

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: 7 th JULY 2004
<p>SUMMARY OF REPORT:</p> <p>Details proposals for the structure of any bodies which the Authority may wish to establish in the ensuing municipal year. The report also deals with attendance at meetings and seeks appointments to the following bodies:</p> <ul style="list-style-type: none"> • The North London Waste Authority Urgency Committee • The Joint Environmental Forum • The Board of LondonWaste Ltd • The LondonWaste Ltd Pensions Trustees. • The Joint Waste Strategy Implementation Board <p>Local Government Act 1972 – Access to Information: No documents required to be listed.</p> <p>Contact Officer: Thomas Ribbits, Deputy Clerk, NLWA Camden Town Hall Judd Street, London WC1H 9JE (020 7974 1915)</p> <p>Email: thomas.ribbits@camden.gov.uk</p>	
<p>RECOMMENDATIONS:</p> <p>The North London Waste Authority is RECOMMENDED to:</p> <ol style="list-style-type: none"> i) Note the political balance requirements as they affect the Authority for the ensuing municipal year. ii) Appoint an Urgency Committee as set out in paragraph 3.3. iii) Agree membership of the Joint Environmental Forum. iv) Make A Director appointments to LondonWaste Ltd for the period until the Annual General Meeting of the Authority in 2005. v) Make appointments of Trustees to the LondonWaste Ltd Pensions Scheme. vi) Note the appointments to positions of Chair and Deputy Chair of the Joint Waste Strategy Implementation Board vii) Note the position regarding attendance at meetings. 	

Signed by

Deputy Clerk

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 LondonWasteLtd 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.
- 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 to date by constituent Councils for 2003/4, 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 was the model adopted last year 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 Cohen, Coleman, Dodds, Fox, Hodgson, Sizer and Stops.

Joint Environmental Forum

3.3 The Joint Venture Agreement between the Authority and SITA provides for a Joint Environmental Forum between the Authority and its Joint Venture Partner SITA and main contractor LondonWaste Ltd, with the following terms of reference:

- (i) To consider environmental proposals put forward by LondonWaste Ltd, the constituent Boroughs and SITA;

- ii) To consider jointly the best environmental practice for dealing with items in the waste stream;
- iii) To consider applications put forward for submission to Environmental Trusts.
- iv) To comment on environmental policy documents produced by the Authority or LondonWaste Ltd prior to their finalisation.
- (v) To make relevant environmental recommendations to the Authority and the Board of LondonWaste Ltd and SITA.

3.4 The Forum is used for amongst other things, consideration of progress reports on the developments taking place as part of the Waste Incineration Directive (WID). Decisions on this matter would still be presented to the full Authority for determination in the usual way.

3.5 The membership of the Forum in past years has been four Authority members and two representatives from SITA and LondonWaste Ltd. Members are asked to make nominations for 2004/5. The proportionality suggests that the division between parties should be 2 Labour, One Conservative and One Liberal Democrat.

3.6 The membership last year comprised: Councillors Cohen, Fox, Robinson and Stops;

3.7 Although not formally called an Advisory Committee, Members are asked to note that in law this is such a body as appointed by the local authority under Section 102 of the Local Government Act 1972.

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 £6,663 pa. This increases to £8,200 for the Chair and £7,431 for the Deputy Chair. Substitute Directors receive £3,331 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 £2,050 pa and £1,538 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, it 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. At the LWL Ltd Board meeting on 23rd April 2004 the B Directors proposed that Councillor Haley should continue as Chair.
- 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 July 2005. There is no requirement for political proportionality for these appointments.
- 4.7 The Membership for the last year comprised: Councillors Haley, Matharoo and Robinson with Councillor Dodds as a substitute;

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 Mr John Mabey, the Finance Adviser of the NLWA and a Councillor. The Authority may wish to continue with this practice and, if so, to confirm Mr Mabey as trustee and appoint a Councillor to the other trustee position.
- 5.3 Members are asked to note that there is no requirement for political proportionality for these appointments
- 5.4 The membership last year comprised: Mr Mabey and Councillor Matharoo.

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 agreed at its last meeting to set up a Joint Waste Strategy Implementation Board of elected Members from each Partner Authority with responsibility for monitoring, reviewing and co-ordinating the implementation of the Strategy served by a team of senior officers. The Board will also be 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, the first of which is suggested for 2005/2006.
- 6.3 At its April meeting, in accordance with the current draft Strategy, Councillor Stops was elected Chair of the Board, and Councillor Sizer was elected as his deputy.
- 6.4 As the Authority has already appoint these Members to these positions for the duration of 2004/5 until the next NLWA Annual Meeting in June 2005, there is no need for reappointment on this occasion. However, in

future these appointments will be made at the annual general meeting of the Authority.

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, 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

Agenda Item 10

9.1 The Legal Adviser was consulted on this report and has no comments to make.

Report Ends

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