ITEM 5

PAPER NO. WRWA 889

WESTERN RIVERSIDE WASTE AUTHORITY

MEETING	16th September 2019
REPORT AUTHOR/DATE	General Manager *(Contact Mark Broxup - Tel. 020 8871 2788)* 6th September 2019
SUBJECT	Report on Governance of the Authority
CONTENTS	Page 1 Introduction Pages 1 to 7 Items reported on Page 7 Recommendations Pages 9 - 41 Appendix A - Rules of the Authority, as agreed December 2015. Pages 42 - 46 Appendix B – Proposed amendments to the Rules of the Authority received from Members
STATUS	Open
BACKGROUND PAPERS	None

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INTRODUCTION

1. At the last ordinary meeting of the Authority in July 2019, during discussions on Paper No. WRWA 883, Councillor Harcourt asked that officers produce a report on the appointment process for the Chairman and Deputy Chairman of the Authority.

2. Following the meeting, the Chairman requested that officers clarify the process by which the Members of the Authority are appointed and replaced by the constituent councils and at the Audit Committee meeting on 31st July 2019, Councillor Harcourt also raised the matter of nominated deputies and the arrangements for nominating replacement members. It was suggested by officers that this would be best dealt with by a paper to the next Authority meeting.

BACKGROUND

3. The Authority was established in 1986 as an autonomous statutory local government body to undertake the waste disposal functions prescribed by the Local Government Act 1985 (**the "1985 Act"**) and the Waste Regulations and Disposal (Authorities) Order 1985 (**the "1985 Order"**).

4. This Authority is one of five remaining Statutory Joint Waste Disposal Authorities (**the "SJWDAs"**) created under section 10 of the 1985 Act, the others being the:

    - East London Waste Authority (**the "ELWA"**);
    - Merseyside Waste Disposal Authority (**the "MWDA"**);
    - North London Waste Authority (**the "NLWA"**); and
    - West London Waste Authority (**the "WLWA"**).

    The Greater Manchester Waste Disposal Authority having become part of the Greater Manchester Combined Authority in 2018.

5. Given that all the SJWDAs were all established by the 1985 Act key elements of their constitutions and rules are identical as they are set out in legislation. The current Rules of the Authority, incorporating the Constitution, the Standing Orders and the Scheme of Delegations and Proper Officer Functions, is attached for reference as Appendix A to this report.

APPOINTMENT AND REPLACEMENT OF MEMBERS

Number of Members

6. The constituent councils that make up each SJWDA, and the number of Members each provides to their respective SJWDAs, is set out in Schedule 1 of the 1985 Order. In the case of this Authority that is two Members each from the London Boroughs of Hammersmith & Fulham, Lambeth, Wandsworth and the Royal Borough of Kensington and Chelsea. Other SJWDAs have different numbers of Members from their constituent councils, for example the WLWA has only one Member from each of its constituent council and the MWDA has some constituent councils with one Member, some with two and some with three.

Appointment of Members

7. Section 10 (3) of the 1985 Act makes it clear that the Members of the SJWDAs must be Members of their constituent councils.

8. Each constituent council appoints Members to its SJWDAs at its annual Council meeting and the term of office of each appointed member of a SJWDA is until the next annual meeting of the constituent council making the appointment, or until notification in writing by a constituent council of a change in their appointment.

9. If such a change of member is notified to an Authority mid-year, then section 31(2)(b) of the 1985 Act dictates that the new appointment shall take effect, and the previous appointment shall terminate, at the end of one month from the date on which the notice is given.

10. At their respective 2019 annual council meetings, the constituent councils appointed the following members to the Authority:

    - Hammersmith & Fulham - Councillor W. Harcourt and Councillor D. Morton
    - Kensington and Chelsea - Councillor J. Husband and Councillor M. Palmer
    - Lambeth - Councillor C. Holland and Councillor M. Atkins
    - Wandsworth - Councillor S. Sutters and Councillor G. Senior

11. On 12th July 2019, Lambeth advised the Authority that Councillor M. Atkins was to be replaced by Councillor J. Meldrum. Therefore, Councillor J. Meldrum's appointment, in accordance with section 31(2)(b) of the 1985 Act, took effect from 12th August 2019.

Deputy or Substitute Members

12. As described in paragraph 9 above, a month must normally elapse between the termination and appointment of a SJWDA member. The exceptions under the 1985 Act deal with election periods, circumstances whereby a SJWDA member ceases to be a councillor of a constituent council or is disqualified from being a member of the SJWDA due to non-attendance.

13. There is no mechanism under the 1985 Act or the 1985 Order that permits constituent councils to appoint deputy or substitute members. The WLWA has lobbied historically for legislation to be changed in this regard, since 2009, including writing to the Secretary of State for Environment, Food and Rural Affairs in 2012 but SJWDAs with more than one member from all their constituent councils have generally thought this to be less of a problem.

14. Support for any such change from other SJWDAs might therefore be conditional on there being certain controls such as the deputy/substitute needing to be nominated at the same time that the Members are appointed (so as to ensure a proper induction process and some continuity to an authority's business) and the normal attendance rules might still need to apply to the main member) and/or only to be used where a deputy/substitute member is needed to make a meeting quorate.

15. The Authority has not previously seen the period of a month between termination and appointment of a member to be an issue or the need for deputy/substitute members but it may now wish to lobby for changes to the legislation in this regard. If it does wish to lobby for changes, it is likely that it will need the support of the other SJWDAs to be successful. Therefore, if the Authority wishes to pursue this route, it is suggested that the views of the other four SJWDAs be sought first, to ascertain what level of support there might be to the proposal, by the Chairman writing, at a political level, to his counterparts.

Localism Act 2011

16. In 2012, when the WLWA lobbied for changes to the 1985 Act (as described in paragraphs 13 to 16 above) some SJWDAs also suggested lobbying Government for the SJWDAs to be included under section 1 of the Localism Act 2011 and to have the benefit of the "general power of competence".

17. The Authority will recall (Paper Nos. WRWA 884 and 884A, July 2019) that, as it is not covered by section 1 of the Localism Act 2011, it cannot rely on the powers within that Act to implement the London Living Wage.

18. The Authority might therefore also be minded to ask the other SJWDAs as to their views on lobbying Government for the SJWDAs to be included under section 1 of the Localism Act 2011.

ELECTION of CHAIRMAN AND VICE-CHAIRMAN

Legislation

19. Under Section 34 of the 1985 Act the SJWDAs must appoint a chairman and vice-chairman from among its members as the first business transacted at their annual meeting.

20. Schedule 3 of the 1985 Order sets out a number of provisions of the Local Government Act 1972 (**the "1972 Act"**) which shall have effect as if references to a joint authority included references to an authority established by the 1985 Order, including section 99 of the 1972 Act (meetings and proceedings) which in turn states that the provisions of Schedule 12 to the 1972 Act shall have effect with respect to the meetings and proceedings of the SJWDAs.

21. Paragraph 5 of Schedule 12 to the 1972 Act sets out that the Chairman, if present, shall preside at a SJWDA meeting and, if the Chairman is absent, the Vice-Chairman, if present, shall preside and if both the Chairman and Vice-Chairman are absent then another member of the SJWDA chosen by the members of the SJWDA present shall preside.

22. In the case of an equality of votes in respect of the appointment of a Chairman, Section 34 of the 1985 Act states that, the person presiding at the meeting shall give a casting vote in addition to any other vote they may have.

