Merseyside Waste & Recycling Authority

Supporting a review of the Authority's Constitution

Feedback report and recommendations

April 2026

Centre for Governance and Scrutiny

Introduction and Purpose

Merseyside Recycling and Waste Authority (MRWA) is a local government body providing statutory services on behalf of five constituent councils in the Merseyside area, which includes: Liverpool City, Knowsley MBC, Sefton MBC, St Helens MBC and Wirral MBC. Halton Borough Council is also an observer member. There are nine elected Members representing the five councils, plus one observer Member.
The Authority is a single purpose statutory authority established on 1st April 1986 by the Waste Regulation and Disposal (Authorities) Order 1985, made under the powers in Part II of the Local Government Act 1985.

MRWA has four Executive Officers, led by a chief executive and a total staff establishment of 35.

Its current constitution was originally published in 2015 and although it has been adapted and changed, it has not undergone a more in-depth, step back assessment in recent memory. It is considered good practice to periodically review an organisation's constitution as a working instrument of governance to ensure that it provides suitable enablement and effective controls.

This proposal is designed to provide a practical and realistic review of the constitution in its application and use, to ensure that it continues to be fit for purpose and will continue to serve the needs of the Authority and its Members.

Objectives

To support the Authority to assess the constitution and to make appropriate recommendations where necessary to improve or update the current arrangements. This will not cover any legal redrafting of the document or advice on matters of legal compliance.

Agreed Deliverables

A short report highlighting findings with recommendations for changes to the constitution. This report will potentially assist the Authority to gain assurance on the suitability of its constitution as a working document or, if further legal work is required. Our report will be offered in draft for consideration by Executive Officers, prior to a final report for the Authority

Review process and methodology

We have reviewed the following documents and sources:

- The current constitution documentation, highlighting areas for further enquiry or development
- Authority and Committee minutes, agendas and relevant documents over the last 3 meetings External Auditor's 'value for money' review and recommendations where relevant to governance

- Governance documents of :
    - East London Waste Authority
    - North London Waste Authority
    - West Midlands Fire & Rescue Authority

- Observation:
  2 meetings of the MWRA Board
- Individual conversations with:
    - Lesley Worswick - Chief Executive
    - Chris Kelsall - Director of Finance (and Sec 54 Officer)
    - Ian Stephenson - Director of Operations (and Monitoring Officer)
    - Paula Pocock - Director of Business Services & Strategy (and Clerk to the Authority)
    - Cllr Catie Page – Authority Chairperson
    - Cllr Kris Brown - Chair of the Audit Committee
    - Cllr Laura Robertson-Collins - Authority Member (longest standing Member)

Review findings

1. Introduction

1.1 This report presents the findings of a review of governance arrangements at the Merseyside Recycling and Waste Authority (MRWA). The review was undertaken to consider whether the Authority's constitutional framework and governance practices remain well suited to supporting the Authority in addressing the strategic challenges it faces in the coming years.

1.2 MRWA operates as a statutory joint authority responsible for waste disposal and related services across Merseyside. Its governance arrangements bring together elected members from the constituent authorities to oversee strategy, performance and the delivery of major waste infrastructure and contracts.

1.3 The Authority has established a sound governance framework over many years. The review has identified a number of positive developments, including improved financial reporting to members, the introduction of an Audit Committee and a growing programme of member briefings on major projects.

1.4 The purpose of this review is therefore not to identify deficiencies in the Authority's governance arrangements but rather to consider **how those arrangements might be refreshed and strengthened** so that they continue to support effective strategic decision-making.

1.5 Governance frameworks inevitably evolve over time. Many of the Authority's constitutional documents were developed some years ago and there is now an opportunity to review them in the light of experience, changes in governance practice across the public sector and the scale of strategic decisions that the Authority will need to consider in the coming years.

2. Strategic Context

2.1 Like many waste authorities across England, MRWA is approaching a period in which several significant strategic decisions will need to be made.

2.2 These include:

- the renewal or replacement of major waste management contracts
- decisions about future waste infrastructure and treatment technologies
- responding to evolving national waste policy and environmental regulation
- managing financial pressures affecting local government and waste services.

2.3 These issues are complex and often involve long-term financial commitments, infrastructure investment and significant environmental implications.

2.4 Experience from other authorities demonstrates that strong governance arrangements are particularly important where organisations are responsible for major infrastructure assets and long-term contractual relationships.

2.5 For this reason, it is timely for the Authority to review whether its governance framework provides members with the **clarity, information and opportunities for engagement** necessary to support these decisions.

3. Benchmarking with Similar Authorities

3.1 As part of this review, governance arrangements at MRWA were compared with those of several similar organisations.

3.2 These included:

- East London Waste Authority
- North London Waste Authority
- West Midlands Fire and Rescue Authority.

3.3 Although these organisations operate in different service areas, they share a number of common characteristics with MRWA. Each is a joint authority made up of members appointed from several local councils and each is responsible for significant operational and financial decisions affecting public services.

