



MERSEYSIDE WASTE DISPOSAL AUTHORITY

**At the Meeting of the Authority
held on Friday 26th June 2009**

Present : Councillor Cluskey
Councillor Salter
Councillor O'Byrne
Councillor Tattersall
Councillor Moffatt
Councillor Gardiner
Councillor Crowther
Councillor Harris

1. **Appointment of Chairperson**

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

Councillor O'Byrne asked that her dissent to the appointment be recorded in the minutes.

Resolved that Councillor Cluskey be appointed Chairperson for the 2009/10 Municipal Year.

The Chairperson took this opportunity to note that it would be the last Authority meeting attended by the Authority's Treasurer, John Webster before his retirement and thanked him for his long service to the Authority.

2. **Appointment of Deputy Chairperson**

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

Councillor O'Byrne asked that her dissent to the appointment be recorded in the minutes.

Resolved that Councillor Salter be appointed Deputy Chairperson for the 2009/10 Municipal Year.

3. **Apologies for Absence**

Apologies for absence were received from Councillors Lonergan and Mills.

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

Councillor Cluskey declared a non-prejudicial interest in items 14 and 16, recorded herewith as minutes 14 and 16 in so far as they relate to his capacity as a director of Mersey Waste Holdings Limited.

5. **Minutes of the Authority Meeting held on 15th April 2009**

Resolved that the minutes of the meeting held on 15th April 2009 be approved and signed as a correct record.

6. **Minutes of the Authority Meeting held on 22nd May 2009**

Resolved that the minutes of the meeting held on 22nd May 2009 be approved and signed as a correct record.

7. **Questions from Members under Procedural Rules 9**

There were no questions submitted by Members under Procedural Rule 9.

8. **Questions from Members of the Public under Procedural Rules 10**

There were no questions submitted by members of the public under Procedural Rule 10.

9. **Motions proposed by Members under Procedural Rule 15**

There were no motions proposed by Members under Procedural Rule 15.

10. **Questions on the Discharge of Functions**
WDA/18/09

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 Lonergan
St Helens MBC	Councillor Crowther
Sefton MBC	Councillor Cluskey
Wirral MBC	Councillor Salter

2. the nomination of a Member to answer questions at Liverpool City Council proceedings not be made and that Liverpool City Council to be notified accordingly.

11. **Appointments and Committees**
WDA/19/09

A report was submitted outlining the roles and responsibilities of Members and 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 and representation on other bodies.

Resolved that:

1. the roles and responsibilities are agreed as follows:
 - a. Councillor Cluskey (Strategy and Forward Planning, Finance, Performance Management, Best Value, Procurement, Sustainability portfolio)
 - b. Councillor Salter (Risk Management and Audit portfolio, Communications and PR portfolio and supporting Councillor Cluskey in Procurement)
 - c. All Members (Scrutiny, Public Consultation)
2. the terms of reference and the delegation of powers of the Authority to the Appeals Committee and the Audit and Governance Committee be approved as presented at the meeting;
3. Membership of the Authority's Committees be as follows:
 - a. Appeals Committee
Councillors Salter, Lonergan, Tattersall and Crowther.
 - b. Audit and Governance Committee

Councillors Tattersall, Lonergan, O'Byrne and Gardiner.

4. representations on other bodies for the 2009/10 Municipal Year be as follows:-

a. The Board of Mersey Waste Holdings Limited

Councillors Tattersall in addition to Councillor Cluskey's current appointment.

b. The Board of Bidston Methane

Councillors Crowther, Gardiner and O'Byrne

c. North Western Local Authorities' Employers' Organisation

Councillor Cluskey

12. **Scheme of Delegation**
WDA/21/09

The Authority considered a report seeking approval to proposed amendments to the Authority's Scheme of Delegation.

Resolved that the amended Scheme of Delegation be adopted for the 2009/10 Municipal Year.

13. **Urgent Action taken under Procedural Rule 23**
WDA/22/09

A report was submitted, informing Members of an urgent action taken by the Director, in consultation with the Chairperson, to issue an indemnity to the Treasurer in relation to the certification of the Waste Management Recycling Contract.

Resolved that the action taken be noted.

Councillor Cluskey declared a non-prejudicial interest in the following item and in accordance with the Code of Conduct for Members, remained in the meeting.

14. **Code of Corporate Governance and Annual Governance Statement**
WDA/20/09

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 2008/09.

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 2008/09 be approved.

15. **Outturn Report 2008/09**
WDA/23/09

A report was submitted requesting that Members note the final outturn position with regard to the Authority's Capital and Revenue Expenditure in 2008/09.