QUORATE

23. Paragraph 6 of Schedule 12 to the 1972 Act sets out that no business shall be transacted at a meeting of a SJWDA unless at least one quarter of the whole number of members of the SJWDA are present.

SJWDA STANDING ORDER VARIATIONS

24. For information, paragraphs 25 and 26 below highlight some key differences in the SJWDA Standing Orders in relation to the roles of Chairman and Vice-Chairman.

ELWA

25. The ELWA's standing orders require that:

- appointments to the positions of Chair and Vice-Chair shall be made by resolution passed by a majority of the Members of the Authority present at the Annual General Meeting provided **at least one Member from three of the Constituent Councils shall vote in favour**;

- in making the appointments to the positions of Chair and Vice Chair, the Authority shall endeavour as best as possible to ensure that the positions of Chair and Vice Chair are **not occupied in any one year by the two Member representatives of the same Constituent Council**;

- unless there are other good reasons which the Authority deems necessary the Members holding the positions of Chair and Vice-Chair in any one year shall be eligible to be appointed or re-appointed to the positions of Chair and Vice-Chair respectively at the next Annual General Meeting of the Authority following their first appointment, **provided always that no Member shall be re-appointed to the position of Chair and Vice-Chair as the case may be, for any period exceeding two consecutive years**.

NLWA

26. The NLWA's standing orders allow that it, **can choose to elect two Vice-Chairs** (although there is no clear distinction as to which would chair a meeting in the absence of the Chair).

APPOINTMENT OF AUTHORITY REPRESENTATIVES

27. Section 41 of the 1985 Act requires SJWDAs to put in place arrangements *"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."

28. The Authority is asked 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 his/her Constituent Council in the course of council proceedings, pertaining to the discharge of the Authority's functions for the year 2019/20.

AMENDMENTS TO THE RULES OF THE AUTHORITY

29. A substantially complete draft of this paper was sent to all Members of the Authority on 16th August 2019 asking what amendments to the Authority's rules, if any, they would wish to propose that the Authority consider at its meeting on 16th September 2019. Responses were requested by 4th September 2019 and those received, together with officer comments, are attached as Appendix B to this report.

30. Notwithstanding the amendments proposed in Appendix B, officers would recommend approval of the following clarificatory additions that simply reflect the statutory position. This review of the legislation has also highlighted that the SJWDAs must hold an annual meeting on a day between 1st March and 30th June (both inclusive).

Constitution And Terms Of Reference

Membership. The Membership of the Authority shall comprise two elected Members from each of the constituent Councils, appointed by each Council. *The term of office of each appointed Member of the Authority shall be until the next annual meeting of the Constituent Council making the appointment, or until notification in writing by a Constituent Council of a change in their appointment(s) before their next annual Council meeting. No substitution of Members is permitted except through the replacement processes described in these Standing Orders and all changes of appointment will take at least one month to take effect.*

Standing Orders

1. Chairman and Deputy Chairman of the Authority

(a) The Chairman and Deputy Chairman of the Authority shall be appointed annually by the Authority from among the Members.

(b) The appointment of the Chairman and Deputy Chairman shall be the first business transacted at the annual meeting of the Authority.

(c) The person presiding at the commencement of the AGM shall be the preceding year's Chairman or, in the absence of the Chairman, the Deputy-Chairman or, in the absence of both, another Member chosen by those present.

3. Meetings to be Held

The following meetings shall be held in every year:-

(a) an annual meeting of the Authority which shall be held on such day in the months of *March,* April or May or June ~~or July~~ as the Authority may fix and …

31. At present the Authority's annual accounts are also presented to the AGM for agreement. This is unlikely to be possible by the end of June in most years and to meet the statutory deadline for this it will be necessary to hold either a separate Authority meeting in July or have an Audit Committee. In view of this meeting likely to be in the holiday period, it is suggested that, as in this year, an Audit committee is established on the same lines as in the current year.

RECOMMENDATIONS

32. The Authority is recommended to:

a) decide, as described in paragraphs 12 to 15 above, if it wishes to lobby Government:

i. for a change to the one month period between the termination and appointment of members, and on what basis; and/or

ii. for the ability to appoint deputy or substitute members, and on what basis; and

iii. if the answer to (i) or (ii) above is yes, does it wish the Chairman to firstly canvas the views of the other SJWDAs?

b) decide, as described in paragraphs 16 to 18 above, if it wishes to lobby Government:

   i. to include SJWDAs under section 1 of the Localism Act 2011; and

   ii. if the answer to (i) above is yes, does it wish the Chairman to firstly canvas the views of the other SJWDAs?

c) as described in paragraphs 27 to 28 above, nominate the members (one representing each constituent council) it wishes to answer questions, on behalf of the Authority, put by other councillors from that constituent council in the course of council proceeding pertaining to the discharge of the Authority's functions for the year 2019/20;

d) agree which, if any, of the proposed amendments, which do not require changes to legislation, to the Rules of the Authority put forward by Members in Appendix B it wishes to approve;

   i. the setting up a sub-committee for the future appointment of a Clerk and Treasurer and the administrative and financial functions necessary to support them. If the Authority decides it does wish to set up a sub-committee then it is recommended to instruct officers to draft appropriate terms of reference for the sub-committee for approval at the February 2020 meeting of the Authority;

   ii. adoption of procedures for the rotation of the roles of Chairman and Deputy Chairman and if so what procedures;

   iii. instructing the General Manager and Treasurer to supply any additional reports on negotiations with Cory together with an annual performance plan and if so when and how they are to be agreed (by the Authority or a Sub Committee);

   iv. amending Standing Order 9, so that a minimum of three Members must be present to make Authority meetings quorate (currently a minimum of two are required which reflects the statutory minimum allowed) and, if so agreed, to further agree that there must be at least three of the four councils represented;

   v. continuing to set Authority meeting dates and locations at its November meeting and if not which meeting would it wish to do this at;

vi. instructing officers to produce a forward plan of work for each meeting;

vii. changing how far in advance of Authority meetings papers are to be circulated; and

viii. agreeing that the AGM of the Authority will be in June each year (the latest month it can be under the legislation), an audit sub-committee to sit in July to approve the accounts, with further Authority meetings in September (necessary for publication of the annual audit letter), November (budget forecast) and January/February (budget has to be set by 14th February).

e) agree the amendments to the Rules of the Authority put forward by officers in paragraph 30 above;

f) as set out in paragraph 31 above agree to establish in future years an Audit committee, on the same basis as this year, to deal with the approval of the Authority's accounts and to receive the report of the external auditors; and

g) otherwise to receive this report as information.

M. Walker
CLERK

Western Riverside Transfer Station
Smugglers Way
Wandsworth
SW18 1JS

6th September 2019

APPENDIX A
(WRWA 796)

Western Riverside Waste Authority

RULES OF THE AUTHORITY

A. Constitution

B. Standing Orders

C. Scheme of Delegations and Proper Officer Functions

(Revised December 2015)

Address: The Town Hall, Wandsworth High Street, London SW18 2PU. Telephone 020 8871 7032. Fax 020 8871 6010

A

CONSTITUTION

WESTERN RIVERSIDE WASTE AUTHORITY

CONSTITUTION AND TERMS OF REFERENCE

Name. The Authority formed to discharge the operational functions of waste disposal for the areas of the Borough Councils of Hammersmith and Fulham, Kensington and Chelsea, Lambeth and Wandsworth, pursuant to the Local Government Act 1985 and the Waste Regulation and Disposal (Authorities) Order 1985, shall be known as the Western Riverside Waste Authority (WRWA).

