

	<p>Council</p> <p>8 December 2015</p>
<p style="text-align: right;">Title</p>	<p>Draft North London Waste Plan Memorandum of Understanding</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>All Wards</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Memorandum of Understanding between the seven north London boroughs</p> <p>Appendix 2: Decisions of the North London Boroughs on the Memorandum of Understanding</p> <p>Appendix 3: Memorandum of Understanding between the North London boroughs and the LLDC</p>
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Summary

The seven North London Boroughs (“the Boroughs”) are preparing a draft North London Waste Plan (NLWP). The Boroughs have revised the Memorandum of Understanding which establishes governance arrangements for joint working on the draft North London Waste Plan which will provide a planning framework for waste management decisions up to 2031.

Recommendations

- 1. That Council approve the revised Memorandum of Understanding (as set out in Appendix 1) as the formal arrangement for Barnet's continued involvement in the North London Waste Plan.**
- 2. That Council approve the Memorandum of Understanding with the London Legacy Development Corporation (LLDC) as set out in Appendix 3.**
- 3. That Council delegate authority to the relevant Chief Officer in consultation with the Chairman of Policy and Resources committee to agree such future Memoranda of Understanding which meet the strategic objectives as approved by Policy & Resources Committee at its meeting on 9 July 2015**

1. WHY THIS REPORT IS NEEDED

What is the North London Waste Plan?

- 1.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan for each of the North London Boroughs.
- 1.2 The purpose of the NLWP is to ensure there will be adequate provision of waste management facilities to manage North London's waste. It will set out the waste management needs and demonstrate how these needs will be met during the plan period through the identification of suitable sites and areas for waste management facilities. It will also include a policy framework for determining planning applications for waste development.
- 1.3 The NLWP is a requirement of the EU Waste Framework Directive and National Planning Policy for Waste. The NLWP must be in general conformity with the London Plan which apportions an amount of waste to each borough for management.
- 1.4 In 2012 a previous version of the NLWP was found by a Planning Inspector to not meet the legal requirements of the Duty to Co-operate and as a result the Boroughs had to start on a new NLWP.

Memorandum of Understanding (MoU)

- 1.5 The MoU is an updated version of the document agreed by all the North London Boroughs on 26th February 2007. The MoU provides the formal basis for borough co-ordination to enable production of the NLWP. The MoU covers issues of partnership working, organisational structure, project management and dispute resolution.
- 1.6 The MoU sets out the following principles of partnership working:

- Co-operation – boroughs agree to co-operate in order to achieve most sustainable waste management solutions for North London, whilst taking into account implications for each borough;
 - Accountability – recommended actions and decisions should promote the well being of all council tax payers;
 - Transparency - boroughs will seek joint solutions to waste planning through communicating in an open and transparent manner.
- 1.7 Between 10th June and 22nd July 2015, the seven North London Boroughs each formally considered the MoU and how they will co-operate over the production of the NLWP. The revisions took account of the decision by the Boroughs to start again on the NLWP after a Planning Inspector found that the previous version of the NLWP had failed the duty to co-operate.
- 1.8 During the consideration of the MoU by the Boroughs a number of submissions from residents were made mainly about the confidentiality clauses (section 12).
- 1.9 The other north London Boroughs (Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) all made a decision about the MoU, agreeing that the final form of the MoU be agreed under delegated power. The other north London Boroughs have all agreed the final form of the MoU, Barnet will be the last authority to approve the MoU.
- 1.10 London Borough of Barnet Policy and Resources committee 9 July 2015 agreed to recommend that full Council approve the revised Memorandum of Understanding as the formal arrangement for Barnet's continued involvement in the NLWP, subject to the wording change in Clause 12, (in consultation with HB Public Law), and receiving a briefing on all the amendments made by other Boroughs.

The decisions made by other Boroughs and amendments to Clause 12 of the MoU are set out in Appendix 2.

North London Waste Plan Memoranda of Understanding and the duty to cooperate

- 1.11 A key issue for the NLWP is the movement of waste beyond the seven boroughs, both within and outside London. Ensuring sufficient land/waste facilities outside the NLWP area will be dealt with by the 'Duty to Co-operate' which requires boroughs to engage, constructively, actively and on an on-going basis with other public bodies on strategic matters. Methods which can satisfy the duty include meetings, information exchange, agreement of common issues, statements of common ground and memorandum of understanding.
- 1.12 Policy and Resources committee has agreed the strategic objectives for future memorandum of understanding and it is recommended that full Council delegate authority to officers for future MoUs which meet those strategic objectives. The London Legacy Development Corporation (LLDC) agreement recommended for full Council approval is the type of agreement recommended

for future approval at delegated level in line with the strategic objectives in the draft NLWP.

