DRAFT STATUTORY INSTRUMENTS

2008 No. 0000

LONDON GOVERNMENT

The London Waste and Recycling Board Order 2008

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 60A(5), 356B(1) and 405(1) of the Greater London Authority Act 1999(**1**).

In accordance with section 420(3) of that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introduction

Title and commencement

1. This Order—

(a) may be cited as the London Waste and Recycling Board Order 2008; and

(b) comes into force the day after this Order is made.

Interpretation

2. In this Order—

"the Board" means the London Waste and Recycling Board;

"the London councils" means the London borough councils and the Common Council, acting jointly;

"council members" has the meaning given by article 3(1)(b);

"independent members" has the meaning given by article 3(1)(c);

"Mayor's representative" has the meaning given by article 4(1).

(**1**) 1999 c. 29. Section 60A(5) was inserted by section 4(1) of the Greater London Authority Act 2007 (c. 24) and section 356B was inserted by section 38(1) of that Act.

PART 2

Membership of the Board

Members of the Board

3.—(1) The Board shall comprise the following members—

(a) the Mayor who shall be the chair of the Board;

(b) four elected members of any London borough council or the Common Council appointed by the London councils ("council members");

(c) two persons appointed by the London councils and one person appointed by the Mayor ("independent members").

This is subject to paragraphs (2) and (3) and article 4.

(2) The London councils must ensure that, at any given time, no two or more council members are from the same London borough council or the Common Council.

(3) The London councils or the Mayor may not appoint any person as an independent member if that person is an elected member of any London borough council or the Common Council.

Mayor's representative

4.—(1) The Mayor may appoint a person ("Mayor's representative") to be the chair of the Board on the Mayor's behalf.

(2) But the Mayor may not appoint any person as the Mayor's representative who is—

(a) an existing member of the Board; or

(b) an elected member of any London borough council or the Common Council.

(3) Where the Mayor appoints a representative under paragraph (1) that person shall replace the Mayor as a member of the Board.

(4) The Mayor's representative shall hold and vacate office in accordance with such terms and conditions as are determined by the Mayor.

This is subject to paragraphs (5), (6) and (7).

(5) Where the Mayor's representative becomes an elected member of a London borough council or the Common Council, that person ceases to be the Mayor's representative.

(6) Where a person ceases to hold office as Mayor any person appointed as the Mayor's representative ceases to hold that position unless their appointment is confirmed by the subsequent Mayor.

(7) The Mayor may remove any person appointed under paragraph (1) where that person—

(a) has been absent from the meetings of the Board for more than 6 months without the permission of the Mayor;

(b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that person's estate has been sequestrated; or

(c) in the opinion of the Mayor, has become unable, unfit or unsuitable to carry out that person's duties.

(8) Article 6 does not apply in relation to the Mayor's representative.

Relevant experience and knowledge

5. The Mayor and the London councils must, in appointing members of the Board (including the Mayor's representative), have regard to the desirability of securing that they have, between them, experience in or knowledge of—

(a) the prevention, minimization, recycling, treatment, disposal and transportation of waste;

(b) the provision of waste collection and disposal services;

(c) the town and country planning system;

(d) quality assurance;

(e) the requirements of different waste producers in respect of the treatment, collection and disposal of waste;

(f) service and capital project procurement and delivery in the public and the private sector;

(g) environmental protection.

Terms of appointment and tenure

6.—(1) The Board members shall hold and vacate office in accordance with such terms and conditions as are determined by the Mayor with the consent of the London councils (subject to this Order).

(2) The term of office of any Board member, other than the chair, must not exceed 4 years.

(3) A person who has held office as a council member or independent member may be re-appointed once only for a further period (whether consecutive or not) not exceeding 4 years.

(4) The London councils may remove any council member or independent member appointed by them from the Board if that member—

(a) has been absent from the meetings of the Board for more than 6 months without the permission of the Board;

(b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that member's estate has been sequestrated; or

(c) in their opinion, has become unable, unfit or unsuitable to carry out that member's duties.

(5) The Mayor may remove any independent member appointed by the Mayor from the Board if that member—

(a) has been absent from the meetings of the Board for more than 6 months without the permission of the Board;

(b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that member's estate has been sequestrated; or

(c) in the opinion of the Mayor, has become unable, unfit or unsuitable to carry out that member's duties.

(6) Where a council member ceases to be an elected member of a London borough council or the Common Council, that person ceases to be a member of the Board.

(7) Where an independent member becomes an elected member of a London borough council or the Common Council, that person ceases to be a member of the Board.

(8) Where a person ceases to hold office as Mayor—

(a) that person ceases to be a member of the Board; and

(b) any independent member appointed by that person ceases to be a member of the Board unless their appointment is confirmed by the subsequent Mayor.

Allowances and expenses

7. The Board may pay to its members and committee members—

(a) such allowances as are determined by the Mayor with the consent of the London councils; and

(b) any expenses properly incurred by them in carrying out the Board's business.

PART 3

Proceedings of the Board etc.

Committees

8.—(1) The Board may establish committees.

(2) Any such committee—

(a) must not include the chair of the Board;

(b) may include members who are not members of the Board.

Procedure of the Board

9.—(1) Subject to paragraph (2), the Board may—

(a) determine its own procedure (including quorum); and

(b) determine the procedure (including quorum) of any of its committees.

(2) On any vote by the Board the chair has an additional, casting vote in the event of a tie.

Validity of proceedings

10.—(1) The validity of any proceedings of the Board shall not be affected—

(a) by a vacancy amongst the council members or independent members; or

(b) by a defect in the appointment or any disqualification of a person as a council member or independent member.

(2) The validity of any proceedings of the Board shall not be affected—

(a) by a vacancy in the office of chair, or

(b) by a defect in the appointment or any disqualification of a person as chair,

if those proceedings are conducted with the consent of the Secretary of State.

(3) The Secretary of State may, before granting such consent, require a chair to be appointed for the purposes of those proceedings from amongst either the council members or the independent members as the Secretary of State shall determine.

Registration and disclosure of members' interests

11.—(1) The Board must establish and maintain a system for the declaration and registration of private interests of its members.

(2) A member of the Board must immediately disclose any direct or indirect interest in any matter proposed or discussed by the Board.

(3) The disclosure must be recorded in the minutes of the Board.