Objective. The objectives of the Authority shall be

- to work with its constituent councils (as the waste collection authorities for the WRWA area) to create effective strategies for waste management;
- to support and facilitate waste prevention and waste minimisation;
- to provide places for the deposit of waste and to dispose of, or make use of, waste delivered to those places;
- to encourage reclamation and recycling of waste and to provide facilities for such reclamation and recycling;
- to recover energy from waste that cannot be recycled or composted;
- to maintain civic amenity site facilities for use by the public which allow for separating out of materials that can be recycled, composted or reused;
- to properly execute the statutory duties of the Authority;
- to educate and inform the public about waste management issues, and in particular how they can prevent waste arising, minimise the waste they do produce, reuse products and recycle or compost;
- to assist in achieving regional self-sufficiency in waste management for the London area;
- to undertake its waste management activities in ways that minimise disruption to others and involve a “good neighbour” approach to the management of waste facilities ; and
- to achieve best value and practical environmental options for waste management that do not involve excessive cost.

Membership. The Membership of the Authority shall comprise two elected Members from each of the constituent Councils, appointed by each Council.

Chairman. The Authority shall appoint at each annual meeting for the ensuing year a Member to be Chairman of the Authority and a Member to be Deputy Chairman.

Clerk and Treasurer. In accordance with Section 34 (8) of the Local Government Act 1985 the Authority shall appoint an officer as its Clerk.

In accordance with Section 73 of the Local Government 1985 Act the Authority shall appoint one of its officers (the Treasurer) to be responsible for the proper administration of its financial affairs. Also, in accordance with Section 113 of the Local Government Finance Act 1988 the Treasurer will be a member of a recognised accountancy body.

The Clerk and Treasurer shall be delegated, after consultation with the Chairman and Deputy Chairman, the authority to take action on behalf of the Authority in any matter which is either urgent or routine.

The Authority may review such appointments at any time. However, once every two years, in February, it will formally ask each constituent council if it considers such a review to be necessary and, if so, a paper will be prepared for the Authority's next annual meeting.

Meetings. The Authority shall meet at least four times a year, as determined by Standing Orders.

Notice to Members. At least four clear days before a meeting of the Authority, notice of the time and place of the meeting and business to be transacted thereat shall be delivered to the last known residence of every Member of the Authority, provided that the want of service of such notice shall not affect the validity of the meeting.

Quorum. No business shall be transacted at a meeting of the Authority unless one fourth of its Members are present thereat.

Minutes. Minutes of the proceedings of a meeting of the Authority shall be drawn up and signed at the ensuing ordinary meeting by the person presiding thereat.

B

STANDING ORDERS

WESTERN RIVERSIDE WASTE AUTHORITY

STANDING ORDERS OF THE AUTHORITY AS APPROVED ON 6TH JANUARY 1986 AND SUBSEQUENTLY AMENDED

PART A – STANDING ORDERS RELATING TO THE AUTHORITY

OFFICIAL APPOINTMENTS

1. Chairman and Deputy Chairman of the Authority

   (a) The Chairman and Deputy Chairman of the Authority shall be appointed annually by the Authority from among the Members.

   (b) The appointment of the Chairman and Deputy Chairman shall be the first business transacted at the annual meeting of the Authority.

2. Deputy Chairman of the Authority

   Subject to any standing orders made by the Authority, anything authorised or required to be done by or in relation to the Chairman, may be done by or in relation to the Deputy Chairman in the absence of the Chairman.

MEETINGS OF THE AUTHORITY

3. Meetings to be Held

   The following meetings shall be held in every year:-

   (a) an annual meeting of the Authority which shall be held on such day in the months of April or May or June or July as the Authority may fix and such ordinary meetings of the Authority as the Authority directs for the transaction of ordinary business, subject to the requirement that the Authority meets at least four times each calendar year; and

   (b) such extraordinary meetings (which may be referred to as “special meetings”) as may be called by the Chairman or by two members of the Authority in accordance with Standing Order No. 6 if the Chairman is in default.

4. Venue for Meetings of the Authority

   The venue for the Annual Meeting and other meetings of the Authority for the transaction of ordinary business shall be as set out in the notice of time and place of the intended meeting.

5. Calling an Authority Meeting

   (a) Four clear days at least before a meeting of the Authority notice of the time and place of the intended meeting shall be given and, where the meeting is called by Members of the Authority, the notice shall be

signed by those Members in accordance with Standing Order 6(b) and shall specify the business to be transacted thereat.

(b) A summons to attend an Authority meeting specifying the business proposed to be transacted thereat and signed by the Proper Officer shall be left at or sent by post to the usual place of residence of every Member of the Authority.

Provided that –

(i) Want of service of a summons on any Member of the Authority shall not affect the validity of a meeting; and

(ii) If a Member of the Authority gives notice in writing to the Proper Officer of the Authority that he/she desires the summons to attend meetings of the Authority to be sent to him/her at some address specified in the notice other than his/her place of residence, any summons addressed to him/her and delivered at or sent by post to the address so specified shall be deemed sufficient service of the summons.

(c) All constituent Borough Councils, shall be sent a set of agendas, non-confidential papers and minutes of a meeting of the Authority (and confidential papers subject to Standing Order 5(d)). The Authority will endeavour to send out such documents, or drafts thereof where a paper has yet to be finalised, to the Technical Officers of the constituent councils 10 working days prior to meetings and to the Members in accordance with statutory requirements.

(d) Confidential papers will be sent to the Chief Executive, Technical Officer, Executive Director and Finance Directors nominated to the Authority by each Constituent Borough Council and to the head of legal services at each Constituent Borough Council, unless the Clerk determines that it is reasonable to withhold a document in the interests of the Authority. Under the terms of a confidentiality agreement, the Constituent Borough Council's head of legal services may decide whether or not to disclose the papers to other persons, which may for example include other councillors of the Constituent Borough Council.

(e) All papers to be considered at a meeting will be sent to each Member of the Authority or, where necessary, they will be tabled at the meeting, for reasons of urgency.

6. <u>Calling an Extraordinary Authority Meeting</u>

(a) The Chairman of the Authority may call an extraordinary meeting of the Authority at any time.

(b) If the Chairman refuses to call an extraordinary meeting of the Authority after a requisition for that purpose, signed by two Members of the Authority, has been presented to him/her, or if, without so refusing, the Chairman does not call a meeting within seven days after such

requisition has been presented to him/her, any two Members of the Authority, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the Authority and the provisions of Standing Order No. 5 shall apply provided that the Members issuing the notice shall first consult with the Clerk as to whether the proposed date and venue for the meeting are appropriate.

7. Presiding at Meetings of the Authority

(a) At a meeting of the Authority the Chairman of the Authority, if present, shall preside (unless he/she indicates that he/she declares an interest in a matter which makes it inappropriate for him/her to do so, or if he/she wishes to vacate the Chair in relation to one or more items for any other reason.)

(b) If the Chairman of the Authority is absent from a meeting of the Authority the Deputy Chairman of the Authority, if present, shall preside (unless he/she declares an interest in a matter which makes it inappropriate for him/her to do so, or if he/she wishes to vacate the Chair in relation to one or more items for any other reasons.).

