EXPLANATORY MEMORANDUM TO

THE LONDON WASTE AND RECYCLING BOARD ORDER 2008

2008 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order sets out the membership and constitution of the London Waste and Recycling Board. It sets out the number of members, how they will be chosen, their tenure and matters relating to the procedures of the Board. It sets out requirements for reporting, public access to meetings and documentation, as well as the keeping of accounts and auditing.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 During consideration of the Greater London Authority Act (2007), Government agreed to make provision for a statutory London Waste and Recycling Board. This takes forward a previous commitment to a stakeholder forum that was announced after the Review of the Mayors Powers in June 2006. (Lords Hansard 26 Jun 2007 : Column 507)

5. Territorial Extent and Application

5.1 This instrument applies to England.

5.2 The London Waste and Recycling Board is concerned with waste and recycling matters within Greater London.

6. European Convention on Human Rights

Joan Ruddock MP, Minister for Waste has made the following statement regarding Human Rights:

In my view the provisions of the London Waste and Recycling Board Order are compatible with the Convention rights.

7. Policy background

7.1 This Order sets out the membership and constitution of the London Waste and Recycling Board, as provided for by section 356B of the Greater London Authority Act 1999 (amended by section 38 of the Greater London Authority Act 2007). The purpose of the Board is to promote and facilitate an increase in environmentally sustainable waste management across London. It will manage the London Waste and Recycling Fund to help achieve these objectives. It may also provide advice to the Boroughs, GLA and anyone else it determines. It will also have to act in accordance with the Mayor's municipal waste management strategy.

7.2 The size and make-up of the Board is proposed to be large enough to represent a range of interests, but small enough to be able to take effective decisions. The Mayor or his nominee will chair. Seven further ordinary members are proposed, 4 of whom will be Councillors from London Boroughs, and 3 of whom will be independent of the Boroughs and the Mayor (2 appointed by London Councils, 1 by the Mayor).

7.3 It does not alter the roles and responsibilities of the Greater London Authority or the London Boroughs regarding waste and recycling.

Consultation

7.4 An informal consultation on the Order was conducted between 30 January and 14 February 2008. The informal consultation set out the proposed detail of the Order, and invited comment. It was circulated to waste stakeholders in London, including the London Councils, the Greater London Authority and through the Boroughs waste managers network. Five responses were received, which raised a number of specific detailed points, all of which have been considered. Two Joint Waste Disposal Authorities (JWDA) proposed that specific provision was made for JWDAs on the Board. However, Government remains of the view that this is unnecessary, as the Board must represent London's interests as a whole, and furthermore JWDAs are themselves joint authorities of London local authorities, who have majority representation on the Board.

7.5 There has been further discussion between Government, London Councils and the GLA following the recent Mayoral elections. The Leader of London Councils, Merrick Cockell, and the Deputy Mayor, Government Relations, Ian Clement jointly wrote (23 May) to Joan Ruddock, Minister for Waste with their agreed membership of the Board, which is reflected in this Order.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector as it does not change the roles and responsibilities of any local authority regarding waste and recycling.

9. Contact

Jane Dennett-Thorpe at the Government Office for London Tel: 0207 217 3313 or email: jane.dennett-thorpe@gol.gsi.gov.uk can answer any queries regarding the instrument.