

NORTH LONDON WASTE AUTHORITY STANDING ORDERS

TABLE OF CONTENTS

Item	page
Contents	1
SECTION A - STANDING ORDERS RELATING TO AUTHORITY	4
A.1.GENERAL	4
A.2. OBJECTS	4
A.3. MEMBERSHIP OF THE AUTHORITY	5
A.4. MEETINGS OF THE AUTHORITY	6
A.5. APPOINTMENT OF COMMITTEES.....	7
A.6. CHAIR AND VICE CHAIRS.....	7
A.7. QUORUM	8
A.8. ATTENDANCE RECORD	8
A.9 ORDER OF BUSINESS.....	9
A.10 ADJOURNMENT OF MEETINGS.....	10
A.11 RECORDING OF MEETINGS	10
A.12. MINUTES.....	10
A.13. ACQUISITION AND COLLABORATION AGREEMENT	10
A.14. LONDONWASTE BOARD APPOINTMENTS	10
A.15. ADMISSION OF PRESS AND PUBLIC	11
A.16. DISRUPTION OF MEETINGS.....	12
A.17. RULES OF DEBATE.....	13
A.18. DEPUTATIONS.....	15
A.19. QUESTION TIME	16
A.20. VOTING	16
A.21. COMPLETION OF BUSINESS	17
A.22. CODE OF CONDUCT	17
A.23. DECLARATION OF MEMBERS' INTERESTS.....	18
A.24. MEMBERS' INTERESTS IN CONTRACTS AND OTHER MATTERS	18
A.25. RECEIPT OF HOSPITALITY, GIFTS, ETC	18
A.26. CUSTODY OF SEAL	18
A.27. SEALING OF DOCUMENTS	19
A.28. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS	19
A.29. INSPECTION OF DOCUMENTS	19
A.30. DISCHARGE OF FUNCTIONS.....	19

North London Waste Authority
Standing Orders

SECTION B - STANDING ORDERS RELATING TO COMMITTEES	21
B.1 . POWERS DELEGATED TO COMMITTEES	21
B.2 . MATTERS REQUIRING THE DECISION OF THE AUTHORITY	21
B.3. URGENCY COMMITTEE.....	22
B.4. DISCHARGE OF FUNCTIONS BY COMMITTEE	22
B.5. CHAIRS OF COMMITTEES.....	23
B.6. NOTICE OF MEETINGS	23
B.7. CANCELLATION OF MEETINGS	23
B.8. SPECIAL MEETINGS.....	23
B.9. ORDER OF BUSINESS AT COMMITTEE MEETINGS	24
B.10. MINUTES	24
B.11. QUORUM	24
B.12. PROCEDURES AT COMMITTEE MEETINGS	24
B.13. ATTENDANCE AT COMMITTEE MEETINGS.....	24
B.14 RESIGNATION OF COMMITTEE MEMBERS	25
APPENDIX A	
TERMS OF REFERENCE OF COMMITTEES.....	26
APPENDIX B	
DELEGATED AUTHORITY TO ADVISERS.....	27
SECTION C – CONTRACT STANDING ORDERS	31
C.1. INTRODUCTION	31
C.2. THE ROLE AND RESPONSIBILITIES OF CLIENT OFFICERS	31
C.3. THE ROLE AND RESPONSIBILITY OF THE AUTHORITY	32
C.4. SCOPE OF CONTRACT STANDING ORDERS	32
C.5. CALCULATION OF CONTRACT VALUES.....	32
C.6. WAIVER OF CONTRACT STANDING ORDERS	33
C.7. APPROVED LIST	34
C.8. USING APPROVED LISTS	34
C.9. SELECTIVE TENDERING – AD HOC LIST	34
C.10. RECEIPT AND OPENING OF TENDERS.....	34
C.11. TENDER ACCEPTANCE.....	35
C.12. POST TENDER NEGOTIATIONS	35
C.13. WORKS CONTRACTS	36
C.14. TERMINATION OF CONTRACTS	36
C.15. REMOVAL OF CONTRACTORS FROM APPROVED LIST	36
C.16. CONDITIONS APPLYING TO CONTRACTS	36
C.17. VARIATIONS	38
C.18. NOVATIONS (TRANSFERS).....	38
SECTION D – FINANCIAL STANDING ORDERS	39
INTRODUCTION	39