(c) If the Chairman and Deputy Chairman are both absent from the meeting, or are unable to preside for any other reason, another Member of the Authority chosen by members of the Authority present shall preside. The person so elected may exercise all the powers of the Chairman under these standing orders in relation to presiding at meetings. In the event that person declares an interest in a matter which makes it inappropriate for him/her to preside or if he/she wishes to vacate the Chair in relation to one or more items for any reason the meeting shall elect another Member to chair the meeting for that item or items.

8. Record of Attendance at Meetings

(a) The names of the Members present at a meeting of the Authority shall be recorded.

(b) Every Member attending a meeting of the Authority shall sign his/her name on the attendance record provided by the Proper Officer.

9. Quorum

(a) No business shall be transacted at a meeting of the Authority unless at least two of the whole number of Members of the Authority are present thereat.

(b) If (i) at the commencement of any meeting or (ii) during any meeting, the Chairman finds that there is not a quorum, the meeting shall stand adjourned (i) for 20 minutes or (ii) for 3 minutes to enable a quorum to be sought. If at the end of that time there is still no quorum, the

meeting shall end and the remaining business shall stand referred to the next meeting.

10. Voting at Meetings

(a) Where a motion or amendment appears to be opposed by any Member, the person presiding shall take a show of hands vote and announce the result. Any three Members of the Authority may then require a division to be called by a further show of hands.

(b) Where a division is to be taken, the question shall be put again by the Chairman and the names of Members from the division shall be taken by the Proper Officer and the total of votes for and against announced by the Chairman. The name of any Member present but not voting shall also be recorded. If the division differs from the first show of hands, the division vote shall prevail.

(c) Where no division has been taken, on request, a Member's personal dissent or abstention shall be recorded in the minutes.

(d) In the case of an equality of votes, the person presiding at the meeting shall have a second and casting vote.

11. Disorderly Conduct by Members at a Meeting

If a Member disregards the Chairman's ruling, the Chairman may order the Member to end his/her speech, or may move "that the Member be not further heard" and the motion if seconded shall be put and determined without discussion. If, following such a resolution the Member continues in a disorderly manner the Chairman may suspend the meeting for such period as he/she feels appropriate. Alternatively the Chairman may move that the Member be removed from the meeting for a period of time. This motion shall be voted on without discussion, and, if carried, the Chairman shall order the removal of the Member.

12. Admission of Public and Press

All meetings of the Authority and its committees or other appointed decision making bodies shall be open to the press and public provided that the Authority may by resolution exclude the press and public from a meeting (whether during the whole or part of the proceedings) whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item, there would be disclosure to them of exempt information within the terms of Part 1 of Schedule 12A to the Local Government Act 1972 and the Authority is of the view (where required) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. Disorderly Conduct from Public Galleries

The Chairman, after warning the person(s) concerned, may order the removal from the galleries of any member of the public causing a disturbance. The

Chairman may, if he/she considers it appropriate, suspend the meeting for such period as he/she considers necessary to enable this to be done.

14. Rulings by the Chairman

The Chairman shall decide all questions of order (having consulted the Proper Officer) and his/her ruling upon all such matters and interpretations of these Standing Orders and upon any matters arising during debate shall not be open to challenge at a meeting of the Authority.

BUSINESS AT MEETINGS

15. Order of Business

(a) At the Annual Meeting of the Authority the order of business as specified in the summons shall be:-

(i) Appointment of Chairman and Deputy Chairman, pursuant to Standing Order No. 1(b) above;

(ii) Minutes;

(iii) Special announcements by the Chairman and reports by the Chairman of any communications:

(iv) Dates of ordinary meetings of the Authority.

Other items of business may be included on the agenda for the Annual Meeting as necessary where in the judgement of the Proper Officer, in consultation with the Chairman, they are required to be brought before the Authority.

(b) The order of business specified in the summons for every ordinary meeting of the Authority, notwithstanding the meeting at which the Authority is to approve the Budget and Levy shall be – (i) the minutes of the Authority's previous ordinary meeting; and (ii) those items of business which, in the judgment of the Proper Officer, in consultation with the Chairman, require to be brought before the Authority.

(c) Subject to statutory requirements, the order of business or the order for dealing with particular items under each heading of business may be varied at the discretion of the Chairman, or upon a motion put without discussion and carried by a majority vote of the Members present at the meeting.

16. Limit to Business

Except in the case of business required to be transacted at the Annual Meeting of the Authority or except in the case of a matter of urgency brought before the Annual Meeting in accordance with any Standing Order made by

the Authority, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

17. Minutes

(a) Minutes of the proceedings of a meeting of the Authority shall be drawn up by the Clerk and shall be signed at the next non Special meeting of the Authority by the person presiding thereat.

(b) The minutes shall be taken as read if they have been sent to Members not less than 72 hours before the meeting. The minutes may be challenged only on their accuracy. Such challenge shall be by motion before the minutes are signed. No other motion or discussion shall take place on the minutes.

18. Length of Meetings

The Authority may, at any time after it has sat for 3¼ hours, determine to dispose of the remaining business on the agenda by voting upon such business, including any business then under debate, without further debate.

19. Submission of Written Motions for Debate

(a) Subject to Standing Orders Nos. 19(c), 19(e), 19(i), 23(a) and 23(b) below, a Member may submit a motion or an item of business for inclusion on the agenda for a meeting of the Authority.

(b) Motions or items of business submitted for debate under Standing Order No. 19(a) shall be included in the order of business and shall be debated in the order they are received unless the Authority decides otherwise.

(c) Such items or motions submitted under Standing Order No. 19(a) must relate to the functions of the Authority and notice in writing, signed by the Member, must be received by the Proper Officer at least 10 clear days before the meeting at which it is to be considered.

(d) If a motion proposes extra expenditure or loss of income (other than a purely nominal sum) and the matter has not previously been approved in principle by the Authority, then, except in the case of a motion relating to proposals in officers' reports, the motion shall take the form of giving instructions for a report thereon to a subsequent meeting.

(e) With respect to motions submitted under Standing Order No. 19(a), no motion to rescind any resolution passed by the Authority and no motion to the same effect as one which has been rejected by the Authority (including any motion to amend a proposal) may be proposed until after the expiry of 6 months from the date the resolution was passed or the motion or amendment rejected.

(f) A motion (including any motion to amend a proposal) shall not be discussed unless it has been proposed and seconded.

(g) At the conclusion of the debate on any motion the Chairman shall call upon the mover of the original motion, whether or not it has been amended, to sum up the debate.

(h) At the conclusion of debate the mover of any motion under discussion shall sum up and the motion will be put to the vote without further discussion, provided that if an amendment is under discussion, the amendment shall first be put to the vote without further discussion.

(i) Any motions submitted under Standing Order No. 19(a) shall be open to inspection by every Member of the Authority.

RULES OF DEBATE AT AUTHORITY MEETINGS

20. Proposing and Seconding Procedural/Interruptive Motions

A procedural/interruptive motion or amendment thereto may be moved without notice but shall not be discussed unless it has been proposed and seconded. For the purposes of this Standing Order, motions or amendments include those to adopt recommendations in reports.

21. Speaking at Meetings

(a) No speech, unless permitted by the Chairman, shall exceed 5 minutes except in the case of the mover of an original motion who, when moving that motion, may speak for 10 minutes.

