

NORTH LONDON WASTE AUTHORITY

REPORT TITLE: APPOINTMENT OF MEMBERS TO COMMITTEES AND WORKING GROUPS

REPORT OF: MANAGING DIRECTOR

FOR SUBMISSION TO: AUTHORITY MEETING

DATE: 27 JUNE 2024

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, Programme Committee, the LondonEnergy Ltd Board, 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 with the terms of reference and membership as set out in section 4;
- C. Establish and appoint Members to an Audit and Governance Committee with the terms of reference and membership as set out in section 5;
- D. Establish and appoint Members to a Programme Committee with the terms of reference and membership as set out in section 6;
- E. Appoint the Chair and Vice-Chair(s) of the Authority to the LondonEnergy Ltd Board as identified in paragraph 7;
- F. Agree to maintain a Finance Working Group as set out in paragraphs 8.4-8.5, appoint one Member from each Constituent Borough and the Authority's Independent Member of the Audit Committee 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 paragraphs 8.6-8.7 and appoint a member from each Constituent Borough to form its membership and appoint one of these Members to chair the Group;

- 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; and
- I. Note the position regarding attendance at meetings.
- J. Authorise the Managing Director to amend the Authority's Standing Orders to reflect the above.

SIGNED:  Managing Director

DATE: 17 June 2024

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 soon as reasonably practical thereafter).
- 2.2. With the appointments made by Constituent Boroughs for 2024/5, the Authority has 14 Labour Members.

3. APPOINTMENT TO COMMITTEES

- 3.1. Authority meetings provide the forum at which decisions are taken relating to the Authority's responsibilities. The Authority's Standing Orders also provide that decisions can be taken in Committees; in the latter case in accordance with their individual terms of reference. All constituent boroughs are represented in the membership of the Authority and of all Committees.

4. URGENCY COMMITTEE

- 4.1. 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 North London Waste Authority (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 of [the] Standing Orders that will not admit of delay".

- 4.2. 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. The other Member from the relevant Constituent Council that was not appointed to the Urgency Committee may attend any meeting of the Committee as a substitute for the nominated Member.

- 4.3. In terms of Member workload it should be noted that whilst the Urgency Committee is necessary, and has been set up each year, it meets infrequently and the last time it met was in 2012.

5. AUDIT COMMITTEE

- 5.1. The Committee's current terms of reference are as follows:

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

- 5.2. Across the public sector, local authorities have broadened the scope of their audit committees to include Governance and it is proposed that NLWA embraces this development.

- 5.3. It is proposed that the Authority establish an Audit and Governance Committee with the following Terms of Reference:

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

5.3.2. To keep under review and to offer advice upon the Authority's corporate governance arrangements including its arrangements for managing risk (including fraud) and systems of internal control.

- 5.4. It is further proposed that the new Audit and Governance Committee shall have a membership of seven with one Member from each of the Constituent Boroughs. The quorum for meetings is four Members. The other Member from the relevant Constituent Council who is not appointed to the Audit Committee may attend any meeting as a substitute for the nominated Member.

- 5.5. At the Annual General Meeting (AGM) in June 2023, the Authority agreed to the appointment of an Independent Member of the Audit Committee, approved the appointment process and delegated authority to the Director of Corporate Services to appoint. The Independent Member has no voting rights and their attendance does not count towards a quorum, but they are otherwise a full member of the Committee. Since the 2023 AGM, Conrad Hall has been appointed as the Authority's Independent Member of the Committee.

6. PROGRAMME COMMITTEE

- 6.1. The Authority's Standing Orders provide for a Programme Committee to meet in between the meetings of the Authority and, like the Authority, be authorised to take decisions to allow the North London Heat and Power Project (NLHPP) to be managed effectively. Its terms of reference (as quoted from the Authority's Standing Orders) are as follows:

- 6.1.1. 'To receive regular reports on the progress of the North London Heat and Power Project ("the Project").
 - 6.1.2. 'To consider and agree policies and strategies relating to the implementation of the Project and to receive updates relating to such policies and strategies in accordance with a programme to be agreed (indicative programme in Schedule).
 - 6.1.3. 'To take any decisions relating to the implementation of the Project (save for matters that may not be delegated to a Committee pursuant to B.2 above), including delegation of the implementation of such decisions to the Managing Director, Director of Corporate Services or Programme Director.
 - 6.1.4. 'To consider and agree policies and strategies related to long term capital investment in Authority assets, notable carbon capture plans.
 - 6.1.5. 'To oversee asset management arrangements and lifecycle investment plans for major Authority assets.
 - 6.1.6. 'To consider and advise if decisions relating to the Project should be taken at full Authority meetings and advise the Programme Director accordingly, taking account of the required timing of decisions.'
- 6.2. In accordance with the Authority's Standing Orders, the Programme 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. The other Member from the relevant Constituent Council that was not appointed to the Programme Committee may attend any meeting as a substitute for the nominated Member.

