

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**  
AMENDMENTS TO STANDING ORDERS

**REPORT OF:**  
CLERK

**FOR SUBMISSION TO:**  
NORTH LONDON WASTE AUTHORITY

**DATE:**  
7 December 2016

**SUMMARY OF REPORT:**

This report sets out the temporary adjustments required to Standing Orders to allow delegations to be exercised during the period (if any) between the retirement of the current Managing Director and there being a replacement Managing Director in post, pursuant to the recruitment process agreed at the Authority meeting on 29 September 2016.

**RECOMMENDATIONS:**

The Authority is recommended

1. to note the proposed arrangements to take effect in the event of any vacancy in the post of Managing Director and agree to the proposed revisions to Standing Orders set out in Appendix A to this report, to take effect for the period while there is no-one in the post of Managing Director and Deputy Clerk;
2. to agree that once a Managing Director is in post, these temporary amendments will cease to apply and Standing Orders will, in the absence of any different decision, revert to their wording prior to the decision made pursuant to this report;
3. to agree that any existing express delegations to the Managing Director which relate to actions not yet completed should be treated as delegations to the Clerk.
4. to agree that Councillor Peter Zinkin will take the place of Councillor Dean Cohen on the appointment panel for the Authority's Managing Director agreed at the September meeting of the Authority.

**SIGNED:** Clerk

**DATE:** 28 November 2016

## **1 BACKGROUND AND INTRODUCTION**

- 1.1 Standing Orders set out the basis on which the Authority's business is carried out, and they include specific delegations to officers by reference to specific posts. The Managing Director of the Authority is the person in the post of "Managing Director and Deputy Clerk" in Standing Orders. Standing Orders require the Managing Director to carry out certain specific roles with regard to the smooth running of Authority meeting, and notifications of Member interests and declarations. In addition, there are specific delegations to the Managing Director set out in Appendix B of Standing Orders, which for the most part are not replicated in the delegations to other post holders. Finally, within section C of Standing Orders, Contract Standing Orders, there are some actions which require approval by the Managing Director, relating in particular to letting of contracts at particular value levels, terminating or varying contracts. Financial Standing Orders contain delegations to the Financial Adviser and Head of Finance, and do not contain any delegations to the Managing Director.
- 1.2 As a result of the retirement of the current Managing Director at the end of December 2016, it is possible that there will be a vacancy before a replacement is in post pursuant to the recruitment exercise approved by Members at the Authority meeting on 29 September 2016. It is proposed that the arrangements set out in this report remain in place until a Managing Director takes up the post, or a further decision on the arrangements, including the possible acting up into the post, is made by Members. Members should note that the process for recruitment of a new Managing Director has started, and also that, as proposed by Councillor Dean Cohen, Councillor Peter Zinkin will take the place of Councillor Cohen on the appointment panel set up at the meeting of the Authority on 29 September 2016.
- 1.3 The Authority has two service heads in addition to the Head of Finance mentioned above. The Head of Operations is responsible for the management of the main waste contract, other operations contracts, other specific matters relating to operations, and for the management of staff associated with these tasks. The Head of Legal and Governance is responsible for legal advice to the Authority, both internal and external, for working with the Legal Adviser on legal and governance matters for the Authority, and for taking forward Authority projects such as the Development Consent Order Application. Between them, they cover most operational areas of the Authority's work, reporting to the Managing Director, and they are familiar with all aspects of the Authority's work. During any period of vacancy in the post of Managing Director, it is proposed that the work of the Authority should be managed through these officers, reporting direct to the Clerk for this period.

## **2 PROPOSED TEMPORARY AMENDMENTS TO STANDING ORDERS**

- 2.1 Appendix A to this report contains suggested temporary amendments to Standing Orders, based on the principle that where the Managing Director has a power within standing orders, that power may need to be exercised from within the NLWA employed officer group during the period of the vacancy (if any) and that therefore a temporary delegation to the Head of Operations or to the Head of Legal and Governance is proposed.

