introducing a tonnage-based levy for the statutory joint waste disposal authorities. Financial structures need to be considered as part of the overall decision, as they are crucial to the way in which any new body will work with what remains of present arrangements. The Authority also has some concerns that if a single waste authority model was adopted that a need to charge the boroughs might therefore result in passing this charge on in a residential charge for waste. Arrangements that best meet the challenges of the future need structures which foster co-operation, not conflict. Without a clear understanding of how the financing arrangements might work it is difficult to make a comprehensive assessment of the relative merits of each of the options proposed. The Authority would anticipate that further detail about financing arrangements would be included in the next round of consultation which is requested once a preferred option has been selected.
- A25.3 Effective governance is essential to meet London's future waste management needs too. The key decision, which is outlined in the consultation document, is ensuring that 'the right balance of powers between national government, the GLA and the London boroughs' is achieved. The Authority accepts that central pan-London leadership is required, but this doesn't mean that the Mayor or any other central body needs to carry out the delivery of services. The Greater London Authority as a whole needs to remain a focused, strategic authority with complementary structures of local governance and delivery of services to implement that strategy. In the Authority's opinion the balance between local accountability and the need to both deliver local services, but also obtain best value and economies of scale can best be achieved by the GLA remaining a strategic authority, with sub-regional arrangements to deliver on that strategy and collection arrangements at a borough level. With both working in partnership towards waste minimisation.

Q.29 *Should the Mayor be subject to a clear statutory responsibility to produce an energy strategy for London.*

If you agree that he should, what more, if anything does the GLA need to deliver it?

A29. The Authority does not have a view on whether such a strategy should be statutory, but if one is produced, care must be taken to integrate it with the resource use aspects of waste management, particularly the various forms of energy recovery.

Q.31 *Are the Mayor's current range of powers consistent with his existing statutory duty on sustainable development (e.g. is there a case for strengthening his existing powers to take account of climate change)?*

A31 The Authority notes that the UK's sustainable development strategy "Securing the Future" was only published in 2005, and considers there has not yet been sufficient time to judge the effectiveness of the revised guidance included for the Mayor and others. As a strategic body, the Mayor and the Assembly should properly be looking at the environmental impact of services, and setting targets to reduce these either within service-specific strategies, or in a separate (but fully linked) strategy on climate change and sustainability.

APPENDIX 2

Ken Livingstone
Mayor of London
Greater London Authority
City Hall
The Queen's Walk
London SE1 2AA

27th October 2005

Dear Mayor Livingstone,

LONDON SINGLE WASTE AUTHORITY

The North London Waste Authority considered your Scoping Paper and associated documents on the London Single Waste Authority at its meeting on 19th October 2005, and had a wide-ranging discussion on the subject.

A majority of members of the Authority is sceptical about the proposals for a single London-wide waste authority and would prefer a sub-regional approach.

In addition, the Authority has considered what it believes to be the appropriate level of government at which the various statutory and long-term tasks for municipal waste management should ideally be undertaken, and this is shown on the attached table. Two ticks have been given where the Authority believes there is a significant or lead role, and one tick for where there is a lesser role.

The Authority intends to now wait for the Government consultation paper on the wider review of the Mayor's powers and will be making a full response to that consultation, which we shall share with you.

Thank you for the opportunity to engage with you on this debate at this early stage.

Yours sincerely,

Andrew Lappage
Head of Waste Strategy & Contracts

(Dictated by Andrew Lappage
and signed in his absence)

	Issue	Borough	Authority	London	National
	Waste Services				
1	Set strategic objectives	✓	✓	✓	✓✓
2	Increase producer responsibility				✓
3	Decide how to meet strategic objectives	✓	✓		
4	Sign-off sub-regional joint strategies		✓	✓	
5	Implement sub-regional strategies to minimise growth and maximise diversion	✓	✓		
6	Responsibility for LATS		✓		
7	LATS trading strategy		✓		
8	LATS brokerage			✓	✓
9	Financing new facilities		✓		
10	Financing new collection services	✓			
11	Seeking external finance	✓	✓	✓	✓
12	Selling recyclable wastes		✓		
13	Setting green procurement objectives	✓	✓	✓	✓
14	Develop and implement green procurement / closed loop practices	✓	✓	✓	✓
15	Attracting inward investment in reprocessing		✓	✓✓	
16	Integrate waste policy with economic development or regeneration policies	✓	✓	✓✓	
17	Integrate waste policy with energy policies			✓	✓✓
18	Integrate waste policy with climate change policies			✓	✓✓
19	Exploit synergies with non-municipal wastes	✓	✓✓	✓✓	✓✓
	Waste Planning				
21	Setting overall planning framework			✓	✓✓
22	Setting regional self-sufficiency targets			✓	
23	Liaison with neighbouring regions			✓	
24	Waste planning policy formulation and site identification	✓	✓		
25	Waste planning policy sign-off			✓	
	Dispute Resolution				
26	A new body may be needed, or a new combination of existing bodies	?	?	?	?