

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

FUTURE SUPPORT ARRANGEMENTS OF THE AUTHORITY

REPORT OF:

LEGAL ADVISER

FOR SUBMISSION TO:

NORTH LONDON WASTE AUTHORITY

DATE:

19th October 2005

SUMMARY OF REPORT:

This report considers the present support arrangements of the Authority and whether they are adequate for current circumstances.

**LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION
Initial presentation by PWC**

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RECOMMENDATIONS:

That the Authority notes this report

Signed by the Director of Law and Administration

1. Introduction

1.1 The present support arrangements have to all intents and purposes been in place since the Authority divested itself of its operational arm with the creation of LondonWaste Ltd and the letting of the current 20 year contract in 1994.

1.2 At that point a “Client Manager” post was created and a small support team established to deal solely with direct contractual matters of the Authority. This was supported by the Clerk and the existing adviser posts, now based in Camden and Haringey.

1.3 Since then new work loads led to an expanded team structure which was agreed by the Authority in 2004. Filling the new posts has taken longer than was originally intended but is now nearly complete.

1.4 The Authority’s advisers therefore are of the view that it is appropriate to look at whether the Adviser structure is still appropriate.

2 Strategy and Contracts Team

2.1 The core work of the team was originally to manage contracts for the disposal of all North London’s municipal waste. This has expanded a bit over the years but in essence included:

- Validating and certifying invoices
- Processing claims for recycling credits
- Providing weekly/monthly tonnage data reports to boroughs
- Re-structuring / Re-tendering civic amenity waste transport and disposal arrangements and managing on-going service
- Negotiating tri-partite Hendon rail transfer station agreement and lease.
- Advising NLWA Directors on board of LondonWaste Ltd
- Ensuring NLWA’s compliance with Waste Incineration Directive]

2.2 They also provided technical advice and direction relating to the implementation of legislative changes for waste management, and more recently publish NLWA’s Best Value Performance Plan annually and manage NLWA’s web-site. Issues relating to the NLWA’s role as shareholder (such as monitoring Waste Incineration Directive compliance have historically rested with the Finance Officer.

2.3 The expanded team is now dealing with a wider range of more complex matters as waste moves up the political agenda and the range and frequency of European Directives increases. The range of additional new activity covered by the team includes:

- Lead development and implementation of the North London Joint Waste Strategy (NLJWS)
- Development of improved waste facilities / services to comply with Landfill Directive
- Linking North London waste planners
- Support of waste minimisation measures, home / community composting initiatives
- Planning for new recovery capacity and other forms of landfill avoidance (WEEE directive, Hazardous Wastes)
- Possible waste facilities and services for 2012 Olympic Games
- Increased role in lobbying government
- Planning of the next main waste contract from 2014
- Potential Hendon Relocation
- Commissioning new bulky waste recycling facility
- Providing Fridge recycling service
- London Recycling Fund (LRF) Awards
- Seeking other external funding

2.4 It is clear that this is a greatly expanded remit. This is also before the Authority moves seriously towards the practical work necessary for awarding the next main waste contract in 2014.

3 Advisers

3.1 The current advisers are as follows: Clerk, Finance Adviser, Finance Officer, and Legal Adviser provided by Camden and the Technical Adviser and Valuation Adviser provided by Haringey. All of these Advisers undertake the work for the Authority in addition to significant substantive posts in their home authority. The statement of arrangements underpinning the advisers was last agreed by the Authority in 1999.

3.2 Because of the significant increase in workload and because it is clear that taking forward the major procurement for the main waste contract will be extremely resource intensive, earlier in the summer, the advisers invited expressions of interest to undertake a review of the support arrangements. Price Waterhouse Coopers (who are also retained to provide ad hoc corporate financial advice for the Authority) were subsequently asked to undertake an additional piece of work which would look at the support provided to comparator Waste Disposal Authorities and assess whether the current level of support was sufficient to take the Authority forward.

4 Comparisons

4.1 This work is at its early stage and it is not possible to provide any definitive views at the moment. There is a range of arrangements across the WDAs. Some provide support from one borough only, others from several. In four

cases, the equivalent of head of waste is independent from the constituent boroughs. One WDA has begun to replace part time advisers with full time staff in recognition of the increased workload.

4.2 PWC are continuing with their comparator study and will then look at whether there is sufficient capacity in the current arrangement to provide effective support to the Authority. Once their report is complete it will be brought to the Authority for its consideration.

5. Comments of the Financial Adviser

5.1 The Financial Adviser was consulted in the preparation of this report and has no comments to add.

6. Comments of the legal Adviser

The Legal Adviser drafted this report and has no comments to add.