(b) A Member wishing to speak shall address the Chairman and direct his/her speech to the question under discussion. If two or more Members wish to speak, the Chairman shall call on one to speak. While a Member is speaking no Member may interrupt except that a Member may speak on a point of personal explanation if the current debate, in the opinion of the Chairman, warrants it. A Member may interrupt another Member's speech to raise a point of order which shall be dealt with immediately. No other interruption of a speech shall be permitted unless the speaker is prepared to give way.

(c) Any Member may be accompanied by one or more of the officers referred to in 5(d) (subject to it being noted that where such officers are also officers of the Authority, when present at the Authority meeting they will be acting in their capacity as officers of the Authority). Other Constituent Borough Council officers, apart from those referred to in 5(d), may also attend at the discretion of the Clerk.

(d) The Chairman may request any person present at a meeting to speak and any Member may ask the Chairman to allow such interventions.

22. Points of Order

If a Member rises to raise a point of order, he/she shall indicate to which Standing Order his/her point of order is directed.

23. Amendments

(a) When a motion is under debate amendments in either of the following or like terms shall be admitted:-

that the motion be amended;

that the recommendation in a report be referred back to the author of the said report.

(b) An amendment shall be to

(i) leave out words;

(ii) to leave out words and insert or add others;

(iii) to insert or add other words.

but any such amendment must not have the effect of introducing a new proposal or of merely negating the motion.

(c) The Chairman may require amendments to be put in writing and read on moving.

24. Withdrawal of a Motion or Amendment

The mover of a motion or amendment may, with the consent of the Authority, given without debate and by a show of hands only, withdraw or amend it.

25. General Debating Rules

(a) No Member other than provided for in (b) below may speak more than twice on any item before the meeting that is:

(i) once to second or speak on the original motion or to move or second an amendment thereto; and

(ii) once on any other amendment.

(b) The only exceptions to (a) above relate to:-

(i) The mover of an original motion which remains unamended at the close of the debate. The mover may speak once to move the motion, once on any subsequent amendment, and may close the debate.

or

(ii) The mover of a successful amendment standing as the substantive motion at the end of the debate, who may close the debate.

In neither case shall the mover introduce any new matters in closing the debate.

(c) Each amendment moved to a motion shall be discussed and voted on separately. If any amendment is not carried, other amendments may then be moved to the original motion. If an amendment is carried the motion as amended shall take the place of the original motion and shall become the motion upon which other amendments may be moved.

(d) Further amendments shall not be moved until the Authority has decided upon the previous amendments.

(e) At the Chairman's discretion (in order to facilitate the business of the Authority) he/she shall allow the debate on an item to range across more than one amendment tabled and shall inform the Authority accordingly.

26. Procedural/Interruptive Motions

Notwithstanding Standing Orders Nos. 15(a) and (b), a Member may move at the end of another Members' speech without comment –

(a) That the question be put

(b) That the debate be adjourned

(c) That the Authority proceeds to the next business.

If the motion is seconded (without speech), the Chairman, if he/she is satisfied that the motion/amendment or item of business has been adequately debated, shall in relation to***:-***

(a) above - put the procedural motion to the vote and, if carried, shall allow the mover of the original motion his/her right of reply as set out in Standing Order No. 25(a) before putting the motion to vote.

(b) & (c) above - put the procedural motion to the vote and, if carried, the Authority shall proceed to the next item.

27. ADJOURNMENT OR SUSPENSION OF MEETINGS

The Chairman of a meeting may at any time, if he/she thinks it desirable in the interests or order, suspend the meeting for a time to be named by him/her.

28. VARIATIONS OF STANDING ORDERS

Unless contrary to law, a Member may move at the meeting of the Authority, with the permission of the Chairman, that any of Standing Orders Nos. 21, 25(a), 25(b), 25(c) and 25(d) be suspended. The motion shall be moved and the mover shall be allowed a 5 minute speech. It shall be seconded without comment.

Another Member chosen by the Chairman shall be allowed to reply (5 minute speech). The motion shall then be put to the vote.

PART B – GENERAL

GENERAL

29. PRIVACY OF DOCUMENTS

The Proper Officer shall classify all documents for presentation to meetings of the Authority. Documents which he considers contain confidential or exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 shall not be released to the press and public unless in the case of exempt information the Authority specifically resolves that the documents be made public.

Members shall not refer to such confidential or exempt documents or their contents in public.

30. ABSENCE FROM MEETINGS

Subject to the exceptions prescribed by statute as regards members of HM Forces, etc. during war or emergency, if a Member of the Authority fails throughout a period of six consecutive months from his/her last attendance to attend a meeting of the Authority, he/she shall, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority.

31. RESIGNATIONS

Notwithstanding other legislative provisions relating to membership of the Authority, a person appointed to the Authority by a constituent Council, may at any time resign his/her office by written notice delivered to the Proper Officer of the Authority and his/her resignation shall take effect immediately upon receipt by that Officer.

32. SEAL OF THE AUTHORITY

(a) The Seal of the Authority shall be kept in a safe place secured by a lock, and the key shall be kept by the Proper Officer of the Authority.

(b) The Proper Officer (or his/her authorised representative) shall affix the seal to any document which requires to be sealed for the transaction of the functions of the Authority. The document shall be signed by the

Proper Officer (or his/her authorised representative). This signature shall be a full and sufficient certificate that the document has been duly and validly sealed in compliance with all Standing Orders of the Authority in that behalf.

(c) The Proper Officer shall maintain a record of sealings which may be inspected by members on application to him/her.

33. MEMBERS NOT ELIGIBLE FOR STAFF APPOINTMENTS

A person shall, so long as he/she is and for twelve months after he/she ceases to be a Member of the Authority, be disqualified from being appointed by the Authority to any paid office.

34. FAMILY RELATIONSHIPS

Members of the Authority shall disclose to the Proper Officer any family relationships in connection with the appointment, promotion, settlement or individual conditions of service or termination of employment of a relation. Persons shall be deemed to be related if any family relationship (including relationship by marriage) is known to exist between them. Applicants for employment shall be required to declare any such relationship.

35. CANVASSING

Members of the staff and applicants for employment may not canvass Members.

36. PERSONAL AND PECUNIARY INTERESTS

(i) All members of the Authority shall register annually any disclosable pecuniary interests as defined in the Localism Act 2011. They shall also declare any personal and pecuniary interest to any meeting where an item of business relates to, or is likely to affect, that interest. Where a member, or his or her spouse or civil partner, has a disclosable pecuniary interest in any such matter, they shall:-

(a) withdraw from the room or chamber where the meeting is being held;

(b) not take part in any debate on, or vote on, that matter; and

(c) not seek improperly to influence a decision about that matter.

(ii) within 28 days of receipt, any Member must notify the Clerk in writing of any gift or hospitality with an estimated value of £25 or more, and disclose any gift or hospitality of that value to any meeting where an item of business relates to, or is likely to affect, the interests of any person or body from whom such gift or hospitality has been received."

37. MEMBERS GENERALLY

(a) In all matters Members shall follow the "Nolan Principles" as prescribed by the Committee on Standards in Public Life.

(b) Members are under a duty to exercise independent judgement with an open mind in the interests of the Authority whilst at all times acting in accordance with the law and having regard to relevant professional advice.