North London Waste Authority
Standing Orders

D.1. FINANCIAL ADMINISTRATION	39
D.2. FINANCIAL PLANNING.....	40
D.3. PREPARATION OF THE REVENUE BUDGET	41
D.4. SETTING THE ANNUAL BUDGET AND THE LEVY AND CHARGES.....	41
D.5. MONITORING AND CONTROL OF THE REVENUE BUDGET	42
D.6. PREPARATION OF THE CAPITAL PROGRAMME.....	43
D.7. MONITORING AND CONTROL OF THE CAPITAL PROGRAMME	43
D.8. LEASES.....	44
D.9. TREASURY MANAGEMENT	44
GLOSSARY	46
APPENDIX: HOW THE MEMBERS QUESTION TIME WILL WORK.....	47

North London Waste Authority
Standing Orders

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 supply a copy of 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 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 Waste Disposal Authority under Schedule 1 to the Waste Regulation and Disposal (Authorities) Order 1985 for these purposes:

- (i) To make arrangements for the disposal of waste collected by the constituent Councils, i.e: Camden, Islington, Hackney, Haringey, Barnet, Enfield, and Waltham Forest;
- (ii) To make arrangements for the disposal of waste from civic amenity sites in the constituent Boroughs;
- (iii) To make arrangements for the storage and disposal of abandoned vehicles.
- (iv) To arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited, under the Environmental Protection Act 1990.
- (v) To recycle and/or compost the required percentage of household waste under the Local Government (Best Value) Performance Indicators and Performance Standards Order of March 2001.

**North London Waste Authority
Standing Orders**

- (vi) To prepare a joint municipal wastes management strategy, in accordance with the indications in the Government's published strategy in "Waste Strategy 2000".
- (vii) The Authority anticipates statutory targets relating to the implementation of the Landfill Directive and possibly the End of Life Vehicle Directive and the Waste Electrical and Electronic Equipment Directive.
- (viii) The Authority aspires to encourage, reduction, re-use, recycling, composting and recovery of waste.

A.2.2 Joint Venture

The Authority has entered into a 50/50 Joint Venture with SITA GB Ltd and operates in accordance with the Acquisition and Collaboration Agreement entered into on 2nd April 1993.

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

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.

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 Deputy Clerk 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 Deputy Clerk will advise the member concerned and their constituent authority of their risk of disqualification.
- (c) In the event of the Member concerned failing to attend a meeting of the Authority, the Authority will invite the constituent Council to appoint a replacement representative.

A.3.4 Casual Vacancies

North London Waste Authority
Standing Orders

- (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/ Deputy Clerk. 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

The annual meeting of the Authority will take place in May or June.

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 Clerk following consultation with the Chair may call an extraordinary meeting of the Authority at any time.
- (b) Any two Members may request the Clerk to call an extraordinary meeting of the Authority if:
 - (i) the Chair refuses to call an extraordinary meeting after a requisition for that purpose, signed by two 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.
- (c) 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

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

**North London Waste Authority
Standing Orders**

A.4.6 Notice of Meeting

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

- (i) Notice of the time and place of the intended meeting will be made available at the main offices of all constituent Councils;
- (ii) 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 at some other address).
- (iii) 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.
- (iv) 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.4.7 Smoking at Meetings

Smoking is not permitted at any meeting of the Authority or any Committee of the Authority.

A.5 APPOINTMENT OF COMMITTEES

A.5.1 Appointments at the Annual Meeting

At the Annual Meeting, the Authority shall 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. 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.

A.6 CHAIR AND VICE CHAIRS

A.6.1 Appointment at Annual Meetings

The Authority shall in each year appoint a Chair and two Vice Chairs. Such appointments will be the first business transacted at the annual meeting of the Authority.

A.6.2 Contested Elections

**North London Waste Authority
Standing Orders**

- (a) 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.
- (b) A fresh vote will then be taken. This procedure will continue until there is a majority of votes in favour of one person. The same procedure applies to the appointment of Vice Chairs.

A.6.3 Casual Vacancies

An appointment to fill a casual vacancy 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 presiding at a meeting in the absence of the Chair.

A.6.5 Chairs, vice-Chairs and London Waste Ltd Directors

The Chair and Vice Chairs shall not all at the same time serve as A Directors on the Board of LondonWaste Ltd. (**see A.14**)

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 five 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, consideration of the business will stand adjourned to the next ordinary meeting of the Authority.

A.8 ATTENDANCE RECORD

North London Waste Authority
Standing Orders

At every meeting, each Member will enter their name on the attendance record provided by the Clerk. This is prima facie evidence of their attendance at the meeting.