3.4 A review of their constitutions and governance arrangements shows that most joint authorities have gradually refreshed their governance frameworks over time in response to changing expectations around transparency, accountability and member engagement.

3.5 In particular, many authorities have introduced:
- clearer constitutional structures
- strengthened audit and risk oversight
- more structured scrutiny arrangements
- improved transparency around delegated decision-making
- greater opportunities for strategic discussion among members.

3.6 These developments provide useful examples that MRWA may wish to consider when reviewing its own governance framework.

Observations from the review

4.1 The Role of the Authority Board:
4.1.1 Members of the Authority bring a wide range of experience from their respective councils and play an important role in overseeing the Authority's work.

4.1.2 During the review it became clear that members approach their role in a variety of ways. Some see their role primarily as representing the interests of their constituent council, while others emphasise the Authority's corporate responsibilities.

4.1.3 In practice, members of joint authorities must balance both perspectives. They bring local knowledge and accountability from their councils while also acting collectively in the interests of the Authority as a whole.

4.1.4 Some members commented that greater clarity about the Authority's expectations of board members could be helpful.

4.1.5 Many modern constitutions therefore include a short statement describing the purpose of the authority and the role of members within it. This does not change the legal responsibilities of members but helps establish a shared understanding of how the board should operate.

4.2 Member Engagement in Strategic Decision-Making

4.2.1 Members receive detailed reports on the Authority's activities and performance.

4.2.2 Officers also provide briefings on major projects and proposals. Members have indicated that these briefings are particularly valuable in helping them understand complex issues.

4.2.3 However, several members suggested that they would welcome additional opportunities to contribute to discussions about the Authority's longer-term strategy.

4.2.4 In many public authorities, a distinction is made between:
- formal decision-making meetings
- informal strategic workshops.

4.2.5 Workshops allow members to explore options, ask questions and discuss emerging issues before formal reports are brought forward for decision.

4.2.6 Expanding this approach could help ensure that members feel fully engaged in shaping the Authority's strategic direction.

4.3 Member Capacity and Continuity

4.3.1 Joint authorities often face particular challenges in maintaining continuity of membership.

4.3.2 Members are appointed by their councils and may change following elections or political group decisions.

4.3.3 This can mean that new members join the Authority without prior experience of its work.

4.3.4 Some members observed that the complexity of waste policy, contracts and infrastructure can make it difficult for new members to develop confidence quickly.

4.3.5 A structured programme of member induction and development could therefore be beneficial.

4.3.6 This might include briefings on:

- waste policy and regulation
- the Authority's financial arrangements
- governance responsibilities
- the operation of major contracts.

4.4 Committee Arrangements

4.4.1 The establishment of the Authority's Audit Committee represents a positive step in strengthening governance oversight.

4.4.2 Audit committees play an important role in reviewing risk management, internal audit and financial reporting.

4.4.3 The Chair of the Committee has expressed a strong commitment to ensuring that the committee provides effective oversight.

4.4.4 Some members also suggested that the Authority might consider whether additional committee arrangements could support governance.

4.4.5 For example, some authorities operate scrutiny or performance panels which allow members to examine particular issues in more detail.

4.4.6 Such arrangements can provide a valuable opportunity for members to explore complex topics without placing additional pressure on the Authority's main meeting agenda.

4.5 Governance Documentation

4.5.1 MRWA's constitution and procedural rules provide the formal framework for decision-making.

4.5.2 These documents have served the Authority well, but some elements were developed several years ago.

4.5.3 Officers have indicated that aspects of the following documents could benefit from updating:

- Financial Procedure Rules
- Contract Procedure Rules (relating to procurement)
- the Scheme of Delegation.

4.5.4 Updating these documents would help ensure that they reflect current governance practice and provide clear guidance to both members and officers.

5. Opportunities to Strengthen Governance

5.1 The review suggests that the Authority's governance arrangements could be strengthened through a programme of measured and proportionate improvements.

5.2 These improvements would build on the Authority's existing strengths rather than replacing its governance framework.

5.3 In particular, the Authority may wish to consider:

- refreshing the constitution
- strengthening member engagement in strategy
- reviewing committee arrangements
- updating governance documentation.

Recommendations and areas for further development

6.0 The governance review indicates that the Authority operates within a generally sound governance framework. The observations set out in this report do not suggest fundamental weaknesses in the Authority's arrangements. Rather, they highlight opportunities to refresh and strengthen aspects of the governance framework so that it continues to support effective strategic decision-making.

The recommendations below are intended to build on the Authority's existing strengths while ensuring that governance arrangements remain well suited to the strategic challenges that may arise in the coming years.