- 1.13 Delegating decision making is considered a pragmatic approach to dealing with the practicality of having a number of MoUs with prospective partners (related to the Duty to Co-operate). The various MoU related to the Duty to Co-operate requirement will help form the content of the NLWP and should have no financial implications.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Ensuring approval of the NLWP Memorandum of Understanding will ensure that the legal basis for delivering the Waste Plan is up to date.
- 2.2 Approving the MoU with the LLDC demonstrates the type of agreement which in future will be agreed under delegated powers as part of policy process related to the NLWP in order to reduce the burden on the committee system.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Withdrawing from the NLWP would not be realistic because of the MoU which ensures Barnet's involvement until the NLWP adoption. Not adopting a waste plan would also leave the Council liable to fines. The Government wrote to waste planning authorities in January 2011 reminding them that the UK would be liable for fines (imposed by the EU) and that those fines can be passed onto any authority which caused the UK to breach its obligations.

4. POST DECISION IMPLEMENTATION

- 4.1 The MoU will be signed by each of the seven planning authorities.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The MoU will deliver a NLWP which helps to meet Corporate Plan 2015-20 strategic objectives in ensuring that Barnet is a place:-

- of opportunity, where people can further their quality of life – *the NLWP will ensure waste management facilities are appropriately planned thereby protecting residential areas from any environmental impact of new or redevelopment of existing facilities;*
- where people are helped to help themselves, recognising that prevention is better than cure – *the NLWP will ensure land is available for a range of waste management facilities which will support growth of waste recycling businesses increasing both business opportunities and opportunities for residents and businesses to recycle and utilise waste as a resource;*

- where responsibility is shared, fairly – *the NLWP will seek a network of waste sites across North London ensuring that communities take responsibility for their own waste; and.*
- where services are delivered efficiently to get value for money for the taxpayer - *the NLWP will ensure that the sites for waste management are delivered in more accessible locations helping to improve service delivery.*

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The indicative costs of producing the NLWP are set out in the revised MoU. The table below sets out that the indicative total cost for the project with the bottom row the cost per borough which are allocated on an equal basis. Barnet can expect a total cost of £156,422 across the lifetime of the project. Barnet has already paid £58,713. The costs are payable to LB Camden (the lead borough) twice a year, and are currently funded by the Council's Re budgets and will be met from existing budgets.

Indicative Budget for the NLWP

	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Consultant Data Study	£42,956					£42,956
Consultant Plan	£34,186	£113,302	£106,624	£73,097	£10,076	£337,284
Programme Management	£99,921	£105,372	£110,678	£87,701	£16,188	£419,860
Publicity	£2,065	£2,041	£43,200	£29,700	£12,700	£89,706
Legal	£2,500	£8,650	£10,000	£44,000	£5,000	£70,150
Examination				£135,000		£135,000
TOTAL	£181,628	£229,365	£270,502	£369,498	£43,963	£1,094,955
Per borough	£25,947	£32,766	£38,643	£52,785	£6,280	£156,422

5.2.2 Delay to the NLWP will be the principal cause of increased costs mainly through funding of the NLWP Programme Manager.

5.2.3 The budgets for the legal, consultation and examination are indicative and may be different due to demand. However, will try to be managed within the budget envelope.

5.3 Social Value

5.3.1 Social benefits will be delivered by the NLWP through ensuring waste management facilities are appropriately planned for thereby protecting

residential areas from any environmental impact of new or redevelopment of existing facilities.

5.4 Legal and Constitutional References

5.4.1 In accordance with the Council's constitution and paragraph 1.9 of Responsibility for Functions, the delegation of significant functions to other local authorities is reserved to Full Council. The Memorandum of Understanding with the Boroughs establishes Camden Council as the lead borough and as such Camden will enter into all contracts with third parties on behalf of the Boroughs (subject to consultation with the project panel).

5.5 Risk Management

5.5.1 The Memorandum of Understanding establishes protocols and commitments between the seven boroughs. It also provides contractual obligations which would result in financial penalties on any Borough defaulting from these commitments.

5.6 Equalities and Diversity

5.6.1 An Equality Impact Assessment (EQIA) has examined the impact of proposed waste management facilities and waste planning policies on the area covered by the seven boroughs.

5.7 Consultation and Engagement

5.7.1 Consultation and engagement is not required for the MoU.

5.8 Insight

5.8.1 Insight data is not relevant to the signing of the MoU.

6. BACKGROUND PAPERS

6.1 Agenda item 14: Policy and Resources committee 9 July 2015: <https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8346&Ver=4>