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 and Vice Chairs.
- (ii) To receive a statement on the Membership of the Authority;
- (iii) To 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; and to consider the Authority's membership of Joint bodies with LondonWaste Ltd and SITA GB Ltd.
- (iv) To consider the appointment of Directors to serve on the Board of LondonWaste Ltd **(see A14)**.
- (v) To consider the appointment of Trustees to the LondonWaste Ltd Pension Scheme.
- (vi) To consider an Annual Report on the activities of the Authority for the past year.
- (vii) To consider dates, times and venues for Authority meetings for the ensuing year.

Business falling above shall not be displaced

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 Chairs are absent.
- (ii) receive reports by the Chair or the Clerk of any apologies and membership matters.
- (iii) declare personal and prejudicial interests of Members.
- (iv) hear any deputations. **(see A.18)**
- (v) approve as a correct record and sign the minutes of the previous meeting of the Authority.
- (v) consider questions and responses as part of the Members Question Time **(see A.19)**
- (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 reports and recommendations from any of the Authority's Committees.
- (ix) receive and consider other reports prepared for the Authority.
- (x) consider motions (if any)
- (xi) receive and consider a report on matters discussed by the Board of LondonWaste Ltd, and recommendations from the Board or the Authority's Joint Venture Partner SITA GB Ltd requiring the approval of the Authority.
- (xii) Other business, if any, specified in the summons.
- (xiii) Consider matters of urgency brought forward by leave of the Chair.

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.

***North London Waste Authority
Standing Orders***

**North London Waste Authority
Standing Orders**

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.

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. ACQUISITION AND COLLABORATION AGREEMENT

The Authority will act at all times in accordance with the requirements of the Acquisition and Collaboration Agreement with its Joint Venture Partner, SITA (GB) Ltd.

A.14. LONDONWASTE BOARD APPOINTMENTS

A.14.1 Annual Appointment

The Authority shall at its annual meeting or as soon as possible thereafter each year appoint three Directors to serve on the Board of the Joint Venture Company, LondonWaste Ltd, and one alternate Director to attend meetings, but to vote only in the absence of a full Director.

**North London Waste Authority
Standing Orders**

A.14.2 Eligibility for Appointment

Subject to A.6.5 (regarding the chair and Vice-Chairs of the Authority), any Member of the Authority is eligible for appointment. The Authority may also appoint a person or persons who is not a Member of the Authority to serve on the Board, provided it is satisfied that the person or persons concerned has suitable experience and ability to serve on the Board.

A.14.3 Term of Office

The term of office is until the next Annual General Meeting of the Authority, save in the following circumstances:

- (a) Resignation of a Director;
- (b) Where a Director has not attended two successive ordinary Board meetings or has a generally poor attendance record, without good reason.
- (c) Where a Director ceases to be a Councillor on one of the constituent Boroughs, or ceases to be a representative of the constituent Borough on the Authority.

A.14.4 Removal from Office

The Authority or its Urgency Committee shall receive a report from the Clerk and take a decision on the removal from office of the person concerned and the appointment of a replacement. Such an appointment will apply until the next Annual General Meeting of the Authority.

A.14.5 Conflict of Interest

The Authority may require its Directors to leave a meeting at any time should it need to deal with matters where it is considered that there could be a conflict of interest between their position as Directors of LondonWaste Ltd and members of the Authority.

A.15 ADMISSION OF PRESS AND PUBLIC

A.15.1 Admission

Subject to the provisions of this Standing Order and Local Government Act 1972 - Access to Information, 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 A16**).

**North London Waste Authority
Standing Orders**

A.15.2 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 .

A.16 DISRUPTION OF MEETINGS

A.16.1 Power to order removal

The Chair shall have the power to order the removal of persons causing a disruption to an Authority meeting, and to adjourn a meeting if necessary to deal with such disturbance.

A.16.2 Member Not to be Heard Further

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

- (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.16.3 Member to Leave the Meeting

If, in the opinion of the Chair, the Member named continue 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.

**North London Waste Authority
Standing Orders**

A.16.4 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.16.5 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.17 RULES OF DEBATE

A.17.1 No speeches until motion seconded

A motion may not be discussed until the motion has been moved and seconded. A motion may not be moved or seconded if it rescinds any resolution passed at any of the previous two meetings of the Authority.

A.17.2 Right to require a motion in writing

The Chair may require the motion to be written down and handed to him/her before it is discussed, unless notice of the motion has already been given.

