

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

STANDING ORDERS REVIEW

MANAGING DIRECTOR

FOR SUBMISSION TO:

NORTH LONDON WASTE AUTHORITY

DATE:

13 FEBRUARY 2014

SUMMARY OF REPORT

This report proposes amendments to Standing Orders of the Authority to update them. In accordance with the required process, this report is for noting, and a further report will be brought for consideration and decision to the next Authority meeting

RECOMMENDATIONS

That the Authority note this report:

SIGNED: **Managing Director**

DATE: 4 February 2014

1. Background and Purpose of Paper

- 1.1 Following the Authority's decision to end its long term procurement exercise, some updating of the Authority's Standing Orders is required, and a review has been carried out to update this and other aspects of the Authority's constitutional document.
- 1.2 In accordance with Standing Orders, the report is presented to this meeting for noting, and will be presented to the Authority meeting on the 17 April 2014 for consideration and agreement to the changes.
- 1.3 Attached to this report are the Standing Orders as proposed. A version showing the changes from the existing Standing Orders is available through the Authority's website.

2. Proposed amendments to Standing Orders

- 2.1 Standing Orders are ordered in four sections: those relating to the Authority; those relating to Committees, Contract Standing Orders and Financial Standing orders. The structure of Standing Orders has not changed. Updates are proposed to all sections, and the key points are set out in the following paragraphs.

Section A: Standing Orders relating to the Authority

- 2.2 The objects of the Authority have been expanded to show the Authority's powers more clearly.
- 2.3 Updates have been made to reflect the Authority's ownership of LWL and its engagement through the Shareholder Agreement.
- 2.4 In A.4.6 the amendment reflects the statutory requirement to publish at the Authority's offices. The intention is that when the agenda is published it will be notified to the boroughs that the agenda is available on the Authority's website.
- 2.5 In A11, there is currently a prohibition on recording of meetings. Members will be asked to comment on whether recording (whether sound or film) should be permitted during part I of the meeting unless the Chair considers it disruptive.
- 2.6 Section A16 has been largely deleted, as the provisions related to formal debate where motions are put, amended and formally debated. This does not reflect the meeting management of the Authority, and there is no legal requirement for such motions or debate.

Section B: Standing Orders relating to Committees

- 2.7 This section includes the delegated authority to officers which is the set of standing delegations. The list of officers has been updated to reflect that there is no longer a Director or Deputy Director of Procurement, and the updated job titles for officers within the Authority.

Section C: Contract Standing Orders

- 2.8 The scope of the contracts which require authorisation at different levels of officer, and at Member level, has been reviewed, and the value at which contracts must be awarded by the Authority rather than by an officer is proposed to be increased from £100,000 to £150,000.-

Section D: Financial Standing Orders

- 2.9 This section has been updated to reflect the role of the Head of Finance, and to incorporate references to the Authority's Financial Regulations.

3. Authority Annual General Meeting

- 3.1 The current standing orders allow for the AGM of the Authority to take place in May or June in each year. As the local elections this year are later in May than has previously been the case, there is insufficient time to allow for appointment of Members to the Authority by the Constituent Boroughs, and then adequate briefing of new Members before the AGM if it is held in June.

It is therefore recommended that the Standing Orders are amended to allow the maximum flexibility for holding the AGM permitted by statute, which is between 1 April and 30 June in any year, and that the AGM in the current year is held after the ordinary meeting of the Authority on 17 April, assuming that this change to Standing Orders is agreed at the ordinary meeting.

- 3.2 In order to allow a proper briefing for Members in taking decisions on the Authority's business for the next year, the business of the Authority which is required to be taken at the AGM will then be postponed to the next ordinary meeting of the Authority, and it is proposed that this be on 10 July. A decision on the proposed date is sought in the Forward Plan report on this agenda.

4. Conclusion

- 4.1 The Authority is recommended to note the report.

5. Comments of the Legal Adviser

- 5.1 The Legal Adviser has been consulted in the preparation of this report, and has been involved in the amendments proposed to Standing Orders.

6. Comments of the Financial Adviser

- 6.1 The Financial Adviser has been consulted in the preparation of this report, and has been involved in the amendments proposed to Standing Orders.

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REPORT ENDS

Standing Orders

February 2014



**NORTH LONDON WASTE AUTHORITY
STANDING ORDERS**

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SECTION A - STANDING ORDERS FOR MEETINGS OF THE AUTHORITY

A.1 GENERAL

A.1.1 Standing Orders to be given to Members

The Clerk will provide these Standing Orders to each Member of the Authority.

A.1.2 Interpretation of Standing Orders

The ruling of the Chair as to the construction or application of any of these Standing Orders shall not be challenged at any meeting of the Authority or its Committees.

A.1.3 Suspension of Standing Orders

Any of these Standing Orders may be suspended provided that at least seven Members of the Authority are present and on voting so decide. The mover of the motion shall specify which Standing Order and the duration and purpose for which it is to be suspended.

A.1.4 Variation and revocation of Standing Orders

Any motion moved at a meeting of the Authority to add to, vary or revoke these Standing Orders shall, when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority, providing that at least ten Members of the Authority are present and so decide.

A.2 OBJECTS

A.2.1 Statutory Waste Authority

The Authority 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 the Environmental Protection Act 1990 as follows:

- (a) To make arrangements for the disposal of waste collected by the Constituent London Borough Councils, being: Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest;
- (b) To make arrangements for places to be provided at which persons resident in its area may deposit their household waste or other controlled waste by other persons (on such terms as to payment (if any) as the Authority determines) and for the disposal of waste so deposited;
- (c) To make arrangements for the storage and disposal of abandoned vehicles in accordance with section 3 (8) of the Refuse Disposal (Amenity) Act 1978 (Removal of abandoned vehicles);

The Authority is also required by other statute:

- (d) To recycle and/or compost the required percentage of household waste under the Local Government (Best Value) Performance Indicators and Performance Standards Order (England) 2005;
- (e) To prepare a joint municipal waste management strategy in accordance with section 32 of the Waste & Emissions Trading Act 2003 (unless exempted by the Secretary of State);

The Authority's powers include:

- (f) To make arrangements to recycle, use, sell or otherwise dispose of deposited waste or anything produced from such waste including for the purpose of producing from it heat or electricity or both (section 55 Environmental Protection Act 1990);
- (g) To take steps to minimise the generation of controlled waste of any description, generated in its area (section 63A Environmental Protection Act 1990);
- (h) To enter into agreements with other local authorities (Section 1 of the Local Authorities (Goods and Services) Act 1970);
- (i) To direct the Constituent Councils on the delivery and separation of waste (section 51 Environmental Protection Act 1990) and object to independent recycling by the Constituent Councils (section 48 Environmental Protection Act 1990);
- (j) To acquire land for the purposes of any of its functions and dispose of land (section of 146A, 120 and 123 of the Local Government Act 1972);
- (k) To carry out activities considered appropriate and incidental to the furtherance of the Authority's statutory functions (section 111 of the Local Government Act 1972).

A.2.2 LondonWaste Ltd

The Authority owns and controls LondonWaste Limited, a company that provides waste management services to the Authority and other bodies. The Authority and LondonWaste Limited are parties to a Shareholder Agreement and the Authority approves the business plan of LondonWaste Limited.

A.3 MEMBERSHIP OF THE AUTHORITY

A.3.1 Constituent Council Representation

The Authority comprises two representatives appointed by each of the Constituent Councils and notified to the Authority in writing. No substitute representatives are permitted.

A.3.2 Term of Office

- (a) The term of office of appointed Members is normally 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. If a Member ceases to be a Member of the relevant Constituent Council then they will immediately cease to be a Member of the Authority.
- (b) No meeting shall be invalidated by any vacancy among the number or by any defect in the appointment or qualifications of any Member.

A.3.3 Non-Attendance

- (a) Members who do not attend any meeting of the Authority for a period of six months are disqualified from membership of the Authority, unless the reason for their non-attendance was approved by the Authority before the end of the six month period.
- (b) Where the Managing Director and Deputy Clerk (in these Standing Orders called “the Managing Director”) becomes aware that a Member has failed to attend a meeting of the Authority, its committees and/or its other subsidiary bodies for a period approaching six months, the Managing Director will advise the Member concerned and their Constituent Council of their risk of disqualification.
- (c) In the event of the Member concerned failing to attend a subsequent meeting of the Authority, the Authority will invite the Constituent Council to appoint a representative.

A.3.4 Casual Vacancies

- (a) A Member may at any time resign his/her seat from the Authority or a Committee or the Authority by notice in writing signed by him/her and delivered to the Clerk or Managing Director. The resignation takes effect on receipt of the notice of resignation.
- (b) In the event of the vacancy relating to the Authority, the Authority will invite the Constituent Council to appoint a replacement representative.
- (c) In the event of the vacancy relating to a committee of the Authority, the Clerk will report the resignation to the next meeting of the Authority who may then and there appoint a member to fill the vacancy.