(c) Members shall exercise their powers:

(i) to achieve the objectives of the Authority;
(ii) to ensure that the Authority does not incur avoidable loss or fail in its statutory duties; and
(iii) in the interests of the residents of the Authority's area as a whole by reaching decisions objectively and based on merit."

(d) Members must notify the Clerk in writing of any pecuniary interest, or any change to a previously notified pecuniary interest."

38. AUTHORITY DELEGATED TO CLERK AND TREASURER

(a) There shall be specifically delegated to the Clerk and the Treasurer in conjunction the authority to take action on behalf of the Authority in any matter which either is urgent or is routine. When any expenditure involved exceeds a limit from time to time prescribed by the Authority or the Clerk considers the action to be of particular significance, this delegated authority shall only be exercised after a written summary of the action is prepared and the procedure set out in this standing order is followed. The written summary of the action shall be sent by the Clerk to the Chairman and the Chairman shall be asked to sign the written summary. After the Chairman has signed the written summary the procedure set out in this standing order, as it relates to the delegated authority, shall be deemed to have been completed. A copy of such delegated authority when exercised in writing shall be sent by the Clerk to the Member of the Authority nominated for that purpose by those Members not constituting the majority voting party and he/she may, within 48 hours, require that the action be subsequently reported to the Authority.

(b) Where the Clerk or Treasurer is unable to act through absence or otherwise, this delegated authority may be exercised by the officer who, by reason of holding the office of deputy or otherwise appointed by the Clerk/Treasurer, is authorised to act in his place.

(c) Each delegated authority shall, when exercised in writing, be in such a form as may be prescribed from time to time by the Clerk, who shall make available copies of all such authorities for inspection by any Member of the Authority and who shall, if any Member so requests in writing, report any such written authority to the next ordinary meeting of the Authority.

39. CONSTITUTION, SCHEME OF DELEGATIONS AND PROPER OFFICER FUNCTIONS AND CODE OF PRACTICE ON CONTRACTS PROCEDURES

(a) The constitution of the Authority shall be the constitution approved at the meeting of the Authority held on 6th January 1986 as amended by the Authority at any subsequent meeting.

(b) Where the provision of the Authority's Constitution and the provisions of its Standing Orders conflict, those to be found in Standing Orders shall take precedence.

(c) The Clerk shall publish a scheme setting out all delegations of authority to officers and all Proper Officer functions, which shall be available to Members and to members of the public.

(d) All contracts made by the Authority shall comply with the Code of Practice approved by the Authority from time to time and/or any statutory requirements.

40. COMMITTEES

(a) The Authority may delegate to Committees of Members of the Authority such of its powers as it so chooses provided that the Committee may only make such decisions as are consistent with the Authority's policy and provided that any expenditure authorised can be met from financial estimates approved by the Authority. Such Committees shall report on each of their meetings to the earliest possible meeting of the Authority.

(b) The Standing Orders of the Authority as to conduct of debate and as to pecuniary and other interests, shall mutatis mutandis apply to Committee meetings, subject to any procedural rules the Authority may make on the appointment of a Committee.

(c) In respect of each Committee, the Authority shall appoint a Chairman and Deputy Chairman.

(d) A Committee may appoint a sub-Committee comprising Members of that Committee subject to the approval of the Authority.

(e) Membership of any Committee shall comply with the Local Government (Committees and Political Groups) Regulations 1990 and any other relevant legislation.

C

SCHEME OF DELEGATIONS

AND PROPER OFFICER FUNCTIONS

DELEGATIONS AND PROPER OFFICER FUNCTIONS

Statement by the Clerk relating to "Proper Officer Functions" and Powers Delegated to Officers

CLERK TO THE AUTHORITY

A. PROPER OFFICER FUNCTIONS

(i) The Clerk to the Authority is the Proper Officer of the Authority to perform functions in relation to:-

(a) The preparation and dispatch of a summons to attend an Authority meeting (Standing Order No. 5).

(b) Receiving notice in writing from Member(s) of the Authority desiring summonses to attend Authority meetings to be sent to an address specified other than his/her place of residence (Standing Order No. 5).

(c) The preparation and dispatch of a summons to attend an Extraordinary Authority meeting on the refusal by the Chairman to call such a meeting and on a requirement of two Members of the Authority (Standing Order No. 6).

(d) The provision at each meeting of the Authority of an attendance record (Standing Order No. 8).

(e) The provision of advice to the Chairman on all questions of order at meetings of the Authority, together with the interpretation of Standing Orders of the Authority (Standing Order No.14).

(f) The preparation of a minute of each meeting of the Authority (Standing Order No.17).

(g) Receiving from Members of the Authority notice in writing of items, motions and/or amendments (to motions) to be considered/debated at meeting of the Authority (Standing Orders Nos. 19 and 23).

(h) Classifying all documents for presentation to meetings of the Authority (Standing Order No. 29).

(i) Receiving notices of changes of membership of the Authority (Standing Order No. 31).

(j) Keeping the key to the lock of the Seal of the Authority.

(k) Affixing the Seal to any document which requires to be sealed for the transaction of the functions of the Authority and maintaining a record of sealings (Standing Order No. 32).

(l) Receiving any disclosures of family relationships in connection with the appointment, promotion, settlement of individual conditions of service or termination of employment of a relation (Standing Order No. 34).

(m) Receiving and recording any registration of pecuniary interests, or of receipt of gifts or hospitality, made by any Member of the Authority (Standing Order No. 36).

(n) Acting as the Authority's monitoring officer for the purpose of Section 5 of the Local Government and Housing Act 1989.

(o) Deciding whether a document discloses certain types of the exempt information described in Schedule 12A to the Local Government Act 1972 which would mean that the document is not required to be open to inspection by a Member of the Authority (Section 100F(2) of the Local Government Act 1972).

(p) Signing a summons to attend a meeting of the Authority. (Paragraph 4(2)(b) of Part 1 of Schedule 12 of the Local Government Act 1972).

(q) Receiving notice in writing from a Member of the Authority of their wish for summonses to attend meetings of the Authority to be sent to an address specified in the notice other than his place of residence. (Paragraph 4(3) of Part 1 of Schedule 12 of the Local Government Act 1972).

(ii) The Clerk to the Authority is also the Proper Officer of the Authority to perform the following specific provisions in the Local Government Act 1972 where they are additional to the Standing Orders of the Authority:-

(a) Not used.

(b) The Officer who shall decide which documents, other than reports being supplied to the Authority in connection with an item on an agenda, should be supplied to newspapers (Section 100B(7)(c)).

(c) The Officer who shall make a written summary of the proceedings or report of the proceedings at a meeting where members of the public were excluded so as to provide them with a reasonably fair and coherent record of those proceedings (Section 100C(2)).

(d) The Officer who shall compile a list of the background papers for a report (Section 100D(1)(a)).

(e) The Officer who shall decide which papers are to be background papers for a report (Section 100D(5)(a) and (b)).

(f) The Officer who shall make a statutory declaration in connection with entering and verifying any change in the name and identity of the Authority (Section 146).

(g) The Officer with whom documents of any description shall be deposited, who shall receive and retain such documents and shall make such notes or endorsements on, and give such acknowledgments and receipts in respect of, the documents as may be directed in accordance with Section 225 of the Act.

(h) The Officer who shall certify, for production in evidence, the authenticity of the photographic copies of documents held by the Authority or which have been destroyed while in the custody of the Authority (Section 229).

