MERSEYSIDE WASTE DISPOSAL AUTHORITY

CONSTITUTION

Approved by: MRWA Members	
Approval Date: Specific Updates - June 2026 AGM	
Date of Issue: June 2026	
Author: Various	

THE AUTHORITY'S CONSTITUTION

Merseyside Waste Disposal Authority's Constitution sets out how we operate, how decisions are made and the rules and procedures we have adopted to maintain high standards of efficiency, transparency and accountability to local people. Some of these are required by law, while others are a matter for the Authority to choose.

The Constitution is comprised of the following articles:

WHO WE ARE

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.

We are primarily responsible for:-

a) making arrangements (with contractors) for the disposal of waste collected by the constituent Waste Collection Authorities on Merseyside (namely Knowsley, Liverpool, St Helens, Sefton and Wirral Councils). We also provide services to Halton Council through an Inter Authority Agreement;

b) providing and making arrangements (through our contractors) for the provision and operation of household waste recycling centres (HWRCs) for use by members of the public and the removal of waste deposited at those sites;

c) making arrangements for the recycling, composting and treatment of waste and meeting any statutory performance standards to promote the sustainable management of waste;

d) discretionary payments of 'recycling credits' to third parties; and

e) aftercare of former landfill sites owned or under the control of the Authority.

AUTHORITY MEMBERS

The Authority comprises nine Members who are Councillors from the five Merseyside Councils. In accordance with a statutory apportionment, the number of appointments is as follows:

Knowsley – 1 Member
Liverpool – 3 Members
St Helens – 1 Member
Sefton – 2 Members
Wirral – 2 Members

Halton Council also have a Member on the board in support of the Inter Authority Agreement, however, their representative does not have voting rights.

Although the Authority is not required to have a Code of Conduct for Members, it has adopted a voluntary code which Members have agreed to follow to ensure high standards in the way they undertake their duties.

Members meet at Authority meetings to take decisions on high level matters such as policy, strategy and budget and the conduct of those meetings is set out in the Authority Procedural Rules. Meetings are held in public and there is an opportunity for members of the public to ask questions subject to the provisions set out in the Authority Procedural Rules, however, the public may be excluded during consideration of some items on the agenda where the matter relates to confidential or other exempt information.

AUTHORITY STAFF

The Authority employs staff (referred to as 'Officers'), headed by the Chief Executive, to give advice, implement decisions and manage the day-to-day delivery of services. There are also Statutory Officers (Treasurer, Clerk and Monitoring Officer), who have specific duties to ensure that the Authority acts within the law and uses its resources wisely. Officers are required to adhere to a Code of Conduct for Employees and there is a Member / Officer Protocol which governs the relationships between Officers and Members of the Authority.

HOW DECISIONS ARE MADE

The Authority operates a Scheme of Delegation which specifies which decisions must be taken by Members at Authority Meetings (Key Decisions) and those which can be delegated to Officers. Key Decisions are defined in the Authority Procedural Rules as those decisions which are significant financially or in terms of community impact.

For information, the Authority has adopted the name of "Merseyside Recycling and Waste Authority" for public facing purposes and this appears in much of our literature and online. However, in the context of the Constitution, "Merseyside Waste Disposal Authority" is the decision-making body established under the Local Government Act 1985 and it is this name that is referred to throughout the following articles.

For further information, please contact the Clerk and Monitoring Officer, Merseyside Waste Disposal Authority, 7th Floor, No. 1 Mann Island, Liverpool, L3 1BP or alternatively you can email enquiries@merseysidewda.gov.uk

ARTICLE 1

SCHEME OF DELEGATION

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1 INTRODUCTION

1.1 The Authority will meet to consider Key Decisions, as defined in the Procedural Rules, and scrutiny issues with regard to delegated decisions, which have been called in in accordance with the Procedural Rules and the provisions of this Scheme.

1.2 This Scheme delegates to the Chief Executive and where appropriate, the Authority's Statutory Officers (as defined in the Authority Procedural Rules), all the powers and duties of the Authority necessary for the discharge of its functions.

1.3 In this Scheme, unless the context otherwise demands, the definitions and interpretations used in the Authority Procedural Rules shall apply.

1.4 For the purposes of this Scheme:

(a) Administrative Decisions are decisions by one of the Officers identified in paragraph 1.2 above which can be dealt with or sub-delegated under the provisions detailed in paragraph 2.4 below.

(b) Executive Decisions are those decisions which do not fall within the definition of Administrative Decisions and are not Key Decisions and may be delegated to an Officer, following consultation with the Chair and Deputy Chair and all the Members of the Authority and subject to the scrutiny provisions identified in the Scheme.

(c) Key Decisions are as defined in the Authority Procedural Rules.

2 OVERALL LIMITATIONS

2.1 This Scheme does not delegate to Officers:

(a) any matter reserved by law, or by the Authority, to the Authority itself, or to a committee or sub-committee of the Authority;

(b) any matter which by law may not be delegated to an Officer;

(c) any Key Decision, as defined in the Authority's Procedural Rules.

2.2 Officers may only exercise delegated powers in accordance with:

(a) the established policies of the Authority;

(b) the budget approved by the Authority;

(c) the Authority's Procedural Rules, Contract Procedural Rules and Financial Procedural Rules;

(d) any statutory restrictions, guidance or codes of practice and guidelines given from time to time by the Authority.