A.4 MEETINGS OF THE AUTHORITY

A.4.1 Annual Meeting

- (a) The annual meeting of the Authority will take place between 1 April and 30 June in each year.

- (b) Agenda items not considered at an annual meeting may be postponed to the next Authority meeting.

A.4.2 Ordinary Meetings

Four ordinary meetings of the Authority will be held at such time and on such dates as the Authority may determine.

A.4.3 Extraordinary Meetings

- (a) The Chair following consultation with the Clerk or Managing Director may call an extraordinary meeting of the Authority at any time.
- (b) At least three Members may request the Chair to call an extraordinary meeting of the Authority.
- (c) If on receiving such a request:
 - (i) the Chair refuses to call an extraordinary meeting after a requisition for that purpose, signed by three Members, has been presented to her/him;
 - (ii) without so refusing, the Chair does not call an extraordinary meeting within seven days after such requisition;
 - (iii) then an extraordinary meeting shall be called by the Clerk pursuant to the request.
- (d) No business shall be placed upon the agenda for an extraordinary meeting held pursuant to such a requisition other than that specified in the requisition.

A.4.4 Venues

Meetings of the Authority shall take place at Camden Town Hall, Judd Street, London WC1H 9JE, or at the Town Hall of another Constituent Council or at such other place as the Authority may determine.

A.4.5 Change of Venue/Cancelling Meetings

In case of emergency, the Chair may alter the date or time or place of any meeting. The Chair may also, after consultation with Members, direct that any ordinary meeting of the Authority be not called.

A.4.6 Notice of Meeting

At least five clear working days before a meeting of the Authority:

- (a) Notice of the time and place of the intended meeting will be made available at the main offices of the Authority;

- (b) A summons to attend the meeting, specifying the business to be transacted, will be left or sent by post to the usual place of residence of every Member of the Authority (Except where the Member has given notice in writing to the Clerk that s/he requires summonses to be sent to him/her at some other address).
- (c) Except in the case of business required by statute to be done; or brought before the meeting as a matter of urgency in accordance with these Standing Orders, no business shall be transacted at a meeting of the Authority other than that specified in the summons.
- (d) The validity of a meeting of the Authority is not affected by want of service of a summons on any Member of the Authority.

A.5 APPOINTMENT OF COMMITTEES

A.5.1 Appointments at the Annual Meeting

At the Annual Meeting, the Authority may appoint an Urgency Committee and such other Committees for the forthcoming municipal year as are required by statute or deemed necessary to carry out the work of the Authority. The terms of reference of the Urgency Committee are contained in Section B Appendix 1; the terms of reference of other committees will be determined at the time of establishment of such committee. These shall continue in being until the next annual meeting of the Authority.

A.5.2 Changes at other times

The Authority may, at any time, appoint or dissolve a Committee or alter its membership or terms of reference.

A.5.3 Working Groups

The Authority may set up such working groups as it considers useful for the purposes of consultation or briefing on specific topics, which may consist of Members and/or Officers. In each year the Authority shall consider the need for working groups on the following topics: Shareholder interest in LondonWaste Ltd; Finance; Planning; and Recycling.

A.6 CHAIR AND VICE CHAIRS

A.6.1 Appointment at Annual Meetings

The Authority shall in each year appoint a Chair and one or two Vice Chairs. Such appointments will be the first business transacted at the annual meeting of the Authority. Those Members will remain in post until the soonest of the following:

- (a) They are no longer a member of their Constituent Council;

- (b) They otherwise resign; or
- (c) The next annual meeting of the Authority.

A.6.2 Contested Elections

If more than two persons are nominated for any office and there is not a clear majority of votes given in favour of one person, the name of the person having the least number of votes shall be struck off the list.

A fresh vote will then be taken. This procedure will continue until there is a majority of votes in favour of one person.

A.6.3 Casual Vacancies

An appointment to fill a vacancy in any office or on any Committee or Working Group occurring during the municipal year will be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs, or if that meeting is held within 14 days after that date, then not later than the next following meeting.

A.6.4 Authority of the Vice Chair.

Subject to any Standing Orders made by the Authority, anything authorised or required to be done by or in relation to the Chair may be done by or in relation to the Vice Chair or any other Member (appointed pursuant to A.9.2(i)) presiding at a meeting in the absence of the Chair.

If the Chair is not present at a meeting of the Authority, the meeting shall be chaired by the Vice Chair or one of them (if more than one) and in the absence of the Chair and Vice Chair(s) then by a Member present, determined on a majority of those present.

A.7 QUORUM

A.7.1 Quorum

No business will be transacted at any meeting of the Authority itself unless at least four Members are present.

A.7.2 Adjournments in the absence of a quorum

- (a) If during the meeting, there is not a quorum; the meeting shall stand adjourned for ten minutes to enable a quorum to be sought. If a quorum is lacking at the start of the meeting, the meeting shall stand adjourned for fifteen minutes.
- (b) If, at the end of the adjournment, there is still no quorum, the consideration of business not transacted will stand adjourned to a date, time and place fixed by the Chair at the time the meeting is adjourned.

- (c) If no such arrangements are made at the time, then a replacement time will be set within 30 days of the adjourned meeting, or if no such time is set, consideration of the business will stand adjourned to the next ordinary meeting of the Authority.

A.8 ATTENDANCE RECORD

The Managing Director will ensure that a record of Member attendance at each meeting of the Authority is maintained, and the Minutes of each meeting shall constitute evidence of such attendance.

A.9 ORDER OF BUSINESS

A.9.1 Annual Meeting

The order of business at the Annual Meeting of the Authority will be:

- (i) To appoint a Chair;
- (ii) To appoint the Vice–Chair(s) for the forthcoming municipal year;
- (iii) To receive reports by the Chair or the Clerk of any apologies and membership matters;
- (iv) To receive declarations from Members of pecuniary or non pecuniary interests;
- (v) To approve the Minutes of the previous meeting(s) of the Authority;
- (vi) To receive a statement on the membership of the Authority;
- (vii) To appoint an Urgency Committee (if the Authority so wishes) and such other Committees for the forthcoming municipal year as are required by statute or deemed necessary to carry out the work of the Authority; and to consider the Authority's membership of any outside bodies to which it is entitled to appoint;
- (viii) To set up Working Groups as the Authority wishes;
- (ix) To consider an Annual Report on the activities of the Authority for the past year;
- (x) To consider an Annual Report on the activities of LondonWaste Ltd for the past year;
- (xi) To consider dates, times and venues for Authority meetings for the ensuing year;
- (xii) To consider any further business specified on the summons for the meeting.

Business falling in (i) to (xi) above shall be taken first at the meeting and in the order specified above.

A.9.2 Ordinary Meetings

The order of business at every ordinary meeting of the Authority shall be to:-

- (i) elect a person to preside if both the Chair and Vice Chair(s) are absent;
- (ii) receive reports by the Chair or the Clerk of any apologies and membership matters;
- (iii) receive declarations from Members of any pecuniary and non pecuniary interests;

- (iv) approve as a correct record and sign the Minutes of the previous meeting(s) of the Authority;
- (v) hear any deputations in accordance with **A.17**;
- (vi) deal with any business required by statute to be done before any other business;
- (vii) deal with any business from the previous Authority Meeting;
- (viii) receive and consider any publicly available reports prepared for the Authority;
- (xiv) consider any exempt or confidential reports prepared for the Authority;
- (xv) consider matters of urgency brought forward by leave of the Chair;
- (xvi) consider any other business set out in the summons for the meeting.

Business falling under items (i), (ii), (iii) or (iv) above shall not be displaced. The order of other business may be varied by the Chair.

Reports which are stated to be exempt from publication or confidential shall include a ground for exemption under Schedule 12 Local Government Act 1972.

A.10 ADJOURNMENT OF MEETINGS

The Authority may adjourn any meeting to another day or time or venue. An adjournment is decided by a resolution passed on a motion, which shall be moved and seconded without comment and put without discussion.

An adjourned meeting shall take place on a date agreed at such meeting or agreed within 30 days thereafter and if no such date is agreed, the business of that meeting shall be taken at the next ordinary meeting of the Authority.

A.11 RECORDING OF MEETINGS

No part of any Authority meeting shall be filmed, recorded by tape or cassette or broadcast in any manner without the express permission of the Authority.

A.12 MINUTES

A.12.1 Minute Taking

Minutes shall be taken and kept of all meetings of the Authority.