(i) The Officer who shall sign on behalf of the Authority any notice, order, or other document which the Authority is authorised or required to give, make or issue except where another officer of the Authority has been designated the Proper Officer for a particular purpose (Section 234).

(j) The Officer who shall certify a resolution of the Authority (Schedule 14, Part II, para 25(7)).

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B. DELEGATIONS

The Clerk to the Authority, or in his absence an officer duly appointed by him, is authorised to exercise the powers and functions of the Authority as follows:-

(a) To carry out all the functions required of him in his capacity as the "Proper Officer".

(b) To take action on behalf of the Authority in any matter which is either urgent or is routine. This power shall be exercised in accordance with the terms of Standing Order No. 38.

(c) In conjunction with the Treasurer, to approve expenditure on various items of plant, works, services and supplies that exceeds £5,000 but is less than £30,000 (or such other upper limit as shall be agreed by the Authority) and is necessary to ensure the continued operation of the transfer stations etc.

(d) To share all relevant documents and information with the constituent councils and lead on maintaining close co-ordination and co-operation with them.

TREASURER TO THE AUTHORITY

A. PROPER OFFICER FUNCTIONS

The Treasurer, and whenever he is unfit or unable to act, the Accountant and Deputy Treasurer to the Authority, is the Proper Officer of the Council to perform the functions in relation to –

(a) Section 115(2) of the Local Government Act 1972 – The officer who shall receive all monies due to the Authority.

(b) Section 151 of the Local Government Act 1972 – The officer who shall have responsibility for the proper administration of the Authority's financial affairs.

(c) Section 114 of the Local Government Finance Act 1988 – The person having responsibility for the administration of the financial affairs of a relevant authority.

B. DELEGATIONS

The Treasurer is authorised to exercise the powers and functions of the Authority, as follows:-

(a) To administer the Authority's banking and payment arrangements.

(b) To institute any legal or other action as may be appropriate to recover any debt due to the Authority.

(c) To authorise the writing off of irrecoverable debts not exceeding £1000 in any individual case.

(d) To swear affidavits in bankruptcies and liquidation proceedings.

(e) To make arrangements with debtors for payments to be made by instalments.

(f) To borrow funds as necessary for any purpose for which the Authority is empowered and specifically to:-

(i) raise, repay, renew and otherwise vary the terms of loans, and

(ii) enter into any collateral agreements necessary to facilitate effective debt management.

(g) To negotiate and enter into leasing agreements in order to finance the acquisition of vehicles, plant and equipment and to enter into any collateral agreements necessary to facilitate an effective leasing policy.

(h) To invest any surplus balances of the Authority's funds and to sell investments for the purpose of reinvestment or to meet the needs of the Authority.

(i) To make suitable insurance arrangements on behalf of the Authority including the variation of the scope of insurance policies in force from time to time to give appropriate cover.

(j) To settle claims arising under the Authority's insurance policies.

(k) To implement any decision of a recognised negotiating body awarding an increase in pay or salary to staff in the employ of the Authority who are subject to the scheme and conditions of service prescribed by that body.

(l) To make payment of arrears of pay to former employees in respect of qualifying retrospective pay increases agreed after the termination of their contract of employment but with effect from a date before their employment ended, provided a written claim for payment is submitted to the Treasurer within six months of the notification of the date of settlement of the award.

Qualifying increases are:-

(i) Pay increases resulting from a job evaluation assessment.

(ii) Special recognition payments and acting-up allowances for additional duties carried out.

(iii) National and London salary and wage awards as agreed by the appropriate National Joint Council.

(iv) London Weighting awards as agreed by the appropriate National Joint Council.

(v) Local agreements concerning pay and allowances.

(m) The setting up of such systems and the adoption of such procedures as the Treasurer considers appropriate, to ensure the proper function of the financial affairs of the Authority.

(n) In conjunction with the Clerk, to approve expenditure on various items of plant, work, services and supplies that exceed £30,000. This power to be exercised in accordance with the terms of Standing Order No. 38.

(o) to institute any legal proceedings in any Court or Tribunal on behalf of the Authority under any enactment or regulation as may be appropriate in connection with the enforcement of any of the functions of the Authority, including any proceedings under the Fraud Act 2006 where the Treasurer considers it is expedient for the promotion or protection of the interests of the inhabitants of the Authority's area.

(p) In conjunction with the Clerk, to approve expenditure on various items of plant, works, services and supplies that exceeds £5,000 but is less than £30,000 (or such other upper limit as shall be agreed by the

Authority) and is necessary to ensure the continued operation of the transfer stations etc.

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GENERAL MANAGER

The General Manager, or, in his absence, the Deputy General Manager, is authorised to exercise the powers and functions of the Authority as follows:-

(a) To take such emergency action as may be necessary, having first consulted with the Clerk where possible, to protect the public and the Authority's interest.

(b) To approve expenditure necessary to ensure the continued operation of the transfer stations or necessary to ensure in general the proper functioning of the Authority, up to a value of £30,000. Any such items of expenditure between £5,000 and £30,000 shall be reported to a meeting of the Authority at the earliest opportunity.

(c) To obtain tenders for any scheme or costed proposal which has previously been approved by the Authority. Such action to be carried out in accordance with the Code of Practice for Contracts approved by the Authority.

(d) To issue interim and final certificates for payment of contractors' accounts for work(s) carried out (except where a dispute arises) and to authorise related payments to contractors/suppliers).

(e) In consultation with the Treasurer, to authorise the disposal of the Authority's unwanted/obsolete goods or materials where the value does not exceed £500.

(f) In consultation with the Clerk, to make temporary acting appointments to any post, below that of General Manager and to make such other consequential appointments as may be necessary because of the temporary absence of the postholder(s) concerned or in the case of a post(s) becoming vacant. Any appointment of a Deputy General Manager shall be reported to the Authority for information as soon as practicable.

(g) To deal with staff management matters in accordance with the powers specified in the Authority's various Codes, Guidelines and Procedures, namely:-

Employees' Disciplinary Code; Procedure for handling staff grievances; Codes of practice for staff sickness; Procedures for dealing with cases of unsatisfactory performance; Harrassment Policy; Whistleblowing Code and Code of Conduct; Probation Code.

(h) To make all arrangements for advertising for staff.

(i) To make all permanent appointments of staff except that of the General Manager (which is exclusively made by the Authority).

(j) In association with the Clerk and the Treasurer, to set hourly or sessional rates of pay and consequential salaries which depend directly upon national or other negotiated awards and payments.

(k) To authorise such additional payments as are prescribed/permitted under the National Scheme of Conditions of Service and other appropriate schemes.

(l) The granting of car loans/allowances to staff of the Authority in accordance with arrangements that are from time to time approved by the Authority.

(m) The nomination of staff to attend conferences.

(n) The granting of training, including day release facilities for staff.

(o) The granting of special leave of absence in accordance with arrangements that are from time to time approved by the Authority.

(p) Authorising extensions of sick pay for up to six months beyond the expiry of normal entitlement under the National Scheme of Conditions of Service.

(q) The granting of ex-gratia claims up to a value of £100.

(r) To respond on behalf of the Authority to requests from statutory bodies etc. for the Authority's comments on individual matters.

(s) To represent and express the views of the Authority at meetings, seminars and conferences.

DEPUTY GENERAL MANAGER

In the absence of the General Manager, to exercise all the powers and functions of the Authority delegated to the General Manager.