Resolved that:

1. the final outturn position with regard to the Authority's Capital and Revenue Expenditure for 2008/09 be noted; and
2. the final outturn with regard to the Authority's Prudential Indicators as included in Appendix 3 be noted.

Councillor Cluskey declared a non-prejudicial interest in the following item and in accordance with the Code of Conduct for Members, remained in the meeting.

16. **Statement of Accounts 2008/09**
WDA/25/09

A report was submitted presenting Members with the Authority's Statement of Accounts for 2008/09. 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 2008/09 by 30th June 2009.

Resolved that:

1. the Authority's Statement of Accounts for 2008/09 be approved; and

2. the Chairperson of the Authority sign and date the Statement of Accounts as required.

17. **Household Waste Recycling Centres
Commercial Vehicle Permit Scheme
WDA/27/09**

The Authority considered a report which sought Members' approval to a phased implementation of a Commercial Vehicle Permit Scheme to control waste inputs at the Authority's Household Waste Recycling Centres. It was noted that the Appendix to the report had not been included in the papers for the meeting and was tabled on the day.

Following discussion at the meeting, the Director proposed amendments to the recommendations in the report which were agreed.

Resolved that:

1. the implementation of a pilot phase of the Commercial Vehicle Permit Scheme be approved;
2. delegated powers of the Authority be granted to the Director in consultation with all Members to agree the final form of the pilot scheme; and
3. the Director report back to Members on the results of the pilot phase prior to full implementation of the scheme.

18. **Exclusion of the Public**

Resolved that the public be excluded from the meeting during consideration of the following items for the reasons stated.

<u>Minute</u>	<u>Reason (under the Local Government Act 1972)</u>
19, 20 21	Exempt information relating to the financial or business affairs of any particular person (Para 3 of Schedule 12A)

19. **Capital Programme 2009/10
WDA/26/09**

A report was submitted seeking approval to set the overall Capital Programme for 2009/10 to reflect the Authority's current circumstances and needs.

Resolved that a revised programme of capital expenditure in the sum of £9,300,000 for 2009/10 be approved.

20. **Resource Recovery Contract**
Procurement Project
Evaluation of Submission of Detailed Solutions
WDA/28/09

A report was submitted which advised Members of the outcome of the evaluation of participants' Detailed Solutions, submitted as part of the Resource Recovery Contract (RRC) Competitive Dialogue process.

Following discussion at the meeting, the Director proposed amendments to the recommendations in the report which were agreed.

Resolved that:

1. the Authority note the report; and
2. in recognition of the increasing financial and technological degree of certainty that the recommendation in the report creates and the need to address the planning deliverability in light of the emerging Waste Development Plan Document (DPD) policy position in respect of sites for Energy from Waste facilities, that the Authority defers its decision and the Director be instructed to:
 - 2.1 seek clarification as to the emerging policy position of the Waste DPD in respect of sites for Energy from Waste facilities;
 - 2.2 undertake consultation with District Chief Executives and Treasurers regarding the overall financial and levy strategy implications of the report recommendations;
 - 2.3 produce a further report to include the outcomes of these enquiries and consultations;
 - 2.4 include in the above report a timetable and cost / risk implications of the different potential outcomes in terms of planning deliverability; and
 - 2.5 invite Merseyside and Halton Leaders and Chief Executives to a meeting of the Authority to discuss the outcomes of the RRC procurement and planning deliverability.

21. **Sites Acquisition and Planning Strategies**
Resource Recovery Contract (RRC) Procurement
WDA/24/09

The Authority considered a report presenting a strategy for the acquisition and the subsequent pursuit of planning consents on sites which are the most suitable for use by the Authority, given the participants solutions detailed in the previous item on the agenda.

Resolved that the item be withdrawn.

The following item had not been notified three clear working days in advance of the meeting, however, the Chairman agreed to it being considered as a matter of urgency.

John Webster, Treasurer to the Authority, declared a personal and prejudicial interest in the following item and in accordance with the Code of Conduct, left the meeting during consideration of the item.

22. **Interim Arrangements for Treasurer**
WDA/29/09

The Authority considered a report seeking Members' approval to proposed arrangements in relation to the Authority's duty to appoint a Chief Finance Officer.

Resolved that:

1. the interim proposals detailed in the report be approved;
2. the Authority meeting scheduled for 14th August 2009 be cancelled; and
3. all existing delegations that refer to the Treasurer shall be read as to require additional consultation with the Treasurer Designate until such time as the Treasurer Designate becomes Treasurer.