A.12.2 Approval of Minutes

- (a) At each ordinary meeting, the Chair shall put the question that the Minutes of the previous meeting of the Authority be approved as a correct record.
- (b) No discussion shall take place upon the Minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair will sign the Minutes, initialling each page.

A.12.3 Distribution of Minutes

A copy of the unconfirmed Minutes of the previous proceedings of the Authority will be sent to each Member with a notice for the next ordinary meeting.

A.13 LONDONWASTE BOARD APPOINTMENTS

The Authority may, after having received a report from the Managing Director, appoint such Executive and Non-Executive Directors to the Board of LondonWaste Ltd as it shall consider appropriate and those appointments shall be on such terms as it considers appropriate including but not limited to the tenure of any appointment.

The Authority may, having received a report from the Managing Director, remove any such Directors as they consider appropriate.

A.14 ADMISSION OF PRESS AND PUBLIC

A.14.1 Admission

Subject to the provisions of this Standing Order and the Local Government Act 1972 - access to information provisions, the press and public shall be admitted to all meetings of the Authority. They shall only be excluded by resolution or, in the event of a disturbance, by a ruling of the Chair (**see A15**).

A.14.2 Exclusion

The press and public may be excluded from a meeting if 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 as specified Schedule 12A of the Local Government Act 1972 as amended.

A.15 DISRUPTION OF MEETINGS

A.15.2 Member Not to be Heard Further

If any Member of the Authority, at any meeting of the Authority, in the opinion of the Chair:

- (a) Misconducts him/herself by persistently disregarding the ruling of the Chair,
- (b) Behaves irregularly, improperly, or offensively, or
- (c) Wilfully obstructs the business of the Authority,

the Chair or any other Member may move:

"That the Member named be not further heard".

The motion, if seconded, shall be put and determined without discussion.

A.15.3 Member to Leave the Meeting

If, in the opinion of the Chair, the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either:

- (a) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

or

- (b) adjourn the meeting of the Authority for such period as he/she in his/her discretion considers expedient.

A.15.4 General Disturbance

In the event of general disturbance that, in the opinion of the Chair, renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may, without the question being put, adjourn the meeting of the Authority for as long as he/she thinks fit.

A.15.5 Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared or may ask for the meeting to be adjourned to another time or place.

A.16 RULES OF MEETING

A.16.1 Content and Length of speeches

Speeches must be directed to the Chair and either to the question under discussion or to a personal explanation or point of order. A Member shall not speak on any matter for longer than five minutes without the consent of the meeting.

A.16.2 Addressing the Chair

A Member shall address the Chair and direct any speech to the question under discussion. If two or more Members indicate that they wish to speak, the Chair shall call on one to speak first.

A.16.3 Points of Order/Personal Explanation

A Member may make a point of order or in personal explanation and is entitled to a hearing.

- (i) A point of order must relate to a breach of a Standing Order or statutory provision and the Member shall specify the breach in question.
- (ii) A personal explanation shall be confined to the Member's speech earlier in the debate and clarification of a point that may appear to have been misunderstood.

The ruling of the Chair on a point of order or on the admissibility of a personal explanation is not open to discussion.

A.16.4 Calling a Member to Order

The Chair shall call a Member to order for irrelevance, repetition, continued interruption, unbecoming language, imputation of motives, reflection of a personal character upon another member or any similar breach of order and may direct such Member, if speaking, to discontinue their speech (**see also A15**).

A.17 DEPUTATIONS

A.17.1 Entitlement to Make a Deputation Request

Any person likely to be affected by a matter in which the Authority has functions, or which affects the area of the Authority, or some of it, or the inhabitants of the area, may ask that a deputation should be received by the Authority.

The Chair may refuse a deputation request if he considers:

- (a) that it does not affect the Authority's area; or
- (b) if it has not been made in accordance with the requirements of these Standing Orders; or
- (c) the proposed action is outside the functions or powers of the Authority

A.17.2 Deadline for Deputation Request

Such a request shall be made in writing to the Clerk setting out the reason why the deputation should be received, by no later than 2 clear working days before an Authority meeting.

A.17.3 Contents of Deputation Request

The person making the request shall indicate the matter to which the request relates, the number (which shall not exceed 7) names and addresses of the persons who will form the deputation, and the one member of the deputation who will address the Council.

A.17 4 Procedure for Deputations addressing the Meeting

On being called, the person speaking for the deputation may make such relevant remarks as they think fit, during a period not exceeding five minutes. The remarks shall be relevant to the matter indicated when the request was made, and must not

constitute a personal attack upon any person. The person speaking shall be heard in silence.

A.17.5 Response to the Deputation

Members of the Authority may, during a further period not exceeding five minutes, ask questions of the deputation.

After the deputation has been heard, the Chair shall have the right to respond.

A.18 VOTING

A.18.1 Majority

- (a) At meetings of the Authority questions on which the Members present do not agree are decided by a simple majority of those present and voting.
- (b) The only exception to this is where any statute or Standing Order otherwise provides.

A.18.2 Casting Vote

The Chair shall have a second or a casting vote that may be exercised if there is an equality of votes. The Chair may exercise their casting vote even if they abstained or did not take part in the first vote.

A.18.3 Show of Hands

Voting shall be by a show of hands, except where in any particular case the meeting, shall on a motion proposed and seconded without debate, resolve that the voting shall be by ballot.

A.18.4 Recorded Vote

Any four Members may request that the names for and against the motion or amendment shall be recorded.

A.19 COMPLETION OF BUSINESS

A.19.1 Calling an End to Debate

In order to ensure that all Part 1 and Part 2 business is considered within a reasonable time, the Chair at each meeting will draw attention to the time two hours after commencement of the meeting. Unless the meeting agrees to a maximum of a further 30 minutes for discussion, the Chair will call an end to debate on the item then under consideration, and move to a decision upon it.

The Chair shall then, or at the end of the extra time agreed by the meeting, call over each remaining item of business sequentially. The Chair will either move to a formal

decision on the recommendations (if any) contained within each agenda report or item, or move that a report or item be deferred to the next available ordinary or special meeting.

A.20 CODE OF CONDUCT

A.20.1 Compliance

Members are bound by the provisions of the local Code of Conduct (and the Localism Act 2011) for their Constituent Council when sitting on the NLWA.

A.21 DECLARATION OF INTERESTS

A.21.1 Declaration of Members' Interests

Every Member is required, by their local Code, to complete the register of interests and those entries shall apply for the NLWA as they do for each Constituent Council.

A.21.2 Declaration of Officers' Interests

Every officer is required in accordance with their employee Code of Conduct to declare any direct or indirect financial interest or potential conflict of interest to the Authority.

A.22 RECEIPT OF HOSPITALITY, GIFTS ETC

A.22.1 Notification

All Members and officers of the Authority must notify the Authority immediately of any gifts, hospitality or favour they receive of a value of £25 or more that may be related to their work with the Authority.

A.22.2 Details to be Notified

The notification should include details of the person(s) or organisation(s) offering the gift, hospitality or favour, the purpose or object of the offer, and the reasons why the gift, favour or hospitality was accepted. Notification must be sent to the Managing Director or as notified by him.

A.22.3 Registers

The Managing Director will ensure that a register of Members' and officers' interests and a register of gifts and hospitality is maintained.

A.23 CUSTODY OF SEAL

The Seal of the Authority shall be kept in a safe place in the custody of the Clerk.

A.24 SEALING OF DOCUMENTS

The Clerk, Managing Director or Legal Adviser shall be authorised to affix the Seal of the Authority in accordance with the decisions of the Authority.

An entry of every sealing of a document shall be made and consecutively numbered in a book called the Seal Register kept for the purpose and shall be signed by the person who has attested the Seal.

A.25 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Authority, the Clerk, Managing Director or Legal Adviser shall sign it. The only exception is where an enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

A.26 INSPECTION OF DOCUMENTS

A.26.1 Right to Inspect

A Member of the Authority may, for purposes of their duty as a member, on application to the Clerk, inspect any document that has been considered by the Authority. If copies are available the Member shall, on request, be supplied with a copy of the document concerned.

A.26.2 Inspection of Minutes and Reports

All reports made or Minutes kept shall, as soon as the meeting has concluded action on the matter that such reports or Minutes relate to, be open for the inspection of any Member of the Authority.

A.27 DISCHARGE OF FUNCTIONS

A.27.1 Consideration of Matters Delegated to Committees

The Authority's Annual Meeting will agree matters to be delegated to any Committees established by the Authority.

A.27.2 Urgency Committee

The Authority may each year establish an Urgency Committee to act in respect of any matters within the jurisdiction of the Authority and which will not admit of delay, together with such other Committees as it sees fit.