2.3 In exercising delegated powers, Officers shall not incur expenditure, which is not provided for in the Authority's approved Capital and Revenue Budgets.

2.4 Delegated Authorisations

This Scheme includes the power for the Officers identified in paragraph 1.2 above to further delegate any function which has been delegated to them under this Scheme to another Officer or Officers. Every such delegated authorisation shall be in writing and reflected in job descriptions where appropriate, setting out the terms and conditions upon which that function is to be performed and accountability for the performance of the delegated function. The Officer making such delegation shall record the delegation in a register maintained for the purpose by the Proper Officer.

2.5 In exercising any delegated function, Officers shall have regard to the requirement to comply with the restrictions set out in paragraph 2.2 above and shall be responsible for undertaking any appropriate consultation with the Authority's Statutory Officers before making any decision.

2.6 In exercising any delegated function, Officers shall have regard to any professional standards or operational policies of the Authority.

2.7 There are two types of decisions which may be taken by Officers under this scheme of delegation:

(a) Executive Decisions

(b) Administrative Decisions

3 EXECUTIVE DECISIONS

3.1 Consultation

(a) Before taking any Executive Decision, the Officer shall, in consultation with the Chief Executive and the Authority's statutory officers, prepare a report, setting out:

(i) the Officer preparing to take the decision;

(ii) the issue to be decided;

(iii) any restriction upon the publication of the report as if the decision were a decision falling to be made by a committee or sub-committee of the

Authority in accordance with Sections 100 and 100A to 100K of the Local Government Act 1972;

(iv) any facts upon which any decision must be based;

(v) any legislative requirements;

(vi) any Authority policy relating to the issue;

(vii) any relevant national or regional guidance;

(viii) the alternative options available to the Officer;

(ix) the staffing and financial implications of the issue;

(x) an assessment of the risks associated with the issue to be decided;

(xi) any consultations undertaken; the view of any consultees;

(xii) any implications for any other areas of the Authority's activities;

(xiv) the Officer's proposed decision and the reasons supporting the Officer's proposed decision.

(b) Following consultation with the Chair and Deputy Chair, a copy of the report will be submitted to all Members of the Authority by the Proper Officer.

3.2 Call-in

Two or more Members may object to the proposed decision, within 5 working days of receiving it, by notifying the Proper Officer of their objection and requesting that it be referred to the next meeting of the Authority for determination.

If a Member has no objection to the proposed decision he will return the report to the Proper Officer within 5 clear working days of receiving it.

3.3 Determination

Where no objection has been received from two Members within the timescale outlined above, the Officer may proceed to make a final decision as indicated in the report.

Where two Members have requested that the report be referred to a meeting of the Authority, the Officer shall no longer have the power to take the final decision. The Proper Officer shall include the report for decision to the next meeting of the Authority and the Officer's proposed decision shall form the recommendation to the Authority.

3.4 Urgent Decisions

Where an Officer is of the opinion that an Executive Decision for which he/she is responsible should be made urgently in order to prevent or reduce the risk of damage to persons or property, or to the interests of the Authority, and that the urgency of the decision is such that it is not practicable to complete the Executive decision-making process set out above, the Officer shall:

(a) use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons whom he/she would have been required to consult had the full Executive decision-making process been followed; and

(b) have the full power to take that Executive decision, notwithstanding that the full procedure has not been followed;

(c) as soon as practicable after taking the decision, ensure that a report set out as in paragraph 3.1(a) is prepared, setting out also the reasons for the urgency and the final decision which has been taken, and that report shall go to the next convenient meeting of the Authority for information.

3.5 Recording of Executive Decisions

Upon making an Executive decision, the Officer shall provide the Proper Officer with a written statement of the decision, signed by the Officer, within 2 working days of the date of the decision.

The Proper Officer shall publish all Executive decisions within 5 working days of the date of the decision and shall ensure that a record of these decisions, including a copy of the report, subject to any requirement for confidentiality, is available for public inspection during normal office hours, and that the public shall have a right to copy or to be provided with a copy, of any part of that record upon payment of a reasonable copying and administrative charge.

3.6 Accountability

Officers are accountable for any decision which they make and may be required to report to and to attend and answer questions at an Authority meeting in respect of such decisions.

4 ADMINISTRATIVE DECISIONS

4.1 A decision shall not comprise an Administrative Decision if:

(a) it is in conflict with the Financial Procedural Rules and the Contract Procedural Rules;

(b) it is in conflict with the established policies of the Authority;

(c) it raises new issues of policy;

(d) it will result in any staff being displaced or TUPE transferred;

(e) it proposes the payment of an ex-gratia payment or payment of a sum in settlement of a complaint against the Authority;

(f) the Officer is of the opinion that it should be treated as an Executive Decision or a Key Decision.

4.2 Consultation and Publicity

(a) Officers do not have to produce or publish a formal written report in respect of an Administrative Decision, but they must undertake appropriate consultation with the relevant Officers (as defined in the Authority's procedural rules, policies and procedures in relation to the specific decision being taken), before making the decision.

(b) Where the decision proposes the write-off of a debt owed to the Authority, the Treasurer must be consulted and the matter must be dealt with in accordance with the Financial Procedure Rules.

