

AUTHORITY REPORT: NOMINATIONS UNDER SECTION 41 OF THE LOCAL GOVERNMENT ACT 1985

1. Confidential Report

No

2. Recommendation:

2.1 In accordance with Section 41 of the Local Government Act 1985, the Authority is recommended to nominate from its membership, one Member from each of the Constituent Councils, to answer questions on behalf of the Authority, put by other Members of the Constituent Councils in the course of council proceedings, pertaining to the discharge of the Authority's functions for the year 2012/13.

3. Purpose

3.1 To seek nominations from ELWA as to which Members shall be responsible for answering questions on behalf of ELWA at their respective constituent council proceedings.

4. Background

4.1 Section 41 of the Local Government Act 1985 requires that, as a statutory Waste Disposal Authority, ELWA should make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a joint authority to be put in the course of the proceedings of any constituent council by members of that council for answer by a member of it who is also a member of the authority and is nominated by the authority for that purpose. What this means is that ELWA, as a joint authority, must nominate from its membership, a Member from each of the four Constituent Councils as the person who will, on behalf of ELWA, answer questions put by other Members of the Constituent Councils in the course of council proceedings, pertaining to the discharge of ELWA's functions. This is a mandatory statutory requirement.

4.2 The usual practice has been for ELWA to nominate ELWA Members who are the respective council's lead Member for Environment/Waste to answer questions on behalf of ELWA. Members may wish to consider continuing that practice.

5. Relevant officer:

Eldred Taylor-Camara / e-mail: eldred.taylor-camara@lbbd.gov.uk / 020 8227 3344

6. Appendices attached:

6.1 None

7. Background papers:

7.1 Local Government Act 1985

8. Legal considerations:

8.1 This report was prepared by the Monitoring Officer and Legal Adviser to the Authority and the legal implications are set out in body of the report.

9. Financial considerations:

9.1 There are no additional financial implications for ELWA arising from the recommendation in this report.

10. Performance management considerations:

10.1 None

11. Risk management considerations:

11.1 None

12. Equalities considerations:

12.1 None

13. Follow-up reports:

13.1 None

14. Websites and e-mail links for further information:

14.1 None

15. Glossary:

Constituent Councils = London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge.

ELWA = East London Waste Authority

16. Approved by management board

16.1 23 April 2012

17. Confidentiality:

17.1 No