The agenda and reports (except those considered confidential or exempt within the meaning of Schedule 12A of the Local Government Act 1972) for meetings of the Urgency Committee will be published five clear working days before the meeting, except where the Chair agrees that an item of business is urgent in which case the item may be considered at shorter notice. Where the Chair agrees to accept urgent

business, the reason for urgency will be recorded in the Minutes for the meeting. If a meeting is called with less than five clear working days' notice, then the agenda and reports (except those considered confidential or exempt within the meaning of Schedule 12A of the Local Government Act 1972) will be made publically available at the same time that they are made available to Members.

A.27.3 Discharge of functions to Officers

- (i) The Authority shall have the services of a Clerk, Managing Director and Deputy Clerk, Financial Adviser, Head of Finance, Legal Adviser, Property Adviser, Planning Adviser, Environment Adviser, Head of Legal and Governance and Head of Operations with functions delegated to them as set out in Appendix B to these Standing Orders, and subject to variation as agreed by the Authority.
- (ii) The Managing Director in consultation with the Clerk may at any time appoint such other officers, as they shall consider appropriate with appointments at a level of chief officer being reserved for the Authority.
- (iii) There shall be delegated to the Clerk the authority to act in respect of any functions of the NLWA on any matter which, in his/her opinion, does not admit of delay. This delegated authority shall only be exercised in consultation with the Chair or, where unable to act, as far as possible the Vice-Chair(s) or one of them should the other not be available and (if not the same individuals) wherever possible the leaders of the Opposition Parties.
 - (a) The Clerk shall when no Members are appointed, for example after whole council elections in the Constituent Councils but before Members of the Authority have been appointed by those Constituent Councils, have delegated authority to take any decisions which in his or her opinion are such as to not admit of delay until such time as the Authority can meet.
 - (b) Each exercise of delegated authority under this Standing Order shall be reported for information to the next meeting of the Authority
 - (c) The Clerk shall notify the Leaders of the opposition parties of any action taken under this Standing Order, where it was not possible to consult them in advance.
 - (d) The delegation in this Standing Order is in addition to and without prejudice to the powers of the Authority under Standing Orders to arrange for the discharge of any functions by the Authority or an officer.
- (iv) In that period between there being no elected Members of the Authority following Council elections and the appointment of Members to the Annual Meeting of the Authority thereafter, there shall be delegated to the Clerk the authority to act in respect of any function of the NLWA on a matter, which in his/her opinion does not admit of delay. In the absence of the Clerk, this

function will be undertaken by the Managing Director after consultation with the Legal Adviser.

SECTION B - STANDING ORDERS RELATING TO COMMITTEES

B.1 POWERS DELEGATED TO COMMITTEES

The Authority shall delegate to each Committee full power to exercise and perform on behalf and in the name of the Authority all powers and duties of the Authority in relation to the matters, services and undertakings or in pursuance of the Acts of Parliament specified in their terms of reference provided that:

- (a) no Committee shall raise money by way of loan or by rate or spend any money in excess of the sum allocated by the Authority under any specific vote;
- (b) the acts of every Committee shall be in accordance with the Standing Orders of the Authority and with any other directions given by the Authority.

B.2 MATTERS REQUIRING THE DECISION OF THE AUTHORITY

The following matters, subject to B3.1 below, may not be delegated to a Committee: -

- (a) all matters for which the approval of the Authority is required by statute;
- (b) the making of a precept or levy on Constituent Councils;
- (c) the payment of recycling credits to Constituent Councils;
- (d) the promotion of, or opposition to any legislation;
- (e) the preparation or revision of waste disposal plans;
- (f) the making, alteration and revocation of Standing Orders and Regulations and their varying or modification;
- (g) all decisions relating to the sale or lease of the Authority's property holdings or the acquisition of property where the total value of the transaction is more than £500,000;
- (h) the convening of conferences of a public nature between the Authority and other public bodies;
- (i) the question of giving evidence before Royal Commissions, Government Committees or similar bodies and promoting or opposing legislation;
- (j) the appointment of Committees of the Authority and determination of their terms of reference and delegated powers;
- (l) matters relating to the amendment or determination of the contract for the transfer and disposal of the Authority's waste;
- (m) All matters relating to variation and transfer of the Authority's powers;
- (n) The creation of a scheme for the payment of Members' expenses so far as is permitted by legislation.

B.3 URGENCY COMMITTEE

B.3.1 Delegation

There stands delegated to the Urgency Committee full power and authority to act on behalf of the Authority on any matters within its functions that will not admit of delay.

B.3.2 Membership

The membership of the Urgency Committee shall be seven Members to include (unless this would lead to both Members from a single Constituent Council being included) the Chair and Vice Chair(s) so that one Member is from each of the seven Constituent Councils. The quorum for meetings shall be four Members.

B.3.3 Agendas, Minutes and Operation of the Urgency Committee

All Members of the Authority shall receive agendas and Minutes for all Urgency Committee meetings. The procedures set out below for the operation of Committees shall apply to the Urgency Committee.

B.4 DISCHARGE OF FUNCTIONS BY COMMITTEE

B.4.1 Exercise of Delegated Functions by the Authority

Any arrangements made by the Authority under this Section for the discharge of any functions by the Committee or officers shall not prevent the Authority or Committee by whom the arrangements are made from exercising those functions.

B.4.2 Appointments to Committees Members

All appointments to Committees will be made in accordance with legislation relating to the political balance on the Authority.

B.4.3 Term of Office for Committee

The Authority will set the term of office for Members of a Committee. Every Member appointed who at the time of his/ her appointment was a Member of the Authority shall upon ceasing to be a Member of the Authority also cease to be a Member of the Committee.

B.4.4 Dissolution of Committees

The Authority may, at any time, dissolve a Committee or alter its membership.

B.5 CHAIRS OF COMMITTEES

If not appointed at the Annual Meeting, each Committee shall appoint a Chair and Vice Chair at its first meeting for the remainder of the municipal year.

B.6 NOTICE OF MEETINGS

B.6.1 Notice

Five clear days at least before (or in the case of the Urgency Committee, on the calling of a meeting) a meeting of any Committee of the Authority, notice of the time and place of such meeting shall be left at or sent by post to the last known place of residence of every Member of the Committee. Failure to receive any such notice shall not affect the validity of a meeting.

B.6.2 Business Transacted

No business shall be transacted at any meeting of a Committee other than that specified in the agenda, except, in accordance with current legislation, matters of urgency brought forward by leave of the Chair.

B.6.3 Venue

Committees shall meet at the Town Hall Camden, Judd Street, London WC1H 9JE or at the offices of one of the other Constituent Councils, offices of LondonWaste Limited, offices of the Authority or such other place as the Chair may consider appropriate.

B.6.4 Restrictions on Committee Meetings

No Committee will meet during a sitting of the Authority except by special authorisation of the Authority.

B.7 CANCELLATION OF MEETINGS

The Chair of a Committee may direct that any ordinary meeting of that Committee be not called.

B.8 SPECIAL MEETINGS

B.8.1 The Chair of a Committee may direct the Clerk to call a special meeting of the Committee at any time.

B.8.2 The summons to the special meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

B.9 ORDER OF BUSINESS AT COMMITTEE MEETINGS

The order of business at every meeting of a Committee shall be to:-

- (i) choose a person to preside if the Chair is absent;
- (ii) receive apologies for absence and deal with other membership matters;
- (iv) declare personal and prejudicial interests;
- (v) deputations (if any);
- (iv) approve the Minutes of the previous meeting, which shall then be signed by the person presiding;
- (v) receive reports of the officers;
- (vi) any other business specified in the summons.

A motion that shall be moved and seconded and put without discussion may vary the order of business under (ii)-(vi).

B.10 MINUTES

Minutes shall be kept of the proceedings of each meeting of a Committee, and shall be submitted for approval at the next ordinary meeting of the Committee.

B.11 QUORUM

No business shall be transacted at a meeting of any Committee unless at least four Members are present.

B.12 PROCEDURES AT COMMITTEE MEETINGS

The following Standing Orders apply to Committee meetings:-

- | | |
|-----------------------------|------------------------------------|
| A.8 Attendance Record | A.10 Adjournments |
| A.11 Recording of Meetings | A.15 Admission of Press and Public |
| A.16 Disruption of meetings | A.17 Rules of Debate |
| A.18 Deputations | A.20 Voting |
| A.21 Completion of Business | |

B.13 ATTENDANCE AT COMMITTEE MEETINGS

Members of the Authority may attend the meetings of the Urgency Committee and any other Committee established by the Authority. Members who are not Members of the Committee may not vote. Such may only take part in the proceedings if invited to do so by the Chair and with the agreement of the Committee.

B.14 RESIGNATION OF COMMITTEE

B14.1 A Member of a Committee may resign at any time by giving notice in writing to the Clerk to the Authority.

