

Notice of Non-key Executive Decision

Subject Heading:	Entering into an Memorandum of Understanding (MoU) for production of an evidence base for the East London Joint Waste Plan
Cabinet Member:	Councillor Damian White
SLT Lead:	Barry Francis Director of Neighbourhoods
Report Author and contact details:	Cara Collier cara.collier@havering.gov.uk
Policy context:	<p>Duty to Co-operate/Localism Act (2011)</p> <p>National Planning Policy Framework (2019)</p> <p>The London Plan (2021)</p> <p>Proposed Havering Local Plan (Submission 2018)</p> <p>Havering Local Plan Main Modifications (2020)</p> <p>Joint Waste Development Plan for the East London Waste Authority Boroughs (2012)</p>
Financial summary:	<p>The cost of the Baseline evidence for the joint East London Waste Plan will be under £40,000. This will be shared equally by the four boroughs (maximum £10,000 per borough). This cost will be met through existing budgets in the Planning Service.</p> <p>Additional payment for examination days and/or additional meetings may be needed.</p>

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	The MoU does not commit the council to any further financial obligations.
Relevant OSC:	Towns and Communities
Is this decision exempt from being called-in?	Yes

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Recommendation

1. To approve and sign the Memorandum of Understanding for the “Evidence base for the East London Joint Waste Plan”; subject to the value of the Council’s share of the overall cost not exceeding £10,000

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, Para 3.4 of the Constitution of the London Borough of Havering.
(Powers of Second Tier Managers - to take any steps necessary for proper management and administration for their allocated portfolios).

STATEMENT OF THE REASONS FOR THE DECISION

The East London Waste Authority boroughs (Havering, Barking and Dagenham, Newham, Redbridge) adopted the current Joint Waste Development Plan Document (DPD) in 2012. Its purpose is to set out a planning strategy to 2021 for sustainable waste management which enables the adequate provision of waste management facilities in appropriate locations for municipal and commercial and industrial waste. The Joint Waste Development Plan Document forms part of the Development Plan for each of the four boroughs.

The existing Joint Waste DPD is becoming out of date. The Council has a duty to maintain an up to date local plan and associated documents under the Town and Country Planning (Local Planning) (England) Regulations 2012. Planning for waste management is included in this scope. A new waste plan is therefore required.

The first step to updating the Joint Waste Plan is to collect and analyse waste data from all four boroughs through a Baseline Data Report to understand the existing and projected waste arising and existing and projected waste capacity across East London. This considers waste streams from local authority collections as well as private commercial and industrial, construction, demolition, agricultural, hazardous, excavation, waste water and low level radioactive waste. This evidence base will provide the boroughs with an up-to-date understanding of the existing and projected waste arising and existing and projected waste capacity across East London.

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The Council has been working collaboratively with the London Boroughs of Redbridge, Barking and Dagenham, and Newham to engage a consultant to produce a Baseline Data Report. The collaboration is compliant with the Localism Act 2011 that introduced 'Duty to Co-operate', requiring Local Planning Authorities to engage constructively in relation to planning for strategic issues. The lead Borough for the report is London Borough of Barking and Dagenham. They have commenced a tender process and quotes received have not exceeded the maximum budget for the report of £40,000. Therefore, the Council's share of the report will not be in excess of the budgeted £10,000.

A Memorandum of Understanding has been produced (see Annex 1) between the boroughs to jointly commission the baseline data report.

To move forward, the next step would be for this MoU to be signed, to allow the Baseline Data Report to be commissioned.

After a final draft of the Baseline Data report is produced, its findings will be communicated to Members. These findings will inform the review of the Joint Waste DPD.

The MoU solely relates to the initial stage of data gathering and will inform further more detailed discussions between the Boroughs prior to moving onto a full review.

OTHER OPTIONS CONSIDERED AND REJECTED

Do not commission a baseline data report - The option of not signing the MoU and not engaging a consultant to complete a baseline data report was considered and rejected. Up-to-date data is needed to understand how best to plan for waste in the borough.

Include waste management planning within the Local Plan on single Borough basis - If we do not move forward jointly with this evidence base, we will be required to address waste planning through the Local Plan update. This would be more expensive, as commissioning and administration costs would fall solely on Havering, and more difficult as waste flows are complex and need extensive, expert data-collation and analysis. Completing this Baseline Data report jointly will save time, resources, and money.

PRE-DECISION CONSULTATION

The need to commission the evidence base was discussed with Cllr White, Cllr Chapman and Cllr Dervish on 8 April 2021.

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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Cara Collier

Designation: Planning Policy Technician, Development Planning

Signature: C.Collier

Date: 27 April 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council is a Planning Authority for the purposes of the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767). It has a duty to prepare and maintain an up to date Local Plan. It is required to keep the Local Plan under review and to keep under review matters in relation to any neighbouring area, which may affect its own area. It has a duty to co-operate in relation to development plans and supporting activities.

The Council has power to enter into the MoU under the general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.

The Council also has power to enter into the MoU under s111 Local Government Act 1972 as the reports will facilitate the Council to implement the discharge of its duties and functions as set out above.

The terms of the proposed MoU have been agreed between all participating boroughs and provide that the Council will reimburse the lead council (London Borough of Barking and Dagenham, or LBBD) a ¼ share of the report fee. Whilst an MoU is not legally binding, entry into the MoU commits the Council on a good faith basis to paying a ¼ share of the report. Officers have confirmed that quotes already received by LBBD are below £40,000; and the terms of the MoU are such that the lead Borough may only enter into the contract for provision of a report if all participating Boroughs unanimously agree the identity of consultant and the costs. It is possible to be certain therefore that signature of the MoU does not commit the Council to expenditure in excess of the maximum £10,000 proposed.

For the reasons set out in this report, the Council may enter into the MoU.

FINANCIAL IMPLICATIONS AND RISKS

Be First (on behalf of LBBD) are the lead commissioning borough for this report and will commission the Baseline Data Report the other boroughs' behalf. The MoU states that the authorities agree that they will share payment of the Fee in equal parts, within 30 days of an invoice from LBBD.

The cost of the Baseline evidence for the joint East London Waste Plan will be under £40,000. Which will be shared equally by the four boroughs (maximum £10,000 per borough). This cost will be met through existing budgets in the Planning Service.

Additional payment for examination days and/or additional meetings may be needed. The MoU does not commit the council to any further financial obligations.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

Consultants will be commissioned to undertake this evidence base. Officers within the Planning Service for each borough will oversee and review the work as it progresses. Internal work (meetings/feedback) will be undertaken within existing resources.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

There are no health and wellbeing implications arising from this decision.

BACKGROUND PAPERS

None

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Part C – Record of decision

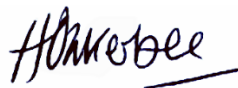
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Helen Oakerbee

CMT Member title: Assistant Director of Planning

Date: 27 April 2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____