A.17.3 Seconders' speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate, subject to duration Standing Order A.20 below.

A.17.4 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.17.5 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.

North London Waste Authority
Standing Orders

A.17.6 When a member may speak again

A member who has spoken on a motion may not speak again while it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation

A.17.7 Amendments to Motions

- (a) An amendment must be relevant to the motion and will either be to:
 - (i) leave out, insert or add words; as long as the effect is not to negate the motion.
 - (ii) refer a subject under discussion to an appropriate person or body for consideration or reconsideration.
- (b) Only one amendment may be moved and discussed at a time. No discussion shall take place until it has been moved and seconded.
- (c) No further amendment shall be moved until the amendment under discussion has been dealt with.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments or if there are none, put it to the vote.

A.17.8 Alteration and Withdrawal of Motions

- (a) The mover of a motion may seek leave for its alteration or withdrawal.
- (b) Any alteration or withdrawal requires the agreement of the seconder and the meeting signified without debate.
- (c) Only alterations that could be made as an amendment can be made.
- (d) No member may speak after the mover has asked for permission to withdraw it unless permission is refused.

**North London Waste Authority
Standing Orders**

A.17.9 Motions that may be moved in a debate:

A Member at the culmination of a speech of another Member may move without comment that:

- (a) a motion be amended or withdrawn;
- (b) the question now be put;
- (c) the meeting proceed to next business;
- (d) the debate now be adjourned;
- (e) the meeting proceed to next business;
- (f) the meeting do now adjourn;
- (g) the press and public be excluded under standing order 15
- (h) a member named be not heard further under standing order 16.2 or that they be excluded from the meeting under standing order 16.3

If such a motion is seconded, the Chair shall, subject to the mover's right of reply, put that motion to the vote and if it is carried, the question before the meeting shall be put to the vote, or the subject of debate shall be adjourned, whichever is applicable.

A.17.10 Point 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.17.11. 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 A16**).

A.18 DEPUTATIONS

A.18.1 Entitlement to Make a Deputation Request

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

**North London Waste Authority
Standing Orders**

A.18.2 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.18.3 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.18.4 Procedure for Deputation; 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.18.5 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.19 QUESTION TIME

At a meeting of the Authority other than the Annual General Meeting, any member may put a question to the Chair of the Authority about matters for which the Authority is responsible. There will be a maximum of five questions overall and these will be accepted on a first-come-first-served basis. Notice of any question must be given in writing to the Deputy Clerk by noon two weeks before the meeting of the Authority. Questions must be accompanied by a copy of any document to which they refer. The Legal Adviser shall disallow questions which he/she considers to be unsuitable in form, frivolous or derogatory to the dignity of the Authority. Not more than one supplementary question arising directly out of the reply shall be allowed by the Chair, and must come from the originator of the question. Question time shall be restricted to 15 minutes. Any questions not dealt with in the time allowed shall receive a written reply as soon as possible after the meeting. (see appendix to these standing orders which explains the procedure for the question time)

A.20 VOTING

A.20.1 Majority

- (a) At meetings of the Authority questions on which the Members present do not agree are decided by a simple majority.

**North London Waste Authority
Standing Orders**

(b) The only exception to this is where any statute or Standing Order otherwise provides.

A.20.2 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.20.3 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.20.4 Recorded Vote

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

A.21 COMPLETION OF BUSINESS

A.21.1 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 three 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.

A.21.2 Call over of Remaining Items

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.22 CODE OF CONDUCT

A.22.1. Compliance

Members are bound by the provisions of the local Code of Conduct for their local authority when sitting on the NLWA.

A.22.2. Personal Interests

Any member who has a personal interest defined by the Code of Conduct for their authority shall forthwith disclose that interest, but may remain, speak and vote unless the interest is prejudicial in which case the member shall withdraw from the room. The model

**North London Waste Authority
Standing Orders**

Code of Conduct (on which all the local Codes of the constituent boroughs are based) makes clear that interests that are not financial can be just as important as financial interests. Members need to be clear of the provisions of the Code in relation to personal interests and take professional advice on individual matters under consideration at a meeting if they consider it appropriate.

A.23 DECLARATION OF MEMBERS' INTERESTS

A.23.1 Declaration

Every Member is required, by their local Code, to complete the register of members interests. A copy of those entries shall be obtained by the deputy Clerk of the Authority and those entries shall apply for the NLWA as they do for each constituent borough.