6.1 Refresh the Authority's Constitutional Framework

Recommendation:

The Authority should undertake a review and refresh of its key constitutional documents, including:

- Financial Procedure Rules
- Contract Procedure Rules
- Scheme of Delegation

Rationale

Elements of the Authority's governance documentation were developed several years ago. While these documents continue to provide an effective framework for decision-making, updating them would help ensure that they reflect current governance practice and provide clear guidance to both members and officers. Benchmarking with similar authorities indicates that periodic review of governance documentation is common practice.

6.2 Clarify the Role of Authority Members

Recommendation

The Authority should include within its constitution a short statement describing:

- the purpose of the Authority
- the role and responsibilities of Authority members
- expectations placed on members when acting collectively as the Authority as the decision-making body and with associated accountability

Rationale

Members understandably approach their role from a variety of perspectives, reflecting both their responsibilities to constituent councils and their collective responsibilities as members of the Authority. A clear statement of member roles can support a shared understanding of responsibilities and encourage consistent governance practice.

6.3 Strengthen Opportunities for Strategic Member Engagement

Recommendation

The Authority should establish a programme of periodic strategic workshops or informal briefings to enable members to explore emerging issues prior to formal decision-making.

Rationale

Members indicated that briefings on major projects are valuable in supporting understanding of complex issues. Strategic workshops provide an opportunity to explore policy options and discuss long-term challenges before formal reports are brought forward.

6.4 Strengthen Member Induction and Development

Recommendation

The Authority should establish a structured programme of member induction and ongoing development.

Rationale

Joint authorities frequently experience changes in membership following elections or council appointments. Given the technical complexity of waste policy, infrastructure and contractual arrangements, structured induction would assist members in developing confidence and understanding more quickly.

6.5 Review Committee Arrangements

Recommendation

The Authority should review whether its current committee arrangements continue to provide the most effective support for governance and oversight.

This review could consider:

• strengthening the capacity of the Audit Committee through the addition of at least

one independent member which may help to expand the capacity of the committee and support the accumulation of expertise

- establishing scrutiny or performance panels
- introducing the option for the Authority Board to establish adhoc task-and-finish groups to support their work as required and with appropriate advice and guidance

Rationale

Additional committee arrangements may provide opportunities to examine complex issues in greater depth and improve oversight of major projects without placing additional pressure on the Authority's main meeting agenda.

6.6 Implement Governance Improvements through a Phased Programme

Recommendation

Governance improvements arising from this review should be implemented through a phased programme of updates to the Authority's governance framework.

Rationale

The review highlights opportunities for incremental improvement rather than fundamental change. A phased programme would allow governance improvements to be implemented proportionately while maintaining stability in the Authority's existing arrangements.

6.7 Consider a Special Responsibility Allowance (SRA) for Authority Members

Recommendation:

Noting that the Authority itself has no powers to establish an SRA, this report never-the-less recommends that constituent member councils themselves consider the introduction of a Special Responsibility Allowance (SRA) for members appointed to the Authority.

Rationale:

The scale and strategic significance of the Authority's work continues to grow, particularly as the organisation prepares for major long-term decisions relating to waste infrastructure, environmental performance, and future service delivery. These decisions require members to commit time to developing a strong understanding of

the Authority's operations, contracts, and strategic context.

While the current contribution of members is recognised and valued, the Authority may wish to consider whether introducing an SRA could help strengthen the overall capacity and continuity of the board. In particular, such an allowance could help support:

- a greater level of sustained engagement in the Authority's strategic work
- the time commitment required for developing knowledge of complex waste management and infrastructure issues
- continuity of membership over time, allowing expertise and institutional knowledge to develop
- increased competition for appointments to the Authority, helping ensure a strong pool of members able to contribute to its work

The intention of this recommendation is not to diminish the commitment of current members, but to recognise the increasing strategic responsibilities placed on the Authority and the time required for members to contribute effectively. An SRA could help ensure that the Authority is well-positioned to support informed, consistent, and strategic decision-making in the years ahead.

Implementation

7.0 If the Authority agrees the recommendations set out in this report, officers will develop a programme of work to implement the proposed governance improvements.

This programme may include:

- reviewing and updating key constitutional documents
- developing proposals for enhanced member induction and development
- organising periodic strategic workshops for members
- reviewing committee arrangements where appropriate

Progress on these actions will be reported to the Authority as part of the ongoing development of its governance framework.

Conclusion

8.0 The governance review indicates that the Authority benefits from a well-established governance framework and a strong commitment from both members and officers to effective oversight of its activities.

However, the Authority is approaching a period in which significant strategic decisions will need to be made in relation to waste infrastructure, contractual arrangements and evolving national policy.

Refreshing elements of the governance framework therefore represents a timely opportunity to ensure that members are well supported in considering these issues. The recommendations set out in this report are intended to strengthen the Authority's existing governance arrangements while preserving the principles that have served the Authority well.

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CfGS is a nationally recognised centre of expertise whose objective is to empower organisations with the tools and knowledge to enhance governance and scrutiny. CFGS works in partnership with the Local Government Association to provide improvement services focused on governance and scrutiny to the local government sector in England.