7. LONDONENERGY LTD BOARD

- 7.1. It was agreed at the Authority meeting in December 2020 that the Chair and Vice-Chairs of the Authority would be appointed to the Board of LondonEnergy Ltd (LEL) as non-executive directors. The involvement of Chair and Vice-Chairs alongside other board members has made a valuable contribution to enhancing the coordination and alignment between LondonEnergy Ltd and the Authority. The benefits of coordination have been demonstrated both as construction work has been undertaken alongside the Company's operations, and as initial facilities have transitioned successfully into operation. It is therefore recommended that those Members elected to be Chair and Vice-Chair should be appointed to the LondonEnergy Ltd Board. The remuneration for 2024/25 is £16,617. No conflict of interest arises in relation to the appointments as LondonEnergy Ltd is wholly owned by the Authority. It is in the interests of the residents of north London that the governance arrangements put in place facilitate the company in carrying out its

disposal of waste arising in the area. The appointments as non-executive director of LEL creates a positive link and connection from the constituent Boroughs to the Authority and then to LondonEnergy Ltd who ultimately dispose of the waste. The creation and maintenance of this link is in the public interest as it will ultimately facilitate a better service for residents.

8. WORKING GROUPS

Introduction

- 8.1. 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.
- 8.2. The Working Groups 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.
- 8.3. 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, number of meetings, ability to be held remotely and consideration of materials. As they are not decision making groups, all decisions remain to be taken in formal Authority meetings.

Finance Working Group

- 8.4. At the Annual meeting in June 2023 it was resolved to maintain the Finance Working Group on the basis of one Member being nominated by each Constituent Borough. The Group meets three to four 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 Audit Committee. 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.
- 8.5. It is proposed that the Finance Working Group continues, its membership is expanded to include the Authority's Independent Member of the Audit Committee

as a non-voting member and that nominations for membership and the Chair of the Group are sought from Authority Members.

Recycling Working Group

- 8.6. At the Annual meeting in June 2023 it was resolved to maintain a Recycling Working Group on the basis of one Member being nominated by each Constituent Borough. The Group usually meets five times each year to carry out a number of activities. These particularly concern guiding and shaping of the Authority's waste prevention activities as well as initiatives promoting reuse, repair and recycling. The working group also reviews performance in the delivery of recycling contracts and the provision of services at reuse and recycling centres.
- 8.7. 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.

9. COMMUNICATION

- 9.1. The Authority is engaged in a significant amount of communication activity with often tight deadlines for media information, press releases and social media activity. 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.

10. ATTENDANCE AT MEETINGS

- 10.1. Members are advised to note that it is only attendance at Authority meetings, including formal committee meetings, which 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:
- 10.1.1. 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.
- 10.1.2. 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 email 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.
- 10.1.3. The Standing Orders for the Authority state:

'Non-Attendance

- A.3.4 '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.
- A.3.5 '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.
- A.3.6 'In the event of the Member concerned failing to attend a meeting of the Authority, the Authority will invite the Constituent Borough to make a new Member appointment.'

11. EQUALITIES IMPLICATIONS

- 11.1. There are no equalities implications.

12. COMMENTS OF THE LEGAL ADVISER

- 12.1. The Legal Adviser has been consulted in the preparation of this report and has no comments to add.

13. COMMENTS OF THE FINANCIAL ADVISER

- 13.1. The Financial Adviser has been consulted in the preparation of this report and has no comments to add.

List of documents used:

No documents required to be listed.

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APPENDIX A LIST OF AUTHORITY COMMITTEES AND WORKING GROUPS

Urgency Committee	7 Members, one from each borough, to include the Chair & Vice-Chairs
Audit Committee	7 Members, one from each borough
Programme Committee	7 Members, one from each borough
LondonEnergy Limited Board appointment	3 Members – Chair and Vice-Chairs
Finance Working Group	7 Members, one from each borough
Recycling Working Group	7 Members, one from each borough