A.24 MEMBERS' INTERESTS IN CONTRACTS AND OTHER MATTERS

A.24.1. Disclosure of an Interest

A member who is present at a meeting of the Authority or a Committee that is to consider a contract, proposed contract, or any other matter in which that member has a pecuniary interest, direct or indirect, within the meaning of Sections 94 to 98 of the Local Government Act 1972, must disclose that fact. The member shall make the disclosure, either orally or in writing, as soon as is practicable after the start of the meeting.

A.25 RECEIPT OF HOSPITALITY, GIFTS ETC

A.25.1 Notification

All members of the Authority must notify the deputy Clerk immediately of any gifts, hospitality or favour they receive of a value of £25 or more that may be related to their membership of the Authority.

A.25.2 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.

A.25.3 Hospitality Register

The deputy clerk will maintain a register of hospitality received.

A.26 CUSTODY OF SEAL

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

**North London Waste Authority
Standing Orders**

A.27 SEALING OF DOCUMENTS

The Clerk, Deputy Clerk 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.28 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Authority, the Clerk 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.29 INSPECTION OF DOCUMENTS

A.29.1 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.29.2 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. 30 DISCHARGE OF FUNCTIONS

A.30.1 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.30.2 Urgency Committee

The Authority shall 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.

***North London Waste Authority
Standing Orders***

North London Waste Authority
Standing Orders

A.30.3 Discharge of functions to Officers

- (i) The Authority shall have the services of a Clerk, Deputy Clerk, Financial Adviser, Legal Adviser, Valuation Adviser, Technical Adviser and Head of Contracts and Waste Strategy with functions delegated to them as set out in Appendix A to these Standing Orders, and subject to variation as agreed by the Authority.
- (ii) The Authority may at any time appoint such other officers, as it shall consider appropriate.
- (iii)
 - (a) There shall be delegated to the Clerk the authority to act in respect of any functions of the NLWA on a 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, the Vice-Chairs and wherever possible the leaders of the Opposition Parties.
 - (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 Deputy Clerk after consultation with the Legal Adviser.

North London Waste Authority
Standing Orders

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 shall require the decision of the Authority itself: -

- (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.
- (k) the appointment of representatives on other bodies.
- (l) matters relating to the amendment or determination of the contract for the transfer and disposal of the Authority's waste.
- (m) any amendments or approvals necessary under the Acquisition and Collaboration Agreement with SITA GB Ltd. or in the Authority's capacity as Joint Venture partner.
- (n) All matters relating to variation and transfer of the Authority's powers.

**North London Waste Authority
Standing Orders**

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 Sub Committee shall be the Chair and Vice Chairs, and four other members, including members of other parties represented on the Authority in accordance with the political balance requirements. There will be one substitute Member. The quorum for meetings shall be two 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

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 Members

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.

**North London Waste Authority
Standing Orders**

B.5 CHAIRS OF COMMITTEES

At its first meeting, each Committee shall appoint a Chair and Vice Chair for the municipal year.

B.6 NOTICE OF MEETINGS

B.6.1 Notice

Three clear days at least before 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 London Waste Limited or Offices of the Authority.

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 there. No business other than that set out in the summons shall be considered at that meeting.

North London Waste Authority
Standing Orders

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
- (v) declare personal and prejudicial interests
- (vi) 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 (i)-(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 two 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 Members may only take part in the proceedings if invited to do so by the Chair and with the agreement of the Committee.

***North London Waste Authority
Standing Orders***

B14 RESIGNATION OF COMMITTEE MEMBER§

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 will report the vacancy to the next meeting of the Authority, which may there and then proceed to fill the vacancy.

**North London Waste Authority
Standing Orders**

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.

2. THE JOINT ENVIRONMENTAL FORUM

The Joint Venture Agreement between the Authority and SITA provides for a Joint Environmental Forum between the Authority and its Joint Venture Partner SITA and main contractor LondonWaste Ltd, with the following terms of reference:

- i) To consider environmental proposals put forward by LondonWaste Ltd, the constituent Boroughs and SITA;
- ii) To consider jointly the best environmental practice for dealing with items in the waste stream;
- iii) To consider applications put forward for submission to Environmental Trusts.
- iv) To comment on environmental policy documents produced by the Authority or LondonWaste Ltd prior to their finalisation.
- v) To make relevant environmental recommendations to the Authority and the Board of LondonWaste Ltd and SITA.

