

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: APPOINTMENT OF MEMBERS TO COMMITTEES AND WORKING GROUPS

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO: AUTHORITY MEETING

DATE: 21 JUNE 2018

SUMMARY OF REPORT:

The report outlines the matters that must be taken into account when establishing committees, details procedures relating to attendance at meetings and seeks decisions on appointments to the North London Waste Authority Urgency Committee, Audit Committee, the Member Project Steering Group, the LondonEnergy Ltd Shareholder Group, Finance Working Group, Recycling Working Group and on arrangements connected with communications.

RECOMMENDATIONS:

The Authority is recommended to:

- A. Note the political balance requirements as they affect the Authority for the ensuing municipal year
- B. Establish and appoint an Urgency Committee consisting of seven members as set out in paragraph 3.2
- C. Establish and appoint Members to an Audit Committee with the terms of reference and membership as set out in paragraphs 4.2
- D. Appoint the Chair and Vice-Chair(s) of the Authority to the LondonEnergy Ltd Shareholder Group as identified in paragraph 5.1
- E. Agree to maintain a Member Project Steering Group as set out in paragraph 6.2 and appoint the Chair and Vice Chair(s) and one member from each Constituent Borough not otherwise represented to form its membership
- F. Agree to maintain a Finance Working Group as set out in paragraph 6.3 and appoint one Member from each Constituent Borough to form its membership and appoint one of these Members to chair the Group
- G. Agree to maintain a Recycling Working Group as set out in paragraph 6.4 and appoint a member from each Constituent Borough to form its membership and appoint one of these Members to chair the Group

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- H. Confirm that the Chair of the Authority will guide Officers in connection with the Authority's communication strategy and will be consulted on individual media communications of a sensitive nature
- I. Note the position regarding attendance at meetings

SIGNED:

Martin Capstick, Managing Director NLWA

DATE: 11 June 2018

1. INTRODUCTION

- 1.1. This report sets out the proposed Committee structure for the Authority for the next Municipal year and asks Members to deal with certain appointments in particular to Working Groups. It also deals with the issue of attendance at Authority 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. With the nominations made by Constituent Boroughs for 2018/19, the Authority has the following number of members divided by party lines as follows:

2 Conservative Members
12 Labour Members

The percentages for each party are therefore 85.7% Labour and 14.3% Conservative

3. URGENCY COMMITTEE

- 3.1. The Authority's Standing Orders provide for 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 in respect of any matters within the jurisdiction of the Authority (referred to in A.27.2 of Standing Orders) and which will not admit of delay".
- 3.2. In accordance with the Authority's Standing Orders the Urgency Committee shall have a membership of seven to include the Chair and Vice Chairs and so that one Member is from each of the Constituent Boroughs. The quorum for meetings is four Members.
- 3.3. In terms of Member workload it should be noted that whilst the Urgency Committee is necessary, and has been set up each year, it has only met twice in the last ten years.

4. AUDIT COMMITTEE

4.1. In order to meet the new requirement for approval and publication of audited accounts before the end of July, arising from the provisions of the Accounts and Audit Regulations 2015, it is recommended to establish an Audit Committee.

4.2. The Authority is requested to approve the following terms of reference for the Audit Committee for incorporation into the Authority's Standing Orders:

To consider and approve the audited accounts to enable publication of those accounts each year to meet statutory deadlines.

The Audit Committee shall have a membership of seven so that one Member is from each of the Constituent Boroughs. The quorum for meetings is four Members

4.3. The Authority is invited to appoint members according to the above terms.

5. LONDONENERGY LTD SHAREHOLDER GROUP

5.1. At the Authority Meeting on 10 February 2010, the Members Shareholder Group, consisting of the Chair and Vice-Chair(s) was formed to scrutinise the Company's business plan, attend LEL general meetings, in particular the Annual General Meeting, and provide support for the exercise of the proxy on matters reserved to the Authority. It is suggested that this arrangement continues in 2018/19.

6. WORKING GROUPS

6.1.1. Introduction

6.1.1.1. At the Authority meeting on 23rd September 2010 Members considered a report from the Managing Director on the formation of Working Groups. Authorisation was given to the setting up of a Finance Working Group and a Recycling Working Group. Additionally the Chair was authorised to guide officers in the development of a communication strategy and it was agreed that the Chair must be consulted on individual media communications of a sensitive nature. The Authority has also operated a Member/Officer Steering Group since midway through the 2012/13 Municipal Year.