B14.2 The resignation takes effect from the date of receipt of written notice by the Clerk to the Authority.

B14.3 The Clerk or Managing Director will report the vacancy to the next meeting of the Authority, which may there and then proceed to fill the vacancy.

APPENDIX A - TERMS OF REFERENCE OF COMMITTEES

1. URGENCY COMMITTEE

(i) To act on behalf of the Authority on any matters within the functions of the Authority as referred to in **A.2.1** of these Standing Orders that will not admit of delay.

APPENDIX B - DELEGATED AUTHORITY TO OFFICERS

The following functions shall be exercisable by the appropriate Adviser or Officer of the Authority:

1. CLERK

- 1.1. To act as Head of Paid Service for the Authority.
- 1.2. To open tenders and sign and seal all documents on behalf of the Authority.
- 1.3. To sign reports for submission to the Authority.
- 1.4. To ensure, in conjunction with the Managing Director and with advice as necessary from the legal adviser, that all statutory requirements are adhered to and that the NLWA responds to all legislative changes which require action on its part.
- 1.5. To authorise the sale, purchase or other transactions regarding the property of the Authority where the total value of the transaction is less than £500,000 and such a decision is not for a disposal of property for less than best consideration.
- 1.6. To take all action relating to NLWA appointments, employment and secondments to and from the NLWA in respect to permanent and temporary staffing except for posts at chief officer level or the equivalent.

2. MANAGING DIRECTOR AND DEPUTY CLERK (“the Managing Director”)

- 2.1. To sign and seal any documents and or agreements on behalf of the Authority.
- 2.2. To co-ordinate the day to day business of the Authority, acting when appropriate in consultation with other officers of the Authority and reporting to the Clerk to have overall responsibility for the management of the NLWA.
- 2.3. To arrange for the servicing of meetings of the NLWA, including identifying issues for consideration, ensuring reports comply with requirements, agenda preparation, despatch, briefings and minuting.
- 2.4. Subject to containing unplanned expenditure within existing overall budgets and subject to complying with contract standing orders, to authorise expenditure up to a value of £150,000 on behalf of the Authority.
- 2.5. To arrange for the liaison with elected Members, including new Member attendance and maintenance of attendance records.
- 2.6. To maintain standing orders.
- 2.7. To liaise with the NLWA’s advisers, Constituent Councils, and LondonWaste Ltd.

- 2.8. To arrange for action to be taken following meetings of the Authority or its Committees.
- 2.9. To sign reports for submission to the Authority or its Committees.
- 2.10. To open tenders on behalf of the Authority.
- 2.11. To ensure, in conjunction with the legal adviser, that all statutory requirements are adhered to and that the NLWA responds to all legislative changes which require action on its part.
- 2.12. To oversee all human resources functions for the NLWA and specifically to manage the service head.
- 2.13. To lead for the Authority on its relationship with LondonWaste Limited including but not limited to authority to sign any documents and/or agreements relating to the Authority's share ownership of LWL and to have authority to agree with LWL in the role of sole shareholder proposals from LWL which have a financial impact of up to £150,000 and to agree in consultation with the Financial Adviser or Clerk such proposals with a financial impact of between £150,001 and £500,000 upon the financial position of LWL.
- 2.14. To reply to all consultations which in his opinion impact upon the Authority, or about which the Authority has an interest in consultation with the Chair and Vice Chair(s), provided that when such consultations are in the Managing Director's opinion of sufficient significance and time allows, the proposed responses shall be reported to the Authority for decision.
- 2.15. Unless the response is exempt from publication under Freedom of Information legislation or Environmental Information Regulations, to publish on the Authority's web site all consultation responses submitted by the Authority.
- 2.16. To, in consultation with the Chairs and Vice Chair(s) and group leaders (if different), appoint Members of the Authority to represent the Authority on outside bodies.
- 2.17. To take all action relating to NLWA appointments, employment and secondments to and from the NLWA in respect of permanent and temporary staffing, except for posts at chief officer level or the equivalent.

3. LEGAL ADVISER

- 3.1. To take all necessary steps to advise and represent the Authority in accordance with their professional Code of Conduct, taking instructions as appropriate from officers of the Authority.
- 3.2. To take all necessary action with regard to legal issues on behalf of the Authority.

- 3.3. To open tenders and sign and seal all documents on behalf of the Authority.
- 3.4. To conduct and when matters are urgent and in consultation with the Clerk initiate and settle litigation and threatened/prospective litigation on behalf of the NLWA, ensuring full compliance with all forms of court procedure and other relevant matters.
- 3.5. To carry out formal investigations on behalf of the Authority into a breach or breaches of its Standing Orders, reporting on findings to the Authority in making recommendations as to whether disciplinary action should follow.
- 3.6. To act as the Authority's Monitoring Officer as provided for under Section 5 of the Local Government and Housing Act 1989 and related guidance and under such legally binding provisions as may supplement or replace it.
- 3.7. To seek necessary advice from other lawyers including Counsel to assist the Authority, taking instructions when necessary from officers as appropriate and obtaining agreement to such expenditure as may have been reasonable and necessary from the Financial Adviser, and to monitor the progress and conduct of such advice.
- 3.8. To ensure, in conjunction with the Clerk and Managing Director, that all statutory requirements are adhered to and that the NLWA responds to all legislative changes which require action on its part.
- 3.9. To sign reports on behalf of the Authority.

4. FINANCIAL ADVISER

- 4.1. To act as the person responsible for the proper administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985, the Accounts and Audit Regulations 2011, Section 114 of the Local Government Act 1988 and Section 27 of the Local Government Act 2003.
- 4.2. To provide financial, and other advice as appropriate, to support the strategic development of the NLWA and to ensure effective use of resources.
- 4.3. In consultation with the Managing Director save as to the statutory function set out below, to carry out the following:
 - 4.3.1. to prepare the annual revenue and capital budgets for the Authority, to regularly monitor and report on revenue and capital expenditure and income, and to provide full and appropriate advice on matters arising;
 - 4.3.2. to the prepare the Authority's final accounts in accordance with all recognised statutory requirements and codes of practice applicable to local authorities, and to sign and submit the accounts for external audit;

- 4.3.3. to notify Constituent councils of the Authority's annual levy and charges for non-household and chargeable household waste and to make arrangements for its collection.
- 4.4. To monitor the NLWA's shareholder interest in LondonWaste Ltd.
- 4.5. To report to the Authority, in accordance with Section 114 of the Local Government Act 1988, if appears that:
 - 4.5.1. a decision or course of action by the Authority is unlawful or likely to cause a loss or deficiency;
 - 4.5.2. the expenditure incurred or planned for a financial year is likely exceed the resources available.
- 4.6. To seek necessary specialist financial advice as may be required by the Authority, acting together with the Clerk, the Managing Director, and the Legal Adviser.
- 4.7. To ensure that payment of creditors, collection and banking of income, treasury management, internal audit, insurance arrangements, completion and return of statutory accounts, liaison with the external auditor, liaison and negotiation with contractors and liaison with the client group is carried out on behalf of the Authority.
- 4.8. If so required, to act as a trustee of the LondonWaste Ltd Pension Fund Trustees.
- 4.9. To sign reports on behalf of the Authority and attend meetings.
- 4.10. Subject to containing unplanned expenditure within existing overall budgets and subject to compliance with contract standing orders to authorise expenditure up to a value of £150,000 on behalf of the Authority.
- 4.11. At the time of budget setting for the Authority to liaise with the Finance Working Group or otherwise.

5. ENVIRONMENT ADVISER

- 5.1. To advise the Authority on key issues relating to the environment, sustainable development and operational matters.
- 5.2. To ensure effective liaison with the Constituent Council's senior officers on the work of the NLWA and on policy issues relating to the environment, sustainable development and waste management.
- 5.3. To contribute to securing the best waste treatment and disposal outcomes for north London by securing appropriate environmental and financially viable contractual arrangements which meet the Authority's ambitions.

5.4. To attend meetings of the Authority.

6. HEAD OF OPERATIONS

6.1. To monitor contracts and authorise payments for the transfer and disposal of its waste, including contracts for the transfer and disposal of civic amenity waste.

6.2. To oversee the preparation of contract documentation, organise the tendering process and negotiate on the Authority's behalf.

6.3. To advise the Authority and Constituent Councils on all aspects of waste management issues and to provide statistical information about waste to the Financial Adviser.

6.4. To manage the establishment and maintenance of effective communications with the Constituent Councils including the lead technical officers in each Council.