4.3 Recording and Reporting of Administrative Decisions

Officers are responsible for ensuring that the Administrative Decisions they take, and the reasons for such decisions, are recorded sufficiently for audit and evidential purposes and that all those who need to know are informed promptly of the decision. The method of recording different types of Administrative Decisions will be determined by the Clerk, however, there is no requirement to maintain a public register of Administrative Decisions for the purpose of Member or public access.

ARTICLE 2

AUTHORITY PROCEDURAL RULES

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1. **<u>DEFINITIONS</u>**

(1) In these Procedural Rules, unless the context otherwise demands, the following terms have the meaning assigned to them:-

"Authority" - the Merseyside Waste Disposal Authority acting by any means which it lawfully adopts.

"Committee" - a committee of the Authority

“Chief Executive” - means the Chief Executive of the Merseyside Waste Disposal Authority, who is responsible for the corporate and overall strategic management of the Authority, or his/her duly authorised representative

“Chair” – a Member duly elected under the Authority Procedural Rules to chair the Authority, or a specified Committee as the case may be, for the duration of the Municipal Year

“Deputy Chair” – a Member duly elected under the Authority Procedural Rules to deputise for the Chair of the Authority, or the specified Committee as the case may be, for the duration of the Municipal Year

“Key Decision” – a decision

(i) incurring expenditure or making savings which are <u>Financially Significant</u>, unless the specific expenditure or saving has previously been agreed by the Authority;
(ii) which, in the view of the Chief Executive, in consultation with the Chair, is <u>significant in terms of its effect on communities</u> living or working in Merseyside; or
(iii) the Chief Executive is of the opinion that it should be treated as a Key Decision.

<u>Financially Significant</u>

A decision will be considered financially significant if:-

a) in the case of revenue expenditure, it results in incurring expenditure or making savings of 360,000 (inc VAT) or greater;

b) in the case of capital expenditure, the capital expenditure/savings are in excess of £360,000 (inc VAT);

unless the specific expenditure or savings have previously been agreed by the Authority.

Significant Effect on Communities

In determining whether a decision is significant, consideration will be given to:-

a) the number of residents/service users/District Council areas that will be affected;

b) whether the impact is short term, long term or permanent;

c) the impact on the community in terms of the economic, social and environmental well-being.

"Employee" - an employee of the Authority

“Office Holder” – the holder of a paid office under the Authority

"Meeting" - a meeting of the Authority or committee as the case may be

“Municipal Year” – the period commencing from the date of the Annual Meeting until immediately prior to the next.

"Member" - in relation to the Authority, a member of the Authority in relation to any committee, a person appointed as a member of that committee whether or not entitled to vote

“Observer Member” – Elected Councillor given limited Member status to be determined by and at the discretion of the Authority

"Person Presiding" - the person entitled or appointed to preside at any meeting

"Proper Officer" - the Clerk to the Authority

“Monitoring Officer” means the officer appointed in accordance with Section 5 of the Local Government and Housing Act 1989.

"the l972 Act" - the Local Government Act l972

"the l989 Act" - the Local Government and Housing Act l989

“Treasurer to the Authority” means the officer appointed under section 73 of the Local Government Act 1985, responsible for the provision of the financial services to the Authority or his/her duly authorised representative

“Statutory Officer” means the Authority’s Monitoring Officer, Proper Officer or Treasurer

“summons” – as defined under Rule 8 of these Procedural Rules

“Working Day” means a day that is not a Saturday, Sunday or public or bank holiday in England and/or Wales

(2) "person" - includes any persons and any body or association, corporate or incorporate

(3) “the whole number of members" - in relation to the Authority means the total number of persons who may become members of the Authority

(4) "without comment" – means in relation to the moving, seconding or putting of a motion without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put or (in the case of the Person Presiding) the effect of adopting the motion

2. PROCEDURAL RULES

(1) No arrangements may be made whereby a committee or officer may exercise any power of the authority to vary, revoke or add to these Procedural Rules.

(2) Any of the Procedural Rules may be suspended by the Authority provided that either:

(a) notice of intention to move such suspension has been included in the agenda for the meeting; or

(b) at least one half of the number of members of the Authority are present.

(3) A suspension under (2) shall have the effect that the Procedural Rule suspended is not in force during the period of suspension. A suspension shall last only for the meeting at which it is adopted.

(4) A printed copy of these Procedural Rules and of relevant extracts from enactments regulating the proceedings and business of the Authority shall be given to each member of the Authority.

(5) The ruling of the Person Presiding at any meeting as to the construction or application of any of these Procedural Rules shall not be challenged.

3. ANNUAL MEETINGS OF THE AUTHORITY

3.1 The annual meeting of the Authority shall be held between such dates as specified by the Local Government Act 1972 (namely 1st March and 30th June (inclusive)) or any Order which has the effect of varying these dates, and at such place and time as the Authority may fix.

3.2 The annual meeting will:

(i) elect the Chair;

(ii) elect the Deputy Chair;

(iii) receive apologies for absence;

(iv) approve as a correct record the minutes of the last meeting of the Authority and for the Chair to sign them;

(v) receive any Chair's communications;

(vi) agree the scheme of delegation;

(vii) consider any business set out in the notice convening the meeting.

3.3 At the annual meeting, the Authority meeting will:

(i) decide which committees to establish for the municipal year;

(ii) decide the size and terms of reference of those committees;

(iii) receive nominations of councillors to serve on each committee and outside body;

(iv) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Authority.

