

## **NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:** APPOINTMENT OF MEMBERS TO COMMITTEES AND WORKING GROUPS

**REPORT OF:** MANAGING DIRECTOR

**FOR SUBMISSION TO:** AUTHORITY MEETING

**DATE:** 24 SEPTEMBER 2020

### **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 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 with the terms of reference and membership as set out in section 3
- C. Establish and appoint Members to an Audit Committee with the terms of reference and membership as set out in section 4
- D. Establish and appoint Members to a Programme Committee with the terms of reference and membership as set out in section 5
- E. Appoint the Chair and Vice-Chair(s) of the Authority to the LondonEnergy Ltd Shareholder Group as identified in paragraph 6.1
- F. Agree to maintain a Finance Working Group as set out in paragraph 7.2 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 7.3 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
- I. Note the position regarding attendance at meetings.

SIGNED:  ..... **Managing Director**

DATE: 14 September 2020

## **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 current membership for 2020/21, 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 on behalf of the Authority on any matters within the functions of the Authority as referred to in **A.2.1** of [the] Standing Orders that 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. The other Member from the relevant Constituent Council that was not appointed to the Urgency Committee may attend that meeting as a substitute.
- 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 meets infrequently and the last time it met was in 2012.

#### **4. AUDIT COMMITTEE**

4.1. The Authority's Standing Orders provide for an Audit Committee to meet the requirement for approval and publication of audited accounts. Its terms of reference (as quoted from the NLWA Standing Orders) are as follows:

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

4.2. The provisions of The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 amend the statutory audit deadlines for 2019/20, taking into consideration the impact of COVID-19. The key dates are (a) that the accounts must be prepared and signed off by the Financial Adviser no later than 31 August; and (b) the accounts must then be audited, and the audited accounts must be considered by Members and published by 31 November 2020. Public rights of access to the accounts and supporting documents will begin no later than 1 September.

4.3. In order to allow time for the planned audit to take place in September and for the notice of the meeting to be given, a meeting of the Audit Committee will be required in October or November. The meeting of the Audit Committee has been scheduled for 2 November 2020 at 2.00pm.

4.4. In accordance with the Authority's Standing Orders, 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. The other Member from the relevant Constituent Council that was not appointed to the Audit Committee may attend that meeting as a substitute.

#### **5. PROGRAMME COMMITTEE**

5.1. The Authority's Standing Orders provide for a Programme Committee to meet in between the meetings of the Authority and, together with 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:

- 1) "To receive regular reports on the progress of the North London Heat and Power Project ("the Project").
- 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).
- 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 or Programme Director.

- 4) 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”.

5.2. 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 that meeting as a substitute.

## **6. LONDONENERGY LTD SHAREHOLDER GROUP**

6.1. 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 2020/21.

## **7. WORKING GROUPS**

### **Introduction**

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.

## **Finance Working Group**

- 7.4. 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 two to three 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.
- 7.5. 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.
- 7.6. It is currently envisaged that the Group will review the 2019/20 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.

## **Recycling Working Group**

- 7.7. 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.
- 7.8. 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.

## **8. COMMUNICATION**

- 8.1. 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.

## **9. ATTENDANCE AT MEETINGS**

- 9.1. 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:

- 9.2. 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.
- 9.3. 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.
- 9.4. 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.”

## **10. EQUALITIES IMPLICATIONS**

- 10.1. Meetings of the Authority and its Committees are being held remotely in accordance with the powers contained within the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authorities and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”).
- 10.2. It is recognised that that some persons who ordinarily would be able to participate in Authority meetings in person will not be able to participate in remote meetings due to physical or other disability or because they lack the technological capability to do so. It is believed that this will only be a small minority of persons, but will likely disproportionately affect older persons and those of less financial means. It is acknowledged that in terms of income those that fall within certain protected

groups are statistically more likely to lack the means to have access to that equipment or the ability to use it. The Authority is of the view that in passing the Regulations to permit remote meetings, the Government has both considered this impact and also set out the importance of holding council meetings, including joint authorities, during the coronavirus emergency. Therefore, having given its obligations under Section 149 of the Equality Act due regard it considers the public interest in public elected member decisions resuming outweighs the impacts on any persons who may not be able to participate. It is also mindful of the current statutory prohibition on public gatherings when alternative means are available and it considers that the regulations allowing remote decision making is such an alternative which should be used.

- 10.3. Where there is the functionality to dial into a meeting instead of joining via the Internet, the Authority will support this as far as possible in line with the procedures set out in the Guidance on Remote Meetings Held During the Coronavirus National Emergency agreed at each meeting.
- 10.4. Teams has live captions functionality for remote meetings for the deaf / hard of hearing, which users can independently turn on; guidance on how to do so will be provided. The Authority cannot accept any liability for the accuracy of these live captions.
- 10.5. The Authority will consider any other requests for reasonable adjustments to be made in order to allow parties to be involved in remote Authority meetings as far as circumstances at the time of the meeting allows.
- 10.6. In addition the Authority will review and monitor the operation of its remote decision making and make adjustments when it considers it can further mitigate any adverse impact.

## **11. COMMENTS OF THE LEGAL ADVISER**

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

## **12. COMMENTS OF THE FINANCIAL ADVISER**

- 1.1. 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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