- 2.2 The suggested delegations largely follow existing areas of responsibility for those Service Heads, and in other cases, follow the temporary revisions to reporting arrangements that the Clerk will put in place for the period while no Managing Director is in post. For Contract Standing Orders, the proposal is to add the Head of Legal and Governance and Head of Operations to continuing delegations to Advisers.
- 2.3 There are matters where delegated authority has been given to the Managing Director to carry out an action, and that action has not yet been completed. It is proposed that Members agree to delegate such actions to the Clerk. The Clerk will then have responsibility for the completion of those actions, and will be able to arrange for the work to be carried out through NLWA staff in the normal way.

### **3 CONCLUSION**

- 3.1 In order to ensure the smooth running of the Authority in a period while no-one is in the Managing Director post, Members are recommended to agree the proposed amendments to Standing Orders as set out in Appendix A. These amendments would automatically end when a new Managing Director took up the post.
- 3.2 Where there are existing delegations which have not yet been completed, Members are asked to agree that the Clerk should have that delegation. Under Standing Orders Appendix B paragraph 11, the Clerk is able to make suitable arrangements for the delegation being carried out, subject to the powers being exercised in his name, and to his taking responsibility for such exercise of delegation.

### **4 FINANCIAL ADVISER'S COMMENTS**

- 4.1 The Financial Adviser has been consulted in the preparation of this report and comments have been incorporated.

### **5 LEGAL ADVISER'S COMMENTS**

- 5.1 The Legal Adviser has been consulted in the preparation of this report and comments have been incorporated.

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**REPORT ENDS**

## APPENDIX A Proposed Temporary Amendments to Standing Orders

### Standing Orders Section A – meetings and Member matters

<b>Standing Order</b>	<b>Head of Legal and Governance</b>	<b>Head of Operations</b>
A.8, A.22 - Administrative matters relating to Member attendance, declarations of interest and of hospitality	<b>X</b>	
A13 - Reporting on LondonWaste Board Appointments		<b>X</b>
A24 – Sealing of documents – add Head of Legal and Governance	<b>X</b>	
A27.3 – Matters which require action while there are no elected Members following annual Council elections in place of Managing Director if the Clerk is not around. Consultation with Legal Adviser is required.	<b>X</b>	

### Appendix B – Delegated Authority to Officers

<b>Standing Order</b>	<b>Head of Legal and Governance</b>	<b>Head of Operations</b>
2.1 to sign and seal documents and agreements	<b>X</b>	
2.2 coordinating day to day business of the Authority – to follow respective areas of responsibility	<b>X</b>	<b>X</b>
2.3 meeting arrangement, agenda despatch etc	<b>X</b>	
2.4 authorisation of expenditure up to £150,000 – - to follow respective areas of responsibility	<b>X</b>	<b>X</b>
2.5 liaison with Members, new Member attendance – HOO for operations; HLG for projects and governance matters; HLG for communications liaison with Chair.	<b>X</b>	<b>X</b>
2.6 maintain standing orders	<b>X</b>	
2.7 liaison with advisers, boroughs and LWL and 2.8 arranging action after Authority meetings – HOO for operations; HLG for projects and governance matters.	<b>X</b>	<b>X</b>
2.11 ensure statutory requirements are adhered to	<b>X</b>	
2.12 oversee human resource functions –to follow the allocation of management responsibilities	<b>X</b>	<b>X</b>
2.13 to lead on Authority’s relationship with LondonWaste		<b>X</b>
2.14 to reply to consultations		<b>X</b>
2.15 publication under FOI and EIR	<b>X</b>	
2.17 to take action relating to NLWA appointments, employment etc to follow respective areas of	<b>X</b>	<b>X</b>

Standing Order	Head of Legal and Governance	Head of Operations
responsibility, in consultation with the Clerk;		
2.18 in the absence of the Clerk to exercise powers and delegations of the Clerk –in consultation with both the Finance and Legal Advisers.	<b>X</b>	

### Contract Standing Orders

C11.3 award of contracts between £25,000 and £150,000 – add Head of Operations and Head of Legal and Governance to list of those who may award.

C13 Termination of contractors –Head of Operations or Head of Legal and Governance for their respective areas. Note that for contracts over £150,000 consultation with the Legal and Financial Advisers is already required.

C16 and C17 variations and novations of contracts – Head of Operations and Head of Legal and Governance for their respective areas.