4. ORDINARY MEETINGS OF THE AUTHORITY

4.1 Ordinary meetings of the Authority will take place in accordance with a programme agreed by the Authority.

4.2 The Chair, in consultation with the Proper Officer and the Chief Executive, may cancel any of such meetings if, in their opinion, insufficient business has arisen for consideration.

4.3 Ordinary meetings will:

4.3.1 (i) elect a person to preside if the Chair and Deputy Chair are not present;

(ii) receive apologies for absence;

(iii) approve the minutes of the last meeting;

(iv) receive declarations of interest from Members and Officers;

(v) receive any announcements from the Chair;

(vi) receive questions from, and provide answers to, members of the Authority in accordance with Procedural Rule 9;

(vii) receive questions from and provide answers to, the public in accordance with Procedural Rule 10;

(viii) deal with any business which was not disposed of at the last Authority meeting;

(ix) receive and consider reports, minutes and recommendations of committees;

(x) consider motions of which notice has been given submitted by members of the Authority in accordance with Procedural Rule 15, in the order in which they are recorded as having been received;

(xi) consider key decisions specified in the Summons for the meeting;

(xii) consider scrutiny issues in respect of delegated Executive Decisions called in by any two members of the Authority and specified in the Summons for the meeting;

(xiii) consider other business, if any, specified in the Summons for the meeting.

4.3.2 The order of business in 4.3.1 may be varied by

(a) direction of the Chair made with the unanimous consent of the members present, but not so as to alter the order of items (i) to (x);

(b) a resolution of the Authority (moved, seconded and put without comment) but not so as to alter the order of items (i) to (v).

4.3.3 The items of business under (xi) to (xiii) in paragraph 4.3.1 shall be considered in the order in which they are listed in the agenda for the meeting.

4.3.4 If the Chair decides that an item of business not included in the agenda for the meeting sent with the Summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under 4.3.2 above be taken at the end of the other items of business.

5. EXTRAORDINARY MEETINGS OF THE AUTHORITY

5.1 Those listed below may request the Proper Officer to call Authority meetings in addition to ordinary meetings:

(i) the Authority by resolution;

(ii) the Chair;

(iii) the Deputy Chair, if the office of Chair is vacant or the Chair is unable to act for some reason;

(iv) any three members of the Authority if they have signed a requisition presented to the Chair and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;

(v) a statutory officer in the exercise of their duties.

5.2 Any requisition under 5.1(iii) may be presented to the Chair by being left for him/her with the Proper Officer.

5.3 The meeting shall be held within 10 Working Days of being called. The Proper Officer will ensure that the requisite notices and summonses are published and sent.

5.4 No extraordinary meeting of the Authority may be called unless it is proposed to transact business which, in accordance with the relevant legislation and these Procedural Rules, may be transacted at that meeting.

6. PERSON PRESIDING AT MEETINGS OF THE AUTHORITY

6.1 Any power of the Chair in relation to the conduct of a meeting of the Authority may be exercised by the Person Presiding at that meeting.

6.2 If it is necessary to choose a Member of the Authority to preside in the absence of the Chair and Deputy Chair, the Proper Officer shall call on a Member of the Authority to move that a Member of the Authority to be named by that Member shall take the chair.

6.3 If discussion arises on that motion, the Proper Officer shall exercise all the powers of the Person Presiding to regulate that discussion and to maintain order at the meeting.

6.4 The motion and any amendments shall be put to the meeting in accordance with Rule 19 (3) (voting on appointments).

7. QUORUM OF MEETINGS OF THE AUTHORITY

7.1 No business shall be transacted at a meeting of the Authority unless at least one quarter (rounded up) of the whole number of Members of the Authority are present.

7.2 Notwithstanding the provision contained in 7.1, if more than one third of the Members become disqualified at the same time, the quorum for meetings of at least one quarter (rounded up) shall be determined by reference to the number of members remaining qualified and not to the whole number.

7.3 The provision contained in 7.2 shall apply only until such time as the number of Members in office is increased to not less than two thirds of the whole number

8. NOTICE OF AND SUMMONS TO MEETINGS

8.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the provisions in the Information Procedural Rules.

8.2 Under normal circumstances, at least 5 clear days before a meeting, the Proper Officer will send a Summons signed by him/her by post or email to every Member of the Authority or leave it at their usual place of residence. The Summons will give the date, time and place of each meeting, and specify the business to be transacted, and will be accompanied by such reports as are available.

9. QUESTIONS BY MEMBERS

9.1 Subject to Rule 9(2), if a Member of the Authority wishes to ask a question at a meeting of the Authority of:

(a) the Chair of the Authority;

(b) the Chair of any Committee;

(c) a Member of the Authority who is as a result of any action taken by or on behalf of the Authority, a member or director of any company

on any item which is not the subject of a report to that meeting, he/she shall give notice in writing to the Proper Officer of the question at least seven working days before the meeting at which the question is to be asked.

9.2 No Member shall give notice of more than two questions for any meeting.

9.3 A list of the question of which notice has been given shall be circulated to Members of the Authority at or before the meeting at which they are to be asked.