Proposed Amendments to Standing Orders Received from Constituent Councils

Proposed amendments to the Authority's Standing Orders were received from Councillor Harcourt from Hammersmith and Fulham and Councillor Holland from Lambeth. These are reproduced below, together with officer comment.

HAMMERSMITH AND FULHAM COUNCIL'S PROPOSALS

A. Setting up a Sub-Committee – Succession Planning and Constitutional Roles

Bearing in mind that both the Clerk and Treasurer are both standing down in 2021. We would recommend that a Sub-committee is set up to look at succession planning and constitutional roles.

The current position is that the Clerk and Treasurer have agreed to continue in their roles up to 31st March 2021, subject to 3 months' notice. It is possible that one or both may wish to stay on and the Authority may wish to extend their employment after that date. The Authority decided in July 2019 that it would first consult with constituent councils in the spring/summer of 2020 on their willingness to supply the Authority with senior officers and/or to provide it with financial and administrative functions. The results of that consultation process to then inform a paper to the Authority in the autumn of 2020.

B. Improving Financial Accountability

Bearing in mind that the WRWA gate fees (inclusive of the fixed levy) is one of the most expensive in the Country, we should make the case

Option 1 - that there should either be an additional third Member from each authority that is ultimately responsible for the authority's finances.

As explained in the covering paper, legally this is not an option. The number of Authority members is defined by Regulation.

Option 2 - that the second Member should be the Cabinet Member responsible for Finance. This would mean that there would be one Cabinet Member for Environment and one Cabinet Member for Finance from each authority.

As explained in the covering paper, under statute the appointment of members to the Authority is a matter for individual constituent councils themselves. The

Authority cannot specify what roles those members must perform within a constituent council.

This is particularly important because WRWA have considerable reserves in excess of £60M.

The figure of £60 million includes the value of the transfer stations and is defined in the accounts as Unusable reserves. Usable reserves, as approved by the Authority, were as at 31st March 2019 £22 million with the Authority currently having a policy of using reserves to pay off debt which will reduce the figure in the current year.

There is an additional argument that more financial involvement may encourage new avenues to drive down the gate fees and to implement arrangements in place to receive new waste streams like our food waste going forward.

C. Strategic Director Level Board Meetings

The Strategic Director Level Board would meet prior to Member Board to be briefed on all topics going before the Authority. The Technical Officers can still be a separate forum.

Authority officers would welcome the opportunity to meet with any senior constituent council officers and will respond positively to any such requests.

D. Rotation of Chair and Vice Chair

We should explore the rotation of Chair and Vice Chair every two years by mutual agreement.

E. Improving Accountability and Transparency

Members should be sighted on the Managing Director's negotiating strategy with Cory. This might include how we commit Cory to the London Living Wage. The report should clearly set out what was requested and what was secured. Annual Performance Plan and Outcomes for Managing Director to be agreed by the Committee or Sub Committee.

Officers are unclear as what exactly is being requested over and above the papers currently produced by officers that describe all contract negotiations in detail, the annual savings review which is produced as part of the annual budget process and the risk register that is produced as art of the accounts process. As explained in Paper Nos. WRWA 884 and 884A in July 2018, committing Cory to paying the London

Living Wage in lieu of taking some other form of financial saving or reduction in risk would not be a legal position for the Authority to take.

LAMBETH COUNCIL'S PROPOSALS

F. Quorum

Amend Standing Order 9, so that a minimum 3 members must be present of which there must be at least 3 of the 4 councils represented.

We would also suggest looking at increasing the membership to 3 members per constituent council to include cabinet member for finance. The finance is significant and it would enable each council to ensure robust, consistent financial planning and budgetary control. If this were the case consideration could be given to increasing the quorum.

The legislation does not permit increasing the number of members. Linking the quorum to Council representation runs the risk that the Authority could be deadlocked if 2 councils decided not to attend any meeting.

G. Clerk & Treasurer appointments

Need a sub-committee of elected members, one from each of the 4 councils, to consider the succession planning of long standing current office holders who will be standing down in 2021 their constitutional role.

Please see officer comment in paragraph A above.

H. Meetings and notices

5a of Standing Orders - an annual calendar of ordinary meetings and the date of the AGM to be published annually in advance at the AGM (save for this year to be published in September 2019) and the papers for each meeting are to be distributed to members no less than 14 days in advance of the meeting.
The venue and time to be scheduled at the same time as the date.

A forward plan of work for the meetings of the authority shall be circulated and agreed at the AGM and updated at each ordinary meeting thereafter as necessary and as agreed.

The process described has historically happened at the November meeting of the Authority (including November 2018) simply because it often affords a better view of constituent council meetings in the forthcoming year.

A forward plan can very easily be produced as a large number of Authority papers have their timings dictated by statute. However some papers and the content of the General Manager's and the Waste Management Agreement papers are often dictated by events and timings outside of the Authority's control.

The timings for distributing papers was set in December 2015 but can be amended if required. However, officers would prefer to remain with the current systems as distributing earlier will mean that a lot of information may no longer be current by the time of the meeting.

3a). Standing Orders The AGM shall take place in July in order to take the annual accounts and to enable each member council to ensure it's member. The ordinary meetings shall take place quarterly thereafter ie October, January, April.

As detailed in the main report the AGM cannot be in July. In future it would seem sensible to have the AGM in June with the accounts being approved by an Audit committee in July. The problem with meetings in April is that they often run the risk of being disrupted by elections. Officers recently debated this point internally so as to try to spread work load between meetings and unfortunately there does not appear to be an ideal solution but, within the statutory constraints around budget setting, accounts and auditing, the Authority is free to set meetings whenever it wishes.

I. A council may send a substitute member to a meeting providing one calendar month's notice in advance is provided to the authority.

The legislation is clear that substitute members are not permitted. The procedures for the appointment of members by constituent councils are as set out in the main paper.

J. In the recommendation section for a recommendation to reflect above and in particular the constitutional sub-committee to look at succession planning.

RECOMMENDATIONS

From the proposed amendments received from constituent councils and taking into account what is lawful, the Authority is asked to decide whether it wishes to:

i. set up a sub-committee for the future appointment of a Clerk and Treasurer and the administrative and financial functions necessary to support them. If the Authority decides it does wish to set up a sub-committee then it is

recommended to instruct officers to draft appropriate terms of reference for the sub-committee for approval the February 2020 meeting of the Authority;

ii. adopt procedures for the rotation of the roles of Chairman and Deputy Chairman and if so what procedures;

iii. instruct the General Manager and Treasurer to supply any additional reports on negotiations with Cory together with an annual performance plan and if so when and how they are to be agreed (by the Authority or a Sub Committee);

iv. amend Standing Order 9, so that a minimum three Members must be present to make Authority meetings quorate (currently a minimum if two are required which reflects the statutory minimum allowed) and, if so agreed, to further agree that there must be at least three of the four councils represented;

v. continue to set Authority meeting dates and locations at its November meeting and if not which meeting would it wish to do this at;

vi. instruct officers to produce a forward plan of work for each meeting;

vii. change how far in advance of Authority meetings papers are to be circulated;

viii. agree that the AGM of the Authority will be in June each year (the latest month it can be under the legislation), an audit sub-committee to sit in July to approve the accounts, with further Authority meetings in September (necessary for publication of the annual audit letter) November (budget forecast) and January/February (budget has to be set by 14th February).