North London Waste Authority
Standing Orders

APPENDIX B - DELEGATED AUTHORITY TO ADVISERS

The following functions shall be exercisable by the appropriate Advisory Officers 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 any documents and/or agreements relating to the Acquisition and Collaboration Agreement or joint venture company arrangements on behalf of the Authority.
- 1.4 To sign reports for submission to the Authority.
- 1.5 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.
- 1.6 To authorise the sale or lease of acquisition of property where the total value of the transaction is up to £500 000 and such a decision is not for a disposal for less than best consideration.

2. DEPUTY CLERK

- 2.1 To sign and seal documents on behalf of the Authority in the absence of the Clerk and the Legal Adviser.
- 2.2 To co-ordinate the day to day business of the Authority, acting together with the Clerk, Financial Adviser, Legal Adviser and Technical Adviser.
- 2.3 To arrange and service meetings of the NLWA, including identifying issues for consideration, ensuring reports comply with requirements, agenda preparation, despatch, briefings and minuting.
- 2.4 To liaise with elected members, including new member attendance and maintenance of attendance records.
- 2.5 To maintain standing orders.
- 2.6 To liaise with the NLWA's advisers, Client Team, constituent Boroughs, Sita and London Waste Ltd.
- 2.7 To arrange for action to be taken following meetings of the Authority or its Committees.
- 2.7 To sign reports for submission to the Authority or its Committees.

North London Waste Authority
Standing Orders

2.8 To open tenders on behalf of the Authority in the absence of the clerk.

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 the Clerk/Deputy Clerk/Financial Adviser.

3.2 To take all necessary action in regard to legal issues on behalf of the Authority including: matters arising from reports and legal comments on reports; advice at Meetings, to Members, to the client team and on the Acquisition and Collaboration agreement; the drafting of contracts and all forms of agreement; legal aspects of any property matters.

3.3 To open tenders and sign and seal all documents on behalf of the Authority.

3.4 To conduct 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 from the Clerk, Deputy Clerk, Financial Adviser and Technical Adviser as appropriate, and obtaining agreement to such expenditure as may have been reasonable and necessary, and to monitor the progress and conduct of such advice.

3.8 To ensure, in conjunction with the Clerk, 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 (Local Government Act 1985 S73).

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.

North London Waste Authority
Standing Orders

- 4.3 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.
- 4.4 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.
- 4.5 To notify constituent councils of the Authority's annual levy and charges for non-household waste and to make arrangements for its collection.
- 4.6 To monitor the NLWA's shareholder interest in LondonWasteLtd.
- 4.7 To report to the Authority, in accordance with Section 114 of the Local Government Act 1988, if appears that,
- (i) a decision or course of action by the Authority is unlawful or likely to cause a loss or deficiency;
- (ii) the expenditure incurred or planned for a financial year is likely exceed the resources available.
- 4.8 To seek necessary specialist financial advice as may be required by the Authority, acting together with the Clerk and the Legal Adviser.
- 4.9 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.
- 4.10 To act as a trustee of the LondonWaste Ltd Pension Fund Trustees.
- 4.11 To sign reports on behalf of the Authority and attend meetings.

5. TECHNICAL ADVISER

- 5.1 To advise the Authority on matters of waste management policy relating to its operations.
- 5.2 To manage the Client Monitoring Team.
- 5.3 To seek necessary specialist advice on technical and environmental matters required by the Authority, taking instructions from the Clerk, Deputy Clerk, Legal Adviser and Financial Adviser as appropriate, and to obtain prior approval to such expenditure may be reasonable and necessary and to monitor the progress and conduct of such advice.
- 5.4 To ensure that any Policy Development on waste or environmental matters requested by the Authority is researched and presented to the Authority.

North London Waste Authority
Standing Orders

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

6. HEAD OF WASTE STRATEGY AND CONTRACTS

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 Boroughs 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 Boroughs including the lead technical officers in each Borough.

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. VALUATION ADVISER

7.1 To act for the Authority on valuation issues, leading in negotiations regarding property matters, as required, taking instructions as appropriate from the Clerk, Deputy Clerk, Financial Adviser, Legal Adviser and Technical Adviser.

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. DIRECTOR OF PROCUREMENT

8.1 To advise the Authority on matters relating to procurement.

8.2 To advise on and project manage major procurement initiatives in conjunction with other advisers to ensure delivery of the Authority's Joint Waste Strategy.

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

North London Waste Authority
Standing Orders

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 Standing Orders, it refers to the Clerk, deputy clerk, advisers, Financial Adviser and the Head of Waste Strategy & Contracts.