9.4 If the person presiding at the meeting of the Authority considers that by reason of special circumstances it is desirable that a question shall be asked at a meeting of the Authority, although due notice has not been given, and if he/she is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

9.5 Response

Every question shall be put and answered without discussion. An answer may take the form of:

a) a direct oral answer

b) where the desired information is in a publication of the MWDA or other published work, a reference to that publication; or

c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all Members of the MWDA.

9.6 A Member asking a question under Rule 9.1 may ask one supplementary question of the Member to whom the first question was asked without notice. The supplemental question must arise directly out of the original question or the reply. A second supplementary question may be asked by any other Member. The answer may take the same form as described in Rule 9.5.

10. QUESTIONS BY THE PUBLIC

10.1 A period of not more than 30 minutes shall be allowed for questions submitted by members of the public.

10.2 Members of the public may ask questions of the Chair at ordinary meetings of the Authority.

10.3 A question may only be asked if:

(a) notice has been given by delivering it in writing to the Proper Officer seven clear working days preceding the meeting of the Authority at which it is to be asked. Each question must give the name and address of the questioner.

10.4 At any one meeting no person may submit or put more than one question.

10.5 The Proper Officer may reject a question if it:

- does not relate to a matter for which the Authority has responsibility
- is defamatory, frivolous or offensive
- is substantially the same as a question which has been put at a meeting of the Authority in the past six months; or
- requires the disclosure of confidential or exempt information

10.6 <u>Record of Questions</u>

The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member who is the most appropriate to answer the question. Rejected questions will include reasons for rejection.

Copies of all questions which are accepted by the Proper Officer will be circulated to all Members and will be made available to the public attending the meeting.

10.7 <u>Asking the Question at the Meeting</u>

The Chair will invite the questioner to put the question to the appropriate Member. If a questioner who has submitted a written question is unable to be present, they may nominate in writing another member of the public to ask the question on their behalf. The question will not be put if the questioner or his/her nominee is not present.

The questioner will have two minutes to ask the question.

10.8 <u>Response</u>

Every question shall be put and answered without discussion. The respondent will have five minutes to reply to the initial question.

An answer may take the form of:-

(a) a direct oral answer;

(b) where the desired information is in a publication of the Authority or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and all Members of the Authority.

10.9 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his/her original question. The questioner will have two minutes to ask a supplementary question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5.

11. ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES

(1) The Authority may appoint at their Annual Meeting from among the voting members the Chair and Deputy Chair of a Committee.

(2) If any appointment possible under the previous paragraph is not made the Committee at their first meeting after the Annual Meeting of the Authority shall before proceeding to any other business elect from their voting members a Chair and Deputy Chair.

(3) If the Chair and Deputy Chair are absent at a meeting of a Committee shall appoint, from among the voting members present, a person to preside at that meeting.

(4) If it is necessary for the committee to appoint a Chair, the Proper Officer, or his/her representative, shall call on a member of the committee to move that a voting member of the committee shall take the chair.

(5) If discussion arises the Proper Officer, or his/her representative, shall exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.

(6) The motion and any amendments shall be put to the meeting in accordance with Rule 19 (3) (voting on appointments).

12. QUORUM OF COMMITTEES

(1) No business shall be transacted at any meeting of a Committee unless at least one quarter of the whole number of voting members of the Committee as the case may be are present.

Provided that in no case shall any business be transacted unless at least two voting members are present.

(2) The provisions of Rule 7 shall apply to a meeting of a Committee at which a quorum is not present as they would apply if it were a meeting of the Authority.

13. **MINUTES**

(1) The Chair will sign the minutes of proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only issue with regard to the minutes that can be discussed is their accuracy.

(2) Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purposes of signing of minutes.

(3) At Authority meetings the confirmation of those proceedings, resolutions and reports of every Committee which require the approval of the Authority shall be moved by the Chair or some member of the Committee.

(4) In presenting the minutes the Chair or other member may request the approval of the Authority to withdraw for further consideration by the Committee concerned or to amend any Committee decision requiring information, provided:

(a) the reason for such withdrawal or amendment shall be stated on request; and

(b) such amendments shall be limited to matters of detail or accuracy only and shall not purport to alter the substance of the Committee decision.

Any voting by the Authority upon withdrawal or an amendment proposed under this Rule shall be by a show of hands without debate.

(5) Resolutions of Committees which have been passed in the exercise of delegated powers shall be indicated by the placing of an asterisk opposite such resolution which shall not be open for debate.

14. **RECORD OF ATTENDANCE AT MEETINGS**

(1) All members present during the whole or part of the meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

15. **MOTIONS ON NOTICE**

(1) Notice

Except for motions which can be moved without notice under Rule 16, or which the Chair considers should be considered as a matter of urgency, notice of every motion must be given by delivering it in writing or by electronic mail to the Proper Officer at least 7 clear working days prior to the relevant Authority meeting. These will be entered in a book open to public inspection.

(1) Scope

Motions must be about matters for which the Authority has a responsibility.

(3) Motion set out in Agenda

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

(4) A motion shall only be moved by either the member who gave the notice or by a member authorised in writing by that member.

16. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:-

(a) to appoint a Chair of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the Agenda;

(d) to refer something to an appropriate body or individual;

(e) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;

(f) to withdraw a motion;

(g) to amend a motion;

(h) to proceed to the next business;

(i) that the question be now put;

(j) to adjourn a debate;

(k) to adjourn a meeting;

(l) to suspend a particular Authority procedural rule;

(m) to exclude the public and press in accordance with the Information Procedural Rules;

(n) to not hear further a member named under Rule 20 (1)(a), or to exclude them from the meeting under Rule 20 (1)(b); and

(o) to give the consent of the Authority where its consent is required.