6.1.1.2. The Working Groups and Steering Group have no decision-making powers and meetings and other arrangements are not subject to the rules which otherwise apply to either full Authority meetings or meetings of the Authority's committees. Decisions which need to be

made by the Authority are either made by the Authority itself, one of its duly delegated committees or a delegated Officer.

6.1.1.3. Members have previously requested that officers consider the possibility of setting up Committees with terms of reference covering the areas considered in some or all of the Working Groups. Officers are not recommending replacing Working Groups with Committees at this time and officers are of the view that all of the currently established Working Groups remain necessary. The Working Groups have the benefit of flexibility in their meeting times and number of meetings, and as they are not decision making groups, all decisions remain to be taken in full Authority meetings where all Members are able to be present.

6.1.2. Member Project Steering Group

6.1.2.1. The Member/Officer Steering Group was initially established as a mechanism for briefing Members informally regarding a variety of issues affecting the Authority. The Member/Officer working group shall have a membership of seven Members to include the Chair and Vice Chair(s) and so that one Member is from each of the Constituent Boroughs. However, other Members of the Authority can attend if they wish. It is proposed that the Steering Group continues and that nominations for membership from the Boroughs not represented by the Chair and Vice Chair(s) are sought from Authority Members. It is anticipated that the officer membership will continue as previously, namely the Managing Director and Head of Finance of the Authority, Legal and Financial Advisors and Senior Borough officers including the Director of Finance at LB Hackney and the Director of Environment at LB Islington.

6.1.3. Finance Working Group

6.1.3.1. At the Annual meeting in June 2013 it was resolved to maintain the Finance Working Group on the basis of one Member being nominated by each Constituent Borough. The Group meets 2-3 times each year to carry out a number of activities, including a review of the annual budget in advance of presentation to the Authority for approval in February and a review of the annual Statement of Accounts in advance of submission to the

September meeting. The Group also reviews the Authority's risk registers and risk management arrangements and reports issued by the internal and external auditors. The Group is also updated at its meetings on the performance of LondonEnergy Ltd and any other important matters of a financial nature.

6.1.3.2. It is proposed that the Finance Working Group continues and that nominations for membership and the Chair of the Group are sought from Authority Members.

6.1.3.3. It is currently envisaged that the Group will review the 2017/18 draft Statement of Accounts and the Annual Governance Statement before submission to the Audit Committee for formal approval. Additionally, the Group will be requested to review the Authority's risk registers ahead of the annual review of risk management at the September meeting.

6.1.4. Recycling Working Group

6.1.4.1. At the Annual meeting in June 2013 it was resolved to establish a Recycling Working Group with three Labour Members and one Conservative Member. This was amended at the Authority's September 2014 meeting to include one Member from each Constituent Borough.

6.1.4.2. It is therefore proposed that the Recycling Working Group is continued and that nominations for membership and Chair of the Group are sought with one member from each authority being appointed.

7. **COMMUNICATION**

7.1. The Authority is engaged in a significant amount of communication activity with often tight deadlines for media information and press releases. It is therefore proposed that the Chair of the Authority continues to guide officers in connection with the Authority's communications strategy and is consulted on media communications of a sensitive nature.

8. **ATTENDANCE AT MEETINGS**

8.1. Members are advised to note that in the absence of regular formal committees it is only attendance at Authority meetings that can count in any assessment of Member attendance/non-attendance. The current arrangements including the mechanism for providing warnings prior to disqualification are as follows:

- 8.2. 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.
- 8.3. A mechanism has been established to provide prior warning for Councillors at risk from disqualification. The process is for Members and Constituent Borough 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.
- 8.4. 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 Managing Director and Deputy Clerk (in these Standing Orders called “the Managing Director”) 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 Managing Director will advise the member concerned and their Constituent Borough 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 Borough to appoint a replacement representative.”

9. COMMENTS OF THE LEGAL ADVISER

- 9.1. The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated.

10. COMMENTS OF THE FINANCIAL ADVISER

- 10.1. The Financial Adviser has been consulted in the preparation of this report and comments have been incorporated

Contact officer:

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APPENDIX A: LIST OF AUTHORITY COMMITTEES

Urgency Committee	7 Members, one from each borough, to include the Chair & Vice-Chairs
Audit Committee	7 Members, one from each borough
LondonEnergy Limited Shareholder Group	3 Members – Chair and Vice-Chairs
Member Project Steering Group	7 Authority Members, one from each borough, to include the Chair & Vice-Chairs and officer members
Finance Working Group	7 Members, one from each borough
Recycling Working Group	7 Members, one from each borough

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