



MERSEYSIDE WASTE DISPOSAL AUTHORITY

**At the Annual Meeting of the Authority
held on Friday 25th June 2010**

Present : Councillor Cluskey
Councillor Morgan
Councillor Moore
Councillor Hargreaves
Councillor Tattersall
Councillor Brighthouse

1. **Appointment of Chairperson**

It was moved and seconded that Councillor Cluskey be appointed Chairperson.

Resolved that Councillor Cluskey be appointed Chairperson for the 2010/11 Municipal Year.

2. **Appointment of Deputy Chairperson**

It was moved and seconded that Councillor Morgan be appointed Deputy Chairperson.

Resolved that Councillor Morgan be appointed Deputy Chairperson for the 2010/11 Municipal Year.

3. **Apologies for Absence**

Apologies for absence were received from Councillors Concepcion and Nelson.

4. **Declarations of Interests by Members and Officers**

Councillor Cluskey declared a personal and prejudicial interest in item 16, recorded herewith as minute 17 in so far as it relates to his capacity as a director of Mersey Waste Holdings Limited.

Councillor Tattersall declared a personal and prejudicial interest in item 16, recorded herewith as minute 17 in so far as it relates to his capacity as a director of Mersey Waste Holdings Limited.

Neil Ferris declared a personal and prejudicial interest in item 16, recorded herewith as minute 17 in so far as it relates to his capacity as a director of Mersey Waste Holdings Limited.

Terry Bradley declared a personal and prejudicial interest in item 16, recorded herewith as minute 17 in so far as it relates to his capacity as a director of Mersey Waste Holdings Limited.

5. **Minutes of the Authority Meeting held on 16th April 2010**

Resolved that the minutes of the meeting held on 16th April 2010 be approved and signed as a correct record.

6. **Minutes of the Special Meeting held on 17th May 2010**

Resolved that the minutes of the special meeting held on 17th May 2010 be approved and signed as a correct record.

7. **Scheme of Delegation**
WDA/20/10

The Authority considered a report seeking agreement to the Authority's Scheme of Delegation.

Resolved that the Scheme of Delegation be adopted for the 2010/11 Municipal Year.

8. **Appointments and Committees**
WDA/21/10

A report was submitted seeking Members' approval to the terms of reference and powers of the Authority to be delegated to the Appeals Committee and the Audit and Governance Committee. Members considered the membership of these Committees, the appointment of Lead Members to specified portfolios and representation on other bodies.

Following discussion, Members agreed to amend the recommendation to allow the Clerk to consult with all Members, including those not in attendance, to finalise appointments.

Resolved that:

1. the terms of reference and the delegation of powers of the Authority to the Appeals Committee and the Audit and Governance Committee as presented at the meeting be approved;
2. Membership of the Authority's Committees be as follows:
 - a. Appeals Committee
Councillors Morgan, Moore, Brighthouse and Tattersall.
 - b. Audit and Governance Committee
Councillors Brighthouse, Moore, Morgan and one further Member.
3. representations on other bodies for the 2010/11 Municipal Year be as follows:-
 - a. The Board of Mersey Waste Holdings Limited

Councillors Cluskey in addition to Councillor Tattersall's current appointment.
 - b. The Board of Bidston Methane

Councillors Brighthouse and two further Members
 - c. North Western Local Authorities' Employers' Organisation

Councillor Cluskey
 - d. Liverpool City Region Environment and Waste Board

Councillor Cluskey
 - e. Sefton Borough Partnership Strategic Board

Councillor Cluskey
4. delegated powers of the Authority be granted to the Clerk to consult with all Members and agree the appointment of Lead Members to Portfolios and the outstanding appointments identified in 2 (b) and 3 (b) above.

9. **Questions on the Discharge of Functions**
WDA/19/10

The Authority considered a report seeking nominations as to which Members should be responsible for answering questions on behalf of the Authority at their respective constituent Council proceedings.

Resolved that:

1. the under mentioned Councillors be nominated to answer questions at their Council proceedings on the discharge of functions of this Authority, in accordance with Section 41 of the Local Government Act 1985.

Knowsley MBC	Councillor Morgan
Liverpool CC	Councillor Moore
St Helens MBC	Councillor Hargreaves
Sefton MBC	Councillor Cluskey
Wirral MBC	Councillor Brighouse

10. **Code of Corporate Governance and Annual Governance Statement**
WDA/18/10

The Authority considered a report informing Members of the findings of the Annual Code of Governance Assessment and seeking approval to the draft Annual Governance Statement for inclusion in the Statement of Accounts 2009/10.

