

Title of Report	Dispensation - London Energy Limited
For Consideration By	Standards Committee
Meeting Date	February 2023
Classification	Open
<u>Ward(s) Affected</u>	N/A
<u>Director</u>	Director of Legal, Democratic & Electoral Services and Monitoring Officer

1. Introduction

- 1.1. This report concerns a proposed dispensation for Councillor Mete Coban on the basis of his appointment to the board of London Energy Limited.

2. Recommendations

- 2.1. **That a dispensation be granted to Councillor Mete Coban in respect of his appointment to the board of London Energy Limited under section 33 Localism Act 2011, such dispensation to last until the earliest of the following (a) Councillor Coban ceasing to be an elected member of Hackney Council, or (b) Councillor Coban’s appointment to LEL coming to an end.**

3. Background

North London Waste Authority

- 3.1. North London Waste Authority (“NLWA”) is the statutory joint waste disposal authority for north London and as such is responsible for the disposal of waste collected by seven north London boroughs (the constituent boroughs):
- The London Borough of Barnet
 - The London Borough of Camden
 - The London Borough of Enfield

- The London Borough of Hackney
- The London Borough of Haringey
- The London Borough of Islington
- The London Borough of Waltham Forest

3.2. NLWA is established as a statutory joint waste disposal authority under Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985. The Authority's main waste disposal functions are set out in section 51 of the Environmental Protection Act 1990. The Authority has a membership of 14 councillors, with each constituent borough appointing two councillors. The London Borough of Hackney appointments are a function of the executive and made by the Mayor, as set out in the Constitution. Substitute members are not permitted (i.e. another Councillor may not attend meetings as an NLWA member if the appointed member is absent).

LondonEnergy Limited

3.3. NLWA is the sole shareholder in LondonEnergy Ltd ("LEL"). This is a company which operates an energy from waste facility and other waste facilities at the Edmonton EcoPark in Enfield, and waste transfer stations and reuse and recycling centres in the north London area. NLWA has a waste services contract with LEL for disposal of the waste delivered by the constituent boroughs.

3.4. Councillor Coban has been appointed to the board of LEL. The appointment carries with it remuneration in the sum of £14,483 per annum.

3.5. As the appointment is a paid appointment, a disclosable pecuniary interest would arise whenever the Council is discussing matters relating to the activities of LEL. This would require Councillor Coban to make the existence of the disclosable pecuniary interest known to the meeting and then not participate in the discussion or voting thereon.

Dispensations

3.6. It is open to the Council to grant a dispensation in respect of a disclosable pecuniary interest under section 33 Localism Act 2011.

3.7. A dispensation may be granted if:

- (a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business
- (b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any voting
- (c) granting dispensation is in the interests of residents

- (d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive
 - (e) it is otherwise appropriate to grant a dispensation.
- 3.8. In respect of cases falling within (c) and (e) above, only the Standards Committee may grant such a dispensation, in all other cases it is a matter for the Monitoring Officer to determine.
- 3.9. The Council has previously granted dispensations to other elected members who have been appointed to the board of LEL on the grounds of it being in the interests of residents within the borough. There is no reason why this approach should not be continued in the case of Councillor Coban.
- 3.10. Dispensations have previously been granted until either the relevant Councillor ceases to be an elected Member of the Council or ceasing to be an appointment to the board of LEL. Again it is recommended that this approach be maintained.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. There are no financial implications arising directly from this report. The costs associated with LondonEnergy Ltd are borne by the company, and have no substantial implications for the finances of the Council.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. The legal implications relevant to the determination of whether a dispensation ought to be granted and arising from the recommendations are discussed within the main body of the report.

Appendices

None

Background documents

None

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