17. **<u>RULES OF DEBATE</u>**

(1) <u>No Speeches until Motion Seconded</u>

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

(2) <u>Right to Require Motion in Writing</u>

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

(3) <u>Seconder's Speech</u>

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

(4) <u>Content and Length of Speeches</u>

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except with the consent of the Authority signified without comment the mover of a motion shall not speak for more than ten minutes (excluding the right of reply) and no other person shall speak for more than five minutes.

(5) <u>When a Member may Speak Again</u>

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

(a) to speak once on an amendment moved by another member;

(b) to 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.

(6) Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:-

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

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

(iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted upon) together if he/she thinks that this will facilitate the proper conduct of business.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) 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.

(e) 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.

(7) Alteration of Motion

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

(8) <u>Withdrawal of Motion/Amendment</u>

A member may withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion or amendment after the mover has asked permission to withdraw it unless permission is refused.

(9) <u>Right of Reply</u>

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

(10) <u>Motions which may be Moved during Debate</u>

When a motion is under debate, no other motion may be moved except the following procedural motions:-

(a) to withdraw a motion;

(b) to amend a motion;

(c) a closure motion under Rule 16(k);

(d) to exclude the public and press in accordance with the Information Procedural Rules;

(e) to not hear further a member named under Rule 20 (1)(a) or to exclude them from the meeting under Rule 20 (1)(b).

(11) <u>Closure Motions</u>

(a) A member may move, without comment, the following motions at the end of a speech of another member:-

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote; if that motion is carried the original motion shall lapse.

(c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply; the original motion or remaining business shall then stand over as uncompleted business to the next meeting.

(12) Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Authority Rules of Procedural or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

(13) Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

18. PREVIOUS DECISIONS AND MOTIONS

(1) Motion to rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of the Authority within the past six months cannot be moved unless the notice of motion is signed by as many members as would constitute a quorum of the Authority.

(2) Motion similar to one Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Authority in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one quarter of Members of the Authority. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

19. **VOTING**

(I) The method of voting at meetings of the Authority and Committees on any matter will be decided by a simple majority of those Members voting and present.

(2) Any Member who is present when the vote was taken may require that his/her vote or abstention shall be recorded in the minutes by notifying forthwith the Proper Officer of his/her wish.

(3) Where a vote is required on a motion to appoint or elect a Member of the Authority to a position to be filled by the Authority and there are two or more members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on, until a majority of votes is given in favour of one person.

(4) If there are an equal number of votes for and against, the Chair will have a second or casting vote.

20. **PREVENTION OF DISORDERLY CONDUCT**

(I) If the person presiding is of the opinion that a member has misconducted, or is misconducting himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Authority he/she may notify the meeting of that opinion and may take any of the following courses either separately or in sequence:-

(a) He/she may move that the member named be not further heard; this motion shall not require to be seconded but shall be put and decided without comment; if it is carried; the member named shall not speak further at that meeting;

(b) He/she may move that the member named shall leave the meeting; this motion shall not require to be seconded; but shall be put and decided without comment; if it is carried, the member named shall forthwith leave the meeting;

(c) He/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.

(2) If a member of the public interrupts proceedings at any meeting the person presiding shall warn him/her. If he/she continues the interruption the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave the person presiding may order him/her to be removed. If a member of the public persistently creates a disturbance the person presiding may adjourn the meeting for as long as he/she thinks expedient.

(3) In the event of general disturbance in any part of the room where the meeting is being held which is open to the public the person presiding may order that part to be cleared and may adjourn the meeting for such period as shall seem expedient to him/her.

21. SEAL OF THE AUTHORITY

(1) The common seal of the Authority shall be kept in a safe place in the custody of the Proper Officer;

(2) The common seal of the Authority shall be affixed to a document only on the authority of:

(a) a resolution of the Authority

(b) a resolution of a committee which the Authority has empowered to authorise the use of the seal; and

(c) a decision by the Authority, or by a duly authorised committee or officer, to do anything where a document under the common seal is necessary to complete the action.

(3) The affixing of the common seal shall be attested by the Proper Officer (or his / her authorised representative). An entry of every sealing of a document shall be made and numbered consecutively in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

22. AUTHENTICATION OF LEGAL DOCUMENTS

Any document which is necessary for legal proceedings shall be signed by the Proper Officer or the Monitoring Officer (or their authorised signatory) unless some other person

(a) has been given the necessary authority by resolution of the Authority;
or

(b) is so authorised or required by some enactment.

23. **ARRANGEMENTS FOR DEALING WITH URGENT MATTERS / EMERGENCIES**

(1) Where urgent matters arise and time does not allow for the calling of the committee concerned or Authority there shall be delegated to the Chief Executive all the powers of the Authority to deal therewith, provided that:

(a) the power is exercised in consultation if possible with the Chair and Deputy Chair of the Authority;

(b) no decision shall be made which is contrary to a resolution of the Authority or to an established practice; and

(c) all decisions shall be documented in the form of a minute as soon as possible after they are taken and a copy thereof signed by the Chief Executive and the Chair and Deputy Chair if consulted and sent to the Proper Officer. All decisions taken under these powers will be notified to the Authority.