Resolved that:

1. the findings of the Annual Corporate Governance Assessment be noted;
2. the Annual Governance Statement be approved and signed by the Authority's representatives; and
3. the inclusion of the Annual Governance Statement in the Statement of Accounts 2009/10 be approved.

11. **Statement of Accounts**
WDA/25/10

A report was submitted presenting Members with the Authority's Statement of Accounts for 2009/10. Members were reminded that the Accounts and Audit Regulations 2003 (as amended 2006) places a duty

on the Authority to prepare and publish its Statement of Accounts for 2009/10 by 30th June 2010.

Resolved that:

1. the Authority's Statement of Accounts for 2009/10 be approved; and
2. the Chairperson of the Authority sign and date the Statement of Accounts as required.

12. **MWDA Outturn Report 2009/10**
WDA/22/10

A report was submitted requesting that Members note the final outturn position with regard to the Authority's Capital and Revenue Expenditure in 2009/10.

Resolved that:

1. the final outturn position with regard to the Authority's Capital and Revenue Expenditure for 2009/10 be noted; and
2. the final outturn with regard to the Authority's Prudential Indicators as included in Appendix 3 be noted.

13. **Performance Reporting**
WDA/26/10

Members were asked to consider a new template for performance reporting and to agree the frequency and process for reporting.

Resolved that:

1. the template for performance reporting attached to the report be approved;
2. a quarterly cycle for the preparation and presentation of the detailed performance report be approved; and
3. the Performance Report be considered by the Authority each quarter.

14. **JMWMS Review: Options for Public Consultation**
WDA/23/10

A report was submitted, advising Members on the options available for the delivery of a public consultation exercise to inform the review of the Joint Municipal Waste Management Strategy for Merseyside (JMWMS). Approval was also sought to grant delegated powers of the Authority to the Director to agree the content of the Consultation Survey.

Councillor Moore requested that it be minuted that Liverpool City Council had made a policy decision not to support restricting the capacity of residual waste containers or alternate weekly collections.

Resolved that:

1. Option Two be approved as the preferred option for the delivery of the Public Consultation on the Joint Municipal Waste Management Strategy with a budget of £75,000 during 2010/11; and
2. delegated powers of the Authority be granted to the Director, in consultation with the Lead Member for Strategy and Resources, to agree the content of the public questionnaires/surveys for the Strategy Review.

15. **Exclusion of the Public**

Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:

<u>Minute</u>	<u>Reason (under the Local Government Act 1972)</u>
16 & 17	Exempt information relating to the financial or business affairs of any particular person (Para 3 of Schedule 12A)

The Chairperson sought Members' agreement to alter the order of business, namely to deal with item 17 on the agenda in the first instance. Members agreed unanimously to the reordering of the agenda.

16. **Sites and Planning Update**
WDA/29/10

A report was submitted which informed Members of the latest progress and sought Member approval to an Exclusivity Agreement which would

give the Authority exclusive rights to negotiate the purchase of a further site.

Resolved that:

1. the Director be authorised to sign the Exclusivity Agreement with the owner of the site named in the report for the amount stated in the report; and
2. The Exclusivity fee shall be non-refundable, but deductible as part of the overall purchase price, should the Authority proceed with the acquisition and will remain in force for the period specified in the report.

Councillors Cluskey and Tattersall declared a personal and prejudicial interest in the following item, recorded herewith as resolution 17 and in accordance with the Code of Conduct for Members, left the meeting during consideration of the item.

Terry Bradley and Neil Ferris declared a personal and prejudicial interest in the following item, recorded herewith as resolution 17 and in accordance with the Code of Conduct for Officers, left the meeting during consideration of the item.

Councillor Morgan took the chair.

17. **Mersey Waste Holdings Limited (MWHL)**
WDA/28/10

A report was submitted which informed Members of the progress to date in relation to a contract held by MWHL which is currently subject to arbitration.

Resolved that:

1. Members agree that the Director, in consultation with the Treasurer, advise MWHL (Mersey Waste Holdings Limited) that MWDA will not offer full cost in the ongoing disputed Landfill Contract at this time;
2. the Director, in consultation with the Treasurer, work with MWHL to seek to reduce the contractual risks that have arisen during the negotiations for the disputed contract and determine the final position in negotiations to an agreed timetable and subsequently provide a report and recommendations to the Authority; and

3. Members agree that the Director ask the Board to explore all options for the realisation of value for the shareholder including the sale of the company.