C.2 THE ROLE AND RESPONSIBILITIES OF CLIENT OFFICERS

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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 £5,000 and of all waivers of these Standing Orders;

**North London Waste Authority
Standing Orders**

- (l) to ensure effective monitoring of all contracts in his/her area.

C.3 THE ROLE AND RESPONSIBILITY OF THE AUTHORITY

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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

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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.

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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.

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.

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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.

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4.5 These Contract Standing Orders shall not apply to contracts of employment, to contracts with agencies for the provision of temporary staff or to contracts relating to any interest in land.

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4.6 These Contract Standing Orders shall not apply to purchases made through any Government Agency which has itself tendered for goods and/or services and which then makes those goods and services available for purchase by other public bodies. This includes in particular the Buying Agency and the Disposal Services Agency.

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. In particular caution should be exercised when considering the use of an approved list as this may conflict with EU procurement legislation.

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.

**North London Waste Authority
Standing Orders**

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.

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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.

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C.6 WAIVER OF CONTRACT STANDING ORDERS

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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 Legal or Financial Advisers where the contract value is over £25,000 but under £50,000 (save that any waiver of the provisions of Standing Order 16 can only be agreed by both the legal adviser and the Financial Adviser); or
- (d) The Clerk where the matter is urgent and a meeting of the Authority cannot be called; or
- (e) Where the contract value is more than £50,000 (as appropriate) and there are specific legislative provisions which permit alternative tendering procedures;

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 extreme 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.

**North London Waste Authority
Standing Orders**

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

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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

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8.1 Unless the contract is one which must be advertised in the Official Journal of the European Communities ("OJEC") 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.

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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.

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C.9 SELECTIVE TENDERING - AD HOC LIST

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9.1 Where there is no standing approved list, an officer must tender for the works/supplies/services.

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9.2 Where an officer decides to tender under this Standing Order, a minimum of three tenders must be sought.

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C.10 RECEIPT AND OPENING OF TENDERS

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10.1 Contractors must be informed that their tenders will only be considered if they are sent in a plain envelope or parcel with a label provided by the Council for the purpose, 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.

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10.2 Tenders which do not meet the requirements of Standing Order 10.1 may only be considered if:

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- (a) failure to comply is the Authority's fault; or

**North London Waste Authority
Standing Orders**

- (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 Tenders must be kept safe until the time for their opening by :

- (a) any officer where the contract value is under £25k, and the Deputy Clerk for contracts between £25,000 and £50,000 or less; and
- (b) the legal adviser 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.

C.11 TENDER ACCEPTANCE

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11.1 Tenders are to be accepted on the basis of either:

- (a) the lowest price; or
- (b) the most economically advantageous tender (i.e. the tender providing the most benefit to the Authority) as determined by such criteria as are relevant to the type of works, supplies or services.

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.

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11.3 The Head of Waste Strategy and Contracts may award all contracts valued at £25,000 or less. Contracts valued between £25,000 and £50,000 may be awarded by the Clerk, the Legal Adviser or the Financial Adviser.

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11.4 The Authority must award all contracts not included within 11.3 above unless the matter is urgent when the Clerk has power to act.

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C.12 POST TENDER NEGOTIATIONS

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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.

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**North London Waste Authority
Standing Orders**

12.2 In addition there may be circumstances where an officer authorised by the Legal Adviser may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations. The authorisation must be in writing.

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

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C.13 WORKS CONTRACTS

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13.1 This Standing Order sets out additional rules relating to works contracts, such as contracts for construction, maintenance or engineering works, and also transport, treatment of waste and waste disposal.

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13.2 As well as complying with these Standing Orders, tendering procedures must comply as far as practicable with the National Joint Consultative Committee (NJCC) Code of Procedure for single stage selective tendering. In particular, where financial error is identified in a tender or specification, it must be dealt with in accordance with Alternative 1 of the Code.

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13.3 In relation to the NJCC Code, where bills of quantities are included in tender documentation they must be completed and returned with the tender to which they relate, in a separate envelope either marked with the tenderer's name or bearing a label supplied by the Authority which refers to the label on the tender envelope.

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C.14 TERMINATION OF CONTRACTS

If in the opinion of the officer 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.15 REMOVAL OF CONTRACTORS FROM APPROVED LIST

Where an officer 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.

C.16 CONDITIONS APPLYING TO CONTRACTS

Conditions applying to all contracts

16.1 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 value of £25,000 or more.