6.5. To provide a research facility to enable the Authority to develop and implement policies on waste management.

6.6. To sign reports on behalf of the Authority and attend meetings.

7. PROPERTY ADVISER

7.1. To advise the Authority and its officers on valuation issues.

7.2. To recommend the use of specialists in the field where necessary negotiations regarding property matters.

7.3. To attend meetings where required.

8. PLANNING ADVISER

8.1. To advise the Authority on all matters relating to town and country planning and related matters.

8.2. To attend meetings when required.

9. HEAD OF FINANCE

9.1. To assist the Financial Adviser as instructed by him or her.

- 9.2. In the absence of the Financial Adviser to be empowered by the Financial Adviser to exercise powers and delegations of the Financial Adviser as are necessary.
- 9.3. To be responsible on a day-to-day basis for managing and controlling all aspects of the finance function of the Authority, including the preparation and monitoring of revenue and capital budgets, providing financial advice to the Managing Director and Authority officers.
- 9.4. To liaise with Directors of Finance and work with finance officers in the Constituent Councils in the preparation of the levy and generally.
- 9.5. To prepare the statutory accounts for approval by the Authority and liaise with the auditors.
- 9.6. To keep and maintain a register of a register of Members' and officers' interests and a register of gifts and hospitality.
- 9.7. To work with the Finance Director of LondonWaste Ltd and to monitor the Company's finances.
- 9.8. To be responsible for providing and/or facilitating the provision of financial services to the Authority.
- 9.9. To sign reports on behalf of the Authority and attend meetings.

10. HEAD OF LEGAL AND GOVERNANCE

- 10.1. To assist the Legal Adviser as instructed by him.
- 10.2. In the absence of the Legal Adviser to be empowered to exercise all powers of and delegations to the Legal Adviser.
- 10.3. To provide a full range of day to day legal advice to the Managing Director and other Authority officers, and to manage external legal advisers.
- 10.4. To oversee arrangements with regard to external consultants.
- 10.5. To monitor the governance arrangements of the Authority.
- 10.6. To be responsible for the Authority's approach and implementation with regard to Freedom of Information, Environmental Information Regulations and Data Protection legislation.
- 10.7. To ensure effective project management arrangements, including management of risk.
- 10.8. To be responsible for monitoring and reporting on compliance with the Bribery Act 2010 to the Managing Director.

10.9. To sign reports on behalf of the Authority and attend meetings.

11. DELEGATION TO SUBORDINATE OFFICERS

11.1. An officer of the Authority to whom delegations have been made, either by virtue of these standing orders or by way of specific delegation by Authority decision, may authorise in writing other officers under his or her managerial control to exercise some or all of his or her powers either indefinitely or for a period of time, subject to:

11.1.1. such powers being exercised in the name of the relevant officer to whom the delegation(s) were made;

11.1.2. responsibility in law for any actions taken by a subordinate officer shall remain with the officer(s) to whom authority was delegated.

SECTION C- CONTRACT STANDING ORDERS

C.1 INTRODUCTION

- 1.1 Contract Standing Orders provide a framework for the procurement of works, goods and services. Following them will ensure value for money, propriety and the proper spending of public money.
- 1.2 Where “officer” is used in these Contract Standing Orders, it refers to:
- Clerk
 - Managing Director and Deputy Clerk
 - The Financial Adviser
 - The Legal Adviser
 - Head of Operations
 - Head of Legal and Governance
 - Head of Finance

C.2 THE ROLE AND RESPONSIBILITIES OF OFFICERS

Officers have responsibility for all contracts tendered and let under delegated authority. They are accountable to the Authority for the performance of their duties in relation to contract letting and management which are:

- (a) to ensure compliance with United Kingdom (UK) and European Union (EU) legislation and Authority policy;
- (b) to ensure value for money in all procurement matters;
- (c) to ensure compliance with Contract Standing Orders;
- (d) to ensure that all relevant staff are familiar with the provisions of Contract Standing Orders and that they receive adequate training on their operation;
- (e) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
- (f) to ensure that all relevant staff comply with any codes of practice issued under Contract Standing Orders;
- (g) to take immediate action in the event of a breach of Contract Standing Orders within his or her area;
- (h) to keep proper records of all contracts, tenders etc. including minutes of service analysis teams, tender evaluation panels and other meetings and records of waiver of any provision of these Contract Standing Orders;

- (i) to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the tendering process;
- (j) to ensure that the Authority's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is signed by him/her or an officer authorised to act on his/her behalf;
- (k) to keep a register of all contracts over £20,000 and of all waivers of these Standing Orders;
- (l) to ensure effective monitoring of all contracts in his/her area.

C.3 THE ROLE AND RESPONSIBILITY OF THE AUTHORITY

The Authority may be responsible for a variety of decisions under these Contract Standing Orders. The Authority will also hold officers accountable for any decisions they make under delegated authority or under these Contract Standing Orders.

C.4 SCOPE OF CONTRACT STANDING ORDERS

- 4.1 These Contract Standing Orders shall apply to all contracts "for the procurement by the Authority of works supplies and services" unless otherwise expressly stated or these requirements are waived in accordance with paragraph 6.
- 4.2 Where a contract has an estimated value of less than £25,000, an officer may decide that formal tendering is not appropriate in order to secure value for money for the Authority. If so, the officer may determine another process of selecting a contractor. The decision and process must be properly documented and be such as to be able to demonstrate value for money for the Authority. Where a contract has an estimated value of between £25,000 and £150,000 the contract must be let by inviting at least three quotations.
- 4.3 All other contracts must be let following a competitive tendering process in accordance with the procedures set out in these Contract Standing Orders and any guidelines or codes of practice issued from time to time under these Contract Standing Orders.
- 4.4 No contract shall be let unless the expenditure involved has been fully considered and approved and sufficient money has been allocated in the relevant budget.
- 4.5 These Contract Standing Orders shall not apply to contracts of employment, to contracts with agencies for the provision of temporary staff, contracts with companies for the supply of specific workers, the engagement of Counsel or to contracts relating to any interest in land.

- 4.6 These Contract Standing Orders shall not apply to purchases made through any Government Agency or other public purchasing organisation or consortium which has itself tendered for goods and/or services and which then makes those goods and services available for purchase by other public bodies.
- 4.7 In the event of any conflict between EU Law, UK law and Authority policy, the requirements of EU law shall prevail over UK law and the requirements of UK law shall prevail over Authority policy.

C.5 CALCULATION OF CONTRACT VALUES

- 5.1 Officers must ensure that a pre-tender estimate of anticipated costs is prepared and recorded in writing. Where appropriate, officers need additionally to ascertain the value of a contract in accordance with the relevant EU public procurement rules.
- 5.2 Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Standing Orders it means the aggregate value payable in pounds sterling exclusive of Value Added Tax.
- 5.3 The aggregate value of any contract is to be calculated on the basis of the total value of the consideration estimated to be payable over the entire contract period (including any extensions).
- 5.4 Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders.

C.6 WAIVER OF CONTRACT STANDING ORDERS

- 6.1 Where Contract Standing Orders apply to a contract (see paragraph 4 above) any individual provision in them may be waived. The waiver procedure is set out in the remainder of this paragraph. The waiver has to be agreed by:
- (a) the Authority; or
 - (b) An officer where the contract value is under £25k;
 - (c) the Managing Director or Financial Adviser where the contract value is over £25,000 but under £150,000 (save that any waiver of the provisions of contract Standing Order C16 can only be agreed by two of the following: the Managing Director, the Clerk, the Financial Adviser and the Head of Finance); or
 - (d) the Clerk for contracts of any value where the matter is urgent and a meeting of the Authority cannot be called in time.

AND they are satisfied after considering a written report by the appropriate officer that the waiver is justified because:

- (i) the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Standing Orders is justifiable; or
- (ii) the contract is for supplies, works or services that are required in circumstances of urgency that could not reasonably have been foreseen; or
- (iii) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or UK law); or
- (iv) where it is in the Authority's overall interest; or
- (v) there are other circumstances which are genuinely exceptional.

6.2 A record of the decision and the reasons for it must be kept and an entry made in the appropriate register.

C.7 APPROVED LIST

7.1 The Authority may compile and maintain approved lists of suitable contractors in relation to various types of works, supplies and services. The lists must be kept under review although public advertisements for the approved lists are only required every three years. New firms may be added to the approved lists at any time if the criteria set by the Authority are met.

C.8 USING APPROVED LISTS

8.1 Unless the contract is one which must be advertised in the Official Journal of the European Union ("OJEU") or there is no appropriate approved list, contractors must either be selected from the appropriate approved list for each contract or the officer may decide to tender the work. Contractors from the approved list should normally be selected in rotation.

8.2 At least three contractors must be selected from the appropriate approved list. If there are fewer than four firms on any list, all of them must be invited to tender subject to meeting the relevant financial criteria.