24. **EXCLUSION OF THE PUBLIC**

(1) Members of the public and press may only be excluded from the meeting either in accordance with the Information Procedural Rules or under Rule 20.

25. **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

(1) Canvassing of members of the Authority or of any committee of the Authority directly or indirectly for any appointment under the Authority, shall disqualify the candidate concerned for that appointment. The purport of this paragraph shall be included in every advertisement inviting applications for appointments or in the form of application.

(2) A member of the Authority shall not solicit for any person any appointment under the Authority or give a written testimonial to any person for such appointment or promotion.

26. **RELATIVES OF MEMBERS AND OFFICERS**

(1) A candidate for any appointment under the Authority who knows that he/she has a close personal relationship with any member or senior officer of the Authority shall when making application disclose that relationship in writing to the Chief Executive.

(2) Every member and senior officer of the Authority shall disclose to the Chief Executive any relationship known to exist between himself/herself and any

person whom he/she knows is a candidate for an appointment under the Authority.

For the purpose of this Procedural Rule, “senior officer” means any officer of the Authority being paid at or above SCP 33.

27. **PETITIONS**

(1) In this rule “petition” means any written matter directed at the Authority and signed by 25 or more Council Tax Payers and containing a request, representation, complaint or objection which falls within its function but does not include a response to a statutory advertisement of the proposal.

(2) Petitions relating to matters which are the responsibility of the Appeals Committee shall not be considered.

(3) When objections and representations about a proposal, which is the subject of a statutory advertisement, are considered, nothing in this rule shall prevent the decision maker from meeting and discussing with the petitioners any petition submitted in response to the statutory advertisement.

(4) Any petition shall be brought to the attention of the Chair. If the petitioner so requests a deputation comprising not more than 3 persons may present the petition to a panel comprising of the Chair, Lead Member for the issue concerned, another Member and the Chief Executive. That panel shall have a report from an appropriate officer on the issues raised by the petition. One of the petitioner’s deputation or their local elected council representative shall be permitted to address the panel for not more than 5 minutes.

(5) The Chair shall have discretion to amend the procedural for considering petitions in accordance with this procedural rule, as necessary.

(6) The Chair shall be responsible for responding to the issues raised by the petition. If the Chair so wishes he/she may refer the petition to the full Authority.

ARTICLE 3

FINANCIAL PROCEDURAL RULES

ARTICLE 3 - TABLE OF CONTENTS

1. DEFINITIONS

In these Financial Procedure Rules, unless the context otherwise demands, the definitions and interpretations used in the Authority Procedural Rules shall apply.

The following terms shall also have the meaning assigned to them:-

(a) "Levy" means the waste disposal levy set by the Authority pursuant to the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006.

(b) "Asset" means an item belonging to the Authority that has a value and can include buildings, equipment, vehicles, stocks, stores, money and items of intellectual value.

(c) Senior Leadership Team (SLT) refers to the group comprising the Chief Executive, Director of Operations[1], Director of Finance[2] and the Director of Business Services and Strategy[3], as specifically referred to under the approved Scheme of Delegation to Officers under the Authority's Constitution

(d) Senior Officer refers to members of the Senior Leadership Team (SLT) and Service Managers.

2. FINANCIAL GOVERNANCE

GENERAL

The Authority has a statutory duty to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has responsibility for the administration of those affairs. The Authority has resolved that the Chief Financial Officer (the post is currently designated as the Director of Finance) is the responsible officer.

[1] Currently also the Monitoring Officer
[2] Currently the S73 Officer
[3] Currently also the Clerk to the Authority

The Authority is responsible for the approval of the Financial Procedure Rules to be used by all Members and officers, including any amendments or additions presented by the Director of Finance. The Authority is responsible for approving the procedures for recording and reporting decisions taken by the Authority itself, or by the Executive, or under approved delegation arrangements. The Scheme of Delegation is set out in Article 1 of the Constitution.

The Authority is responsible for approving the annual Budget, any amendments thereto (subject to any delegated responsibilities) and the determination of the Waste Disposal Levy.

The Authority is responsible for formulating a policy framework and for monitoring compliance with agreed policy.

The Authority is responsible for approving the Annual Statement of Accounts (although this may be delegated to the Audit Committee).

The financial values specified in this report are inclusive of VAT.

THE ROLE OF THE AUDIT COMMITTEE

The Audit Committee is responsible for reviewing the draft Annual Statement of Accounts and the Annual Governance Statement and approving the audited Authority's Annual Statement of Accounts which incorporates the Annual Governance Statement. This Committee also provides oversight on the Authority’s Treasury Management Processes and practices, the Corporate Risk Management Strategy and Counter Fraud policies, and Internal Control matters.

THE ROLE OF THE CHIEF EXECUTIVE

The Chief Executive is responsible for the corporate and overall strategic management of the Authority.

The Chief Executive shall report to and provide information to the Authority.

The Chief Executive is responsible for establishing a management structure for the Authority and for monitoring the performance of the organisation. The Chief Executive is responsible for reporting performance to the Authority.

Together with the Clerk to the Authority, the Chief Executive is responsible for the system of record keeping with regard to the Authority’s decisions.