North London Waste Authority
Standing Orders

- 16.2 Every contract with a value of £25,000 or more must, unless the Legal and Financial Advisers agree 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 on the grounds of race;
 - (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 Prevention of Corruption Acts 1889 to 1916 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:
 - (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 or its auditors such documents or access to information or access to the staff/officers of the contractor as is necessary to conduct any audit investigation into the contract.

16.3 CONDITIONS APPLYING TO ALL CONTRACTS OVER £150,000

- 16.3.1 Every contract which exceeds £150,000 in value shall be executed as a deed, unless the Legal and Financial Advisers agree 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.

**North London Waste Authority
Standing Orders**

16.3.2 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.

16.4 CONDITIONS APPLYING SPECIFICALLY TO COMPUTER SOFTWARE CONTRACTS

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.17 VARIATIONS

17.1 Subject to any statutory restrictions and compliance with Financial Standing Orders an officer 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 three months;
- (c) issue a variation and a resulting change in price determined in accordance with the contract terms.

17.2 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.

17.3 In addition an officer 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.18 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 £50,000 and by the relevant officer if the contract is of a lesser value (£25/50,000 as appropriate).

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North London Waste Authority
Standing Orders

SECTION D - FINANCIAL STANDING ORDERS

INTRODUCTION

These Financial Standing Orders reflect the changes in the Authority since it ceased to be a direct service provider.

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 1996, Section 114 of the Local Government Finance Act 1988 and Section 27 of the Local Government Act 2003. The postholder 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.

(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 NLWA. Officers must ensure compliance with procedural instructions on financial administration issued by the Financial Adviser.

(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 Financial Regulations of their employing boroughs.

**North London Waste Authority
Standing Orders**

(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.

North London Waste Authority
Standing Orders

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) Officer Responsibilities

Officers (see Glossary) are responsible for preparing the revenue budget for his/her functions having regard to the Authority's strategy and previous decisions.

(c) Budget Working Papers and Final Estimates

(i) All working papers and final estimates must be prepared in accordance with procedural instructions issued by the relevant employing authority. 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.

(d) 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 timetable to be adopted 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 waste for the following financial year.

North London Waste Authority
Standing Orders

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 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 advise the Financial Adviser of up to date summary projections each month;
- (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, subject to the following:

- (i) The authority for all virements must comply with each employing borough's scheme of delegation;
- (ii) Officers must report virements made to the Authority at least twice a year.

(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).

North London Waste Authority
Standing Orders

(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, 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 and Housing Act 1989 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 decision 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) Financing of Schemes

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

(c) 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

North London Waste Authority
Standing Orders

- (i) The Financial Adviser must report 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 each June 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, 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 and Housing Act 1989 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

North London Waste Authority
Standing Orders

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.

North London Waste Authority
Standing Orders

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
- Deputy Clerk
- Legal Adviser
- Financial Adviser
- Finance Officer
- Technical Adviser
- Valuation Adviser
- Head of Waste Strategy and Contracts

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 London borough of Camden, 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.

**North London Waste Authority
Standing Orders**

Appendix: How the Members Question Time Will Work

1. Members may ask one question each in writing a week before the meeting: the deadline will be noon on the Wednesday two weeks prior to the meeting in order to allow copies of the questions to appear on the agenda for the meeting.
2. The questions must relate to the business carried out by the Authority, and will be subject to legal clearance on this basis.
3. Only five questions may be asked in total at any one meeting and will be accepted on a first-come-first-served basis.
4. These questions will be circulated to the Chair and to relevant officers/advisers to produce a response.
5. The answers and responses will then tabled at the meeting to everyone present including the public.
6. At the Question Time part of the meeting, which will be in the early part of the agenda, the Member that submitted the first question will read out his/her question (to save time, the Member may wish to say "question as written" as the paperwork will have been circulated to those present) and the response is given (often in the same way).
7. There may be one supplementary question from the originator if desired. The Chair may answer this orally or arrange for a written response to be provided.
8. Question time shall be restricted to 15 minutes. Any questions not dealt with in the time allowed shall receive a written reply as soon as possible after the meeting.
9. The questions and answers will be incorporated into the minutes as an appendix.
10. The Question Time will not operate at the Annual Meeting of the Authority as the identity of the Chair for the forthcoming year will not be known.

Table of Amendments

These Standing Orders originally agreed: 11th July 2001

Amendments agreed:	26 th April 2002
	10th July 2002
	30th September 2002
	11th February 2004
	6th July 2005
	20th September 2006
	27th June 2007
	25th June 2008