C.9 SELECTIVE TENDERING - AD HOC LIST

- 9.1 Where there is no standing approved list, an officer must tender for the works/supplies/services.
- 9.2 Where an officer decides to tender under this Standing Order, a minimum of three tenders must be sought.

C.10 RECEIPT AND OPENING OF TENDERS

- 10.1 The invitation to submit a tender must include instructions to potential contractors as to the method of delivery of a tender, stating whether their tender must comply with (a) or (b) below, or either is acceptable for their tender to be considered:
- (a) delivered in a plain envelope or parcel with a label on which is printed the word "Tender" followed by the subject of the contract. The envelope must be sealed and must not show the identity of the tenderer in any way. It must be delivered to the place and by the time stated in the tender invitation.
 - (b) Submitted electronically via a specified secure system and in accordance with the instructions that accompany such system. It must be provided by the time stated in the tender invitation.
- 10.2 Tenders which do not meet the requirements of Contract Standing Order 10.1 may only be considered if:
- (a) failure to comply is the Authority's fault; or
 - (b) a tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time providing that the other tenders have not yet been opened.
- 10.3.1 Tenders must be kept safe by the Clerk or Managing Director until the time for their opening by:
- (a) any officer where the contract value is under £50,000; and
 - (b) the Managing Director, Legal Adviser, Head of Operations or Head of Legal and Governance for all other contracts.

Records of all tenders received must be kept by that officer.

- 10.4 Tenders for a particular contract must all be opened at the same time in the presence of two officers who have not been involved in the tendering process. Tenders submitted in hard copy shall be opened by the same officers and at the same time as any tenders received electronically. Other third parties may

be present at the opening of any tenders subject to them agreeing to maintain the confidentiality of the process and signing an appropriate agreement to this effect and subject to the agreement of the Managing Director.

C.11 CONTRACT AWARD

11.1 Contracts must be awarded on the basis of either:

- (a) the lowest price; or
- (b) the most economically advantageous tender, quotation or proposal as determined by such criteria as are relevant to the type of works, supplies or services. This will generally cover the optimum combination of whole life costs and benefits to the Authority, including factors such as quality, initial price, on-going service and management costs and any costs of finance.

11.2 Where an officer proposes to accept or recommend to the Authority the acceptance of a tender which is not either the lowest price or the most economically advantageous tender, then before accepting or recommending acceptance, the officer must consult with and seek the advice of the Financial and Legal Advisers. That advice must be documented.

11.3 Any officer may award all contracts valued at £25,000 or less. Contracts valued between £25,000 and £150,000 may be awarded by the Clerk, the Managing Director, or the Financial Adviser.

11.4 All contracts not included within 11.3 above must be awarded by Members at a meeting of the Authority unless the matter is urgent, in which case the Clerk has power to act.

C.12 POST TENDER NEGOTIATIONS

12.1 Negotiations after receipt of formal bids or tenders and before the letting of contract(s) with those tenderers submitting the most economically advantageous tender with a view to obtaining an improvement in content in circumstances which do not put other tenderers at a disadvantage, distort competition or affect adversely trust in the competitive tendering process, may take place subject to the prior written authority of the Legal Adviser being obtained.

12.2 In addition there may be circumstances where an officer authorised by the Managing Director or, in his absence, the Head of Operations or the Head of Legal and Governance may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations. The authorisation must be in writing.

12.3 All communication with contractors under this Contract Standing Order must be in writing or recorded in writing.

C.13 TERMINATION OF CONTRACTS

If in the opinion of the Managing Director a contractor is not performing satisfactorily on any contract or for any other reason appears to be unable to meet the terms of the contract, the officer shall consider whether the contract should be terminated. In all cases the Legal Adviser and the Financial Adviser must be consulted.

C.14 REMOVAL OF CONTRACTORS FROM APPROVED LIST

Where the Managing Director has concerns about the conduct or performance of a contractor which may, if substantiated, be sufficient for that contractor's removal from any approved list, she or he shall report these concerns together with any documentary evidence to the Legal Adviser. The Managing Director may remove contractors from an approved list.

C.15 CONDITIONS APPLYING TO CONTRACTS

Conditions applying to all contracts

15.1 All contracts must be in writing and signed by an officer. A contract made in extreme urgency need not be in writing so long as it is subsequently confirmed in writing.

Conditions applying to all contracts with a value of £25,000 or more.

15.2 Every contract with a value of £25,000 or more must, unless the Legal Advisers agrees to the contrary, contain clauses to cover the following:

- (a) compliance with all legislation and specifically the law on health and safety at work and discrimination;
- (b) compliance with the Authority's insurance requirements;
- (c) a prohibition on assignment and subletting without the written consent of the relevant officer;
- (d) a provision allowing the Authority to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Bribery Act 2010 or Section 117 (2) of the Local Government Act 1972;
- (e) to ensure the Authority is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- (f) that if the contractor is in breach of contract the Authority can do any of the following:

- (i) determine all or part of the contract or determine the contractor's employment;
 - (ii) perform the contract in whole or in part;
 - (iii) recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- (g) that if the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer in relation to the tendering for and award of any works/services contract, that the Authority shall be entitled to terminate that contract;
- (h) that the contractor shall be required to make available to the Authority and its auditors such documents or access to information or access to the staff/officers of the contractor as is necessary to conduct any audit or other investigation into the contract.

Conditions applying to all contracts with a value of £150,000 or more

- 15.3. Every contract which exceeds £150,000 in value shall be executed as a deed, unless the Legal Adviser agrees to the contrary, and the Instructions to Tenderers must contain clauses to cover the following:
- (a) that the Authority may require the contractor to provide security for completing the contract in the form of a bond;
 - (b) that where the contractor is a subsidiary or group company the contractor may be required to provide a parent or group company guarantee.
- 15.4 Any officer or panel of officers responsible for undertaking tender evaluation shall as part of that process consider whether, and if so, to what extent, a performance bond and/or parent/group company guarantee may be necessary to protect the Authority's interests in relation to that contract.

Conditions applying specifically to computer software contracts

- 15.5 All computer software contracts shall contain a clause to the effect that use of the software by the Authority's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

C.16 VARIATIONS

- 16.1 Subject to any statutory restrictions and compliance with Financial Standing Orders the Managing Director may authorise the following changes to an existing contract:

- (a) a change in price determined within the terms of the contract or arising from the application of a price formula in the contract;
- (b) a single extension of the contract by up to twelve months;
- (c) issue a variation and a resulting change in price determined in accordance with the contract terms.

16.2 In any other circumstances the Authority may vary or extend a contract providing that to do so is consistent with the provisions of Financial Standing Orders.

16.3 In addition the Managing Director may authorise variations to a contract where either delay would incur substantial cost penalties to the Authority or the proposed variations are unavoidable and/or essential for the contract to proceed or continue.

C.17 NOVATIONS (TRANSFERS)

In appropriate circumstances the Authority may agree to novate (transfer) a contract. This decision must be taken by the Authority for contracts in excess of £100,000 and by the Managing Director if the contract is of a lesser value.

SECTION D - FINANCIAL STANDING ORDERS

INTRODUCTION

The Authority prepares both its revenue and capital accounts on an accruals basis, and monitors accounting commitments on both revenue and capital budgets. All references to income and expenditure in the Financial Standing Orders and Financial Regulations include accrued income and expenditure in addition to cash receipts and payments. A short glossary of other terms is appended to the Financial Standing Orders for ease of reference.

D.1 FINANCIAL ADMINISTRATION

(a) Financial Adviser

- (i) The Financial Adviser is the officer appointed by the Authority in accordance with Section 73 of the Local Government Act 1985, the Accounts and Audit Regulations 2011, Section 114 of the Local Government Finance Act 1988 and Section 27 of the Local Government Act 2003. The post-holder must ensure that the Authority's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations;
- (ii) All matters connected with the financial administration of the Authority's affairs are the delegated responsibility of the Financial Adviser, except any matters which are delegated to other officers or reserved to committees of Authority Members or to the Authority itself. The Financial Adviser may authorise other officers to carry out matters delegated to him/her except the statutory responsibilities; in particular, the Head of Finance will have day-to-day responsibility for ensuring the proper administration of the Authority's financial affairs.

(b) Officers (See Glossary)

Officers must maintain financial controls and secure the accuracy and integrity of financial information and systems operating for the benefit of the Authority. Officers must ensure compliance with procedural instructions on financial administration issued by the Financial Adviser or the Head of Finance

(c) Financial Advice to Authority/Committees

The Financial Adviser will provide financial advice to the Authority and its committees.

(d) Financial Regulations

Staff working for the Authority must comply with the Authority's Financial Regulations.