THE ROLE OF THE DIRECTOR OF FINANCE (Section 73 Officer)

The Director of Finance is responsible for the proper administration of the Authority's financial affairs, and particularly for:

(a) maintaining a continuous review of the Financial Procedure Rules and the submission of any additions or changes necessary for Authority approval;

(b) providing corporate financial advice and information to the Authority i.e. on those issues where the Authority is regarded as one legal entity;

(c) setting standards for good financial management including the accounting policies and financial procedures and records for the Authority and monitoring compliance with those standards;

(d) advising on the key financial controls necessary including maintaining an effective internal audit function to secure sound financial management;

(e) ensuring that proper systems of internal control are operated and reporting breaches of the Financial and Contract Procedure Rules to Authority, SLT, Audit Committee;

(f) co-ordinating the preparation of the Revenue Budget and Medium-Term Financial Strategy, the Capital Strategy and Programme, the Treasury Management Strategy, the Levy, and once approved preparing reports to monitor budgets and strategies;

(g) preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice and any necessary technical accounting adjustments;

(h) treasury management activities, including reporting on prudential indicators;

(i) preparing a Risk Management Strategy and Framework and promoting/ embedding it throughout the Authority;

(j) ensuring that the terms and conditions of grants awarded to the Authority by Government and other public bodies and organisations, including the Liverpool City Region Combined Authority, are complied with and that all grant claim forms are completed accurately and in a timely manner.

The Director of Finance also has a range of statutory duties, rights and responsibilities in relation to the financial administration and stewardship of the Authority and will have regard to the Statement of the Chartered Institute of Public Finance and Accountancy on the Role of the Chief Financial Officer in Local Government. The Director of Finance must report to the Authority under Section 114 of the Local Government Finance Act 1988, if:

(a) a decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful;

(b) there has been, or is about to be, an unlawful action resulting in a financial loss to the Authority;

(c) anyone or anybody is about to make an unlawful entry in the Authority's accounts; or

(d) it appears to him/her that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

The Director of Finance may issue any instruction intended to fulfil these responsibilities and is entitled to any information or explanations as he/she may require.

The Director of Finance shall issue instructions and guidance to the Authority in line with Section 25 of the 2003 Local Government Act, with regard to the robustness of the estimates.

THE ROLE OF THE MONITORING OFFICER

(a) The Monitoring Officer shall be the officer appointed in accordance with section 5 of the Local Government and Housing Act 1989, responsible for reporting any actual or potential breaches of the law or maladministration to the Authority.

(b) The Monitoring Officer is responsible for advising about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

(c) The Monitoring Officer is responsible for maintaining an up-to-date constitution.

THE ROLE OF SENIOR OFFICERS

Senior Officers must ensure that proper financial controls are maintained in their service area.

Senior Officers must make arrangements to ensure that all officers involved in financial matters are aware of, and competent in the use of, these Financial Procedure Rules and the Authority's financial ledger. The extent of delegated authority to officers must be recorded. The main documents are also available on the Authority's Website: Merseyside Recycling and Waste Authority - About Us.

Senior Officers must ensure that the financial implications of all proposals in advance of any "key decision" report have been subject to approval by the Director of Finance and their representatives and the subsequent report sets out the financial implications.

Senior Officers must ensure that the legal implications of all proposals in advance of the "key decision" report production have been subject to approval by the **Monitoring Officer** and the subsequent report sets out the legal implications.

STAFF AND AUTHORITY MEMBERS

All staff and Members within the Authority are required to maintain and provide the highest standards of financial management, integrity and administration in line with the Financial Procedure Rules. Their conduct is also set out in the relevant Codes of Conduct included at Article 7 (Code of Conduct for Members), Article 8 (Code of Conduct for Employees) and Article 9 (Member/Officer Protocol) of the Constitution which they must be aware of and comply with at all times.

AUTHORITY OWNED COMPANIES

If the Authority wants to set up an alternative delivery model for its services which involves the creation of a company including a Shareholding of the Authority or the making of a loan, it can only do so with Authority approval, following consultation on the implications with the Chief Executive, Director of Finance and the Monitoring Officer.

3. **FINANCIAL PLANNING**

CORPORATE PLAN

The Chief Executive is responsible for proposing the Corporate Plan to SLT for consideration before its submission to the Authority for approval. When compiling the Plan, and in conjunction with other SLT members the Chief Executive will ensure that the plan is assessed and moderated by the Director of Finance

The Chief Executive shall also be responsible for the development of corporate and service plans and performance information.

BUDGET PREPARATION

The Director of Finance will advise SLT of each year about the detailed plans to prepare both the Annual Budget for the next financial year or two years and to update the Medium-Term Financial Strategy (which can cover a period of up to five years). The budget process will then be prepared following the standards set out by the Director of Finance.

The Director of Finance, following the detailed work, will submit to the Budget Authority meeting (usually held in February) each year a Medium-Term Financial Strategy for the following three to five years, and budget planning totals for all service budgets.

The Director of Finance will advise the Authority on the overall budget, the levels of Authority Tax, the use of reserves and the need for contingency budgets/balances, the robustness of the estimates and affordability and prudence of capital investments and on the risks that may exist in relation to the forecasts of spending levels and income.

Senior Officers will, in accordance with the corporate timeframes, produce draft service plans and budgets in accordance with the Budget Planning totals. These draft plans will explain the service changes proposