

Agenda Item 10

NORTH LONDON WASTE AUTHORITY	
REPORT TITLE: APPOINTMENT OF MEMBERS TO COMMITTEES AND OTHER APPOINTMENTS	
REPORT OF: DEPUTY CLERK	
FOR SUBMISSION TO: THE NORTH LONDON WASTE AUTHORITY	DATE: 6 th JULY 2005
SUMMARY OF REPORT: Outlines matters that must be taken into account when establishing committees, details procedures relating to attendance at meetings and seeks appointments to the following bodies: <ul style="list-style-type: none">• The North London Waste Authority Urgency Committee• The Board of LondonWaste Ltd• The LondonWaste Ltd Pensions Trustees.• The Joint Waste Strategy Implementation Board Local Government Act 1972 – Access to Information: No documents required to be listed. Contact Officer: Thomas Ribbits, Deputy Clerk, NLWA, Camden Town Hall Judd Street, London WC1H 9JE (020 7974 1915) Email: thomas.ribbits@camden.gov.uk	
RECOMMENDATIONS: The North London Waste Authority is RECOMMENDED to: <ul style="list-style-type: none">i) Note the political balance requirements as they affect the Authority for the ensuing municipal year.ii) Establish and appoint an Urgency Committee as set out in paragraph 3.3.iii) Make A Director appointments to LondonWaste Ltd for the period until the Annual General Meeting of the Authority in 2006.iv) Make appointments of Trustees to the LondonWaste Ltd Pensions Scheme.v) Appoint a representative and a substitute representative to the Joint Waste Strategy Implementation Boardvi) Note the position regarding attendance at meetings.	

Signed by:

Date

APPOINTMENT OF MEMBERS TO COMMITTEES AND OTHER APPOINTMENTS

1. Introduction

1.1 This report sets out the proposed Committee structure for the Authority for the next municipal year; asks Members to make A Director appointments to the LondonWaste Ltd Board, and asks Members to deal with certain other appointments. It also deals with the issue of attendance at Authority and Committee meetings.

2. Political Balance

2.1 The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 deal with the requirement that an Authority allocates places on its Committees, Sub Committees and other Bodies to each political group. The allocation must be in the same proportion as the number of Members of the Group bears to the Authority as a whole. Statutory Joint Waste Disposal Authorities are included in the bodies to be subject to these arrangements, and this Authority has a duty to review its political balance at its Annual Meeting (or as reasonably practical thereafter).

2.2 The Authority has a duty when allocating seats on a particular body or reviewing the allocation of seats to give effect, *so far as reasonably practicable*, to four principles:

- (a) All the seats are not allocated to the same political group;
- (b) The majority of the seats go to the political group in the majority on the Authority;
- (c) Subject to (a) and (b) above, that the number of seats on the total of all the ordinary Committees of the Authority allocated to each political group bears the same proportion to all the seats on the full Authority; and
- (d) Subject to (a), (b) and (c) above, that the number of seats on the body allocated to each political group bears the same proportion to all the seats on that body as is borne by the number of members of that group to the membership of the Authority.

2.3 With the nominations made by constituent Councils for 2005/6, the Authority has the following number of members divided by party lines as follows:

- 8 Labour Members
- 4 Conservative Members

- 2 Liberal Democrat Members

The percentages for each party are therefore 57% Labour, 29% Conservative and 14% Liberal Democrat.

3. Committee Structure

Urgency Committee

3.1 The Authority has operated in the past year with an Urgency Committee to deal with any matters of urgent business which occur between Authority meetings. Its terms of reference (as quoted from the NLWA Standing Orders) are as follows:

“To act on behalf of the Authority on any matters within the functions of the Authority as referred to in A.2.1 of these Standing Orders that will not admit of delay”

3.2 It is proposed that the Urgency Committee should again comprise seven members: the Chair, the two Vice Chairs and one other Labour Party member, with two Conservative Members and one Liberal Democrat Member. This gives a membership of 7 divided 4:2:1 between the parties. This has been the recent model to allow each party some representation on it. The quorum should remain unchanged at two. Each party may also appoint a substitute member.

3.3 The membership last year comprised: Councillors Coleman, Dodds, Fox, Hodgson, Price, Sizer and Stops.

4. LondonWaste Ltd Board

4.1 The Board structure for LondonWaste Ltd has eight Directors, divided as follows:

- Three A Directors nominated by the Authority
- Three B Directors nominated by SITA
- Two C Directors - the Managing Director and Operations Director of LondonWaste Ltd.
- One substitute (or alternate) Director is allowed for the A and B Directors.

4.2 Board meetings are held normally monthly on Fridays, with extra meetings sometimes required at short notice. In addition to the position of Chair of the Board, there is also a post of Deputy Chair. Non Executive A Directors of LondonWaste Limited receive £6,878 pa. This increases to £8,462 for the Chair and £7,669 for the Deputy Chair. Substitute Directors receive £3,439 pa. The

Chair and Deputy of LondonWaste Limited are also Chair and Deputy Chair of Polkacrest (wholly owned subsidiary of LondonWaste Limited) for which additional payments of £2,116 pa and £1,587 pa respectively are also paid. These fees are all paid by LWL Ltd.

4.3 The Chair of the LWL Ltd Board Meetings has mostly fallen to NLWA appointed A Directors. However, the election to the Chair is formally supposed to rotate between the Authority and SITA, the joint venture partner, the other shareholders in the company; In 2002/3 SITA assumed the Chair, and in 2003/2004, Councillor Haley held this position for the NLWA. With the agreement of both partners, Councillor Haley was again Chair in 2004/5.

4.4 The policy of the Authority since the Joint Venture was established in 1994 has been to have serving Councillors filling the A Director positions. This is not a requirement of the Joint Venture agreement. It would, therefore, be open to the Authority to agree non-Councillor nominations. This would be subject to persons nominated being prepared to serve in this capacity and to the Authority being satisfied that any nominations would have the requisite experience and ability to undertake this role.

4.5 In the past, A Directors have received particular advice as to their duties and responsibilities. For Members' information, material prepared by the Legal Adviser to advise its Members as to their position when serving as Directors, and guidance on Declaration of interests, together with advice from the Local Ombudsman's office on good practice in this area, is available on request. The Advisers are also available to brief the A Directors before Board meetings, should advice on matters coming before the Board be required, in addition to the briefings given by the Finance Officer and the Head of Waste Strategy and Contracts before each meeting of the LWL Ltd Board.

4.6 Members are, accordingly, asked to agree nominations for three A Directors and one substitute to serve until the AGM of the Authority in 2006. Members are asked to note that this will be after the next Council election. There is no requirement for political proportionality for these appointments.

4.7 The Membership for the last year comprised: Councillors Haley, Robinson and Sizer with Councillor Dodds as the Alternate (substitute) A-Director.

5. LondonWaste Ltd Pensions Scheme

5.1 The Authority and SITA UK agreed a pensions scheme for former NLWA employees who transferred to the Joint Venture Company at Vesting. The Authority is entitled to appoint two Trustees to the scheme.

5.2 Historically, these two positions have been taken by the Finance Adviser of the NLWA and a Councillor. The Authority may wish to continue with this

practice. Mr Peter Ingham is currently acting Finance Adviser to the Authority, however, in view of the lengthy administrative arrangements that are required for changing the names of Trustees in the Pension Scheme Trust Deeds it was decided that Mr. Ingham should not become a Trustee whilst he is acting Financial Adviser. Members may wish to continue this arrangement, to wit - appointing a Councillor to one of the trustee positions and leaving a vacancy in the other until the role of Finance Adviser has been filled. Interviews for the post of Director of Finance of Camden – and therefore Financial Adviser of the NLWA - are scheduled to take place on 19th July 2005. The Trustees will still be able to function until a new Financial Adviser is appointed.

5.3 Members are asked to note that there is no requirement for political proportionality for these appointments

5.4 The membership appointed last year comprised: Mr Mabey (the then Finance Adviser) and Councillor Sizer.

6. Joint Waste Strategy Implementation Board

6.1 The Government published guidance in March 2001 indicating that it expected a Joint Municipal Waste Management Strategy to be developed between waste disposal authorities and their constituent waste collection authorities. The London Mayor's Municipal Waste Management Strategy of September 2003 stated that each London waste disposal authority and its constituent boroughs should produce their joint strategy within a year of the publishing of the Mayor's own strategy.

6.2 The NLWA and its Partners in 2004 set up a Joint Waste Strategy Implementation Board of elected Members from each Partner Authority with responsibility for developing, monitoring, reviewing and co-ordinating the implementation of the Strategy once agreed. Due to the delay in securing final agreement of all Partners to the Strategy, the work of the Strategy Implementation Board has been less than expected during 2004/05. It is served by a team of senior officers. The Board is also responsible for monitoring developments in legislation, changing public and political priorities and opportunities for new initiatives, and recommending modifications to the Strategy at regular planned reviews once it is agreed.

6.3 For 2004/5, Councillors Stops and Sizer represented the Authority on this body.

6.4 Members are, accordingly, asked to elect a Representative and Substitute Representative to the Board until the AGM of the Authority in 2006, which will be after the Council election.

7. Attendance at meetings

7.1 Under Section 85 of the Local Government Act 1972, if a member fails to attend meetings throughout a period of six consecutive months from the date of the last attendance, they are disqualified from membership.

7.2 In 2000/2001 a mechanism was established to provide prior warning for Councillors at risk from disqualification. The process is for Members and Constituent Councils to be sent an advisory letter if they risk disqualification from the Authority. This also gives the member the opportunity to correct issues of non-attendance prior to disqualification coming into effect (e.g. attendance at a related meeting or other event not being taken into account.) This system has worked effectively and in the last year there have been no disqualifications.

7.3 The Standing Orders for the Authority state:

“A.3.3 Non-Attendance

(a) Members who do not attend any meeting of the Authority for a period of six months are disqualified from membership of the Authority, unless the reason for their non-attendance was approved by the Authority before the end of the six month period.

(b) Where the Deputy Clerk becomes aware that a Member has failed to attend a meeting of the Authority, its committees and/or its other subsidiary bodies for a period approaching six months, the Deputy Clerk will advise the member concerned and their constituent authority of their risk of disqualification.

(c) In the event of the Member concerned failing to attend a meeting of the Authority, the Authority will invite the constituent Council to appoint a replacement representative.”

8. Finance Officer Comments

8.1 The Finance Officer was consulted on this report and has no comments to make.

9. Legal Comments

9.1 The Legal Adviser's comments are incorporated in the Report.

Report Ends