(e) Fees and Charges

Changes in all fees and charges and the introduction of new fees and charges, require Authority approval.

(f) Debt Write Offs

The Financial Adviser may write off bad debts, and must report action taken to the Authority at least twice a year.

(g) Internal Audit

(i) The Financial Adviser is responsible for:

- Determining the annual internal audit plan;
- The content and distribution of internal audit reports; and
- The form and frequency of reports which may be made to the Authority arising from internal audit activity;

(ii) It is the responsibility of all officers working for the Authority to provide, upon the request of the Financial Adviser or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is required for the purposes of or in connection with an internal audit inquiry, project, or investigation; and

(iii) The Financial Adviser will report to the Authority any serious breach of Financial Standing Orders.

D.2 FINANCIAL PLANNING

(a) Planning Process

The Financial Adviser will report to the Authority each June a three year forecast and update the forecast for the following year in December.

D.3 PREPARATION OF THE REVENUE BUDGET

(a) Financial Adviser Responsibilities

The Financial Adviser is responsible for the overall co-ordination of the budget process and for obtaining the Authority's approval of the budget.

The Financial Adviser is responsible for monitoring and reporting on the adequacy of the Authority's reserves under the terms of Section 27 of the Local Government Act 2003.

(b) The Head of Finance is responsible for providing day to day support to the Financial Adviser in relation to the co-ordination of the budget process, the monitoring thereof, and reporting to the Authority.

(c) Officer Responsibilities

Officers (see Glossary) are responsible for preparing the revenue budget for their functions having regard to the Authority's relevant strategies, policies and previous decisions and in accordance with the requirements of the Head of Finance.

(d) Budget Working Papers and Final Estimates

(i) All working papers and final estimates must be prepared in accordance with procedural instructions issued from time to time by the Head of Finance. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.

(ii) The revenue estimates must include forecast expenditure and income for the year.

(e) Budget Timetable

As part of the Authority's arrangements for medium-term financial planning and budget preparation, the Authority may, from time to time, give guidance on the budget and the resource constraints within which service plans and budget estimates must be prepared.

D.4 SETTING THE ANNUAL BUDGET AND THE LEVY AND CHARGES

(i) The Financial Adviser will make recommendations to the Authority regarding the annual budget for the following financial year and the levy and charges required to finance it; and

(ii) At a meeting on or before 14 February each year, the Authority will approve the budget and set the levy and charges for non-household and chargeable household waste for the following financial year.

D.5 MONITORING AND CONTROL OF THE REVENUE BUDGET

(a) Budget Spending

Following approval by the Authority of the annual revenue estimates, Officers are free, subject to complying with contract standing orders, to spend within the agreed budget for their functions. They must ensure that the net expenditure for their functions does not exceed the approved budget.

(b) Monitoring

- (i) Officers shall make arrangements to ensure that in each month they are aware of, and can report on, the actual expenditure and income for their functions under each budget heading, and the projected outturn for the financial year, having regard to any contingent liabilities for which financial provision may be required. Officers shall provide the Head of Finance with up to date summary projections each month or as otherwise determined;
- (ii) The Financial Adviser will report on the overall financial position to the Authority as required, but not less than four times a year. This report will include any concerns he or she may have about the budget projections being made by officers or about financial controls affecting the Authority's finances; and
- (iii) The Financial Adviser will report to the Authority, not later than July of each year, on the financial outturn for the previous financial year.

(c) Virements

Officers are free to vire budget provision between budget headings within their functions for the Authority in accordance with the Authority's scheme of delegation. Officers must report such virements to the Authority at the earliest practicable opportunity.

(d) Transferred Functions

Where responsibility for a function is transferred from one borough or contractor to another, the Financial Adviser will consult interested parties and advise the Authority of the financial implications.

(e) Budget Adjustments

The Authority may at any time during a financial year, having considered a report of the Financial Adviser, vary the budget limits either:

- (i) To require mid-year savings to compensate for a projected overspend;
- (ii) To allocate sums included within corporate provisions or budgets; or
- (iii) Following transfer of service(s).

(f) Carry Forward of Underspends

The Financial Adviser may, on consideration of the overall financial position of the Authority at the end of a financial year; recommend to the Authority that underspends by relevant officers should be made available for specific projects or carried forward to the subsequent financial year.

(g) Accuracy of Accounts

It is the responsibility of Officers, having regard to any guidance which may be issued by the Financial Adviser and Head of Finance, to ensure that all items are correctly coded and only expenditure classified as revenue expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 is charged to revenue.

D.6 PREPARATION OF THE CAPITAL PROGRAMME

(a) Capital Programme

The Authority will, on consideration of reports from the Financial Adviser which will be at least annual to coincide with the setting of the Revenue Budget, make decisions in respect of the capital programme. The reports from the Financial Adviser will consider the capital resources available to the Authority in the context of the CIPFA Prudential Code for Capital Finance in Local Authorities, and any other relevant information. The Authority will, on the advice of the Financial Adviser, set and monitor the Authority's Prudential Indicators.

(b) The Head of Finance is responsible for providing day to day support to the Financial Adviser in relation to the co-ordination of the budget process, the monitoring thereof, and reporting to the Authority.

(c) Financing of Schemes

Within the overall approved capital programme, the Financial Adviser will decide the method by which any particular scheme will be financed.

(d) Budget Working Papers

All working papers must be prepared in accordance with issued procedural instructions.

D.7 MONITORING AND CONTROL OF THE CAPITAL PROGRAMME

(a) Control

Officers must ensure that their total capital spending on the Authority's functions in any financial year does not exceed the relevant provision within the capital programme, except where approved by the Financial Adviser.

(b) Reporting Requirements

(i) The Financial Adviser will report at least four times each year to the Authority on capital expenditure incurred to date in the financial year and the projected outturn for the financial year compared to budget.

This report will include details of the projected outturn for the financial year and the total capital resources available to the Authority with which to finance such expenditure.

- (ii) The Financial Adviser must report to the Authority not later than July each year on the actual capital expenditure incurred in the previous financial year compared to budget together with a comparison between the approved total cost and the projected total cost for each scheme.

(c) Variations to the Capital Programme

Officers may vary the budget for individual schemes or block provisions and may add schemes from the reserve list subject to any increase in budget being met by virements or additional resources and subject to the agreement of the Financial Adviser. They must report such variations to the Authority at the earliest opportunity.

(d) Major Overspends

Officers must report to the Authority on any schemes in progress which are forecast to overspend by 25% or more compared to the contract sum unless the overspending amounts to less than £75,000. The report must give the reasons for the overspending.

(e) Accuracy of Accounts

It is the responsibility of Officers, having regard to any guidance which may be issued by the Financial Adviser and Head of Finance, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 is charged to capital.

D.8 LEASES

(a) Inclusion in Capital Accounts

The taking or granting of a lease on any asset may form part of the Authority's capital expenditure or receipts, and must, therefore, be provided for.

(b) Financial Adviser's consent

The taking or granting of a lease on any asset, other than short term leases on property, will be subject to the consent of the Financial Adviser.

D.9 TREASURY MANAGEMENT

(a) CIPFA Code of Practice

The Financial Adviser will ensure that all Authority borrowings and investments are conducted in accordance with the CIPFA Code of Practice on Treasury Management in the Public Services. To this end, all money in the hands of the Authority will be aggregated for the purposes of treasury management and will be under the control of the Financial Adviser, referred to in the Code as the “Chief Financial Officer”.

(b) Decisions on Borrowing

Executive decisions on borrowing, investment or financing are delegated to the Financial Adviser.

(c) Treasury Management Policy

Unless otherwise agreed by the Authority treasury management arrangements will mirror the strategy and borrowing limits approved from time to time by the Financial Adviser’s employing borough.

(d) Pooling of investments

The Financial Adviser will make arrangements for any surplus funds to be pooled with funds belonging to his/her employing borough and invested and for interest to be allocated to the Authority on an equitable basis.

GLOSSARY

Capital Programme

The capital programme is a medium term statement of the Authority's proposals for capital expenditure, including leasing, having regard to the likely level of resources.

Prudential Code

The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent, sustainable and in accordance with good professional practice – or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the Authority can take timely remedial action.

Officers

- Clerk
- Managing Director and Deputy Clerk
- Financial Adviser
- Legal Adviser
- Head of Governance and Legal
- Head of Operations
- Head of Finance

Treasury Management

In order to maximise the return on temporary surplus cash balances and minimise the cost of short-term borrowing, the Authority pools any surplus funds with those belonging to the Financial Advisers employing borough, which are then invested in accordance with the CIPFA Code of Practice on Treasury Management in Public Authorities.

Virements

A virement is an agreed re-allocation of budgetary provision which has been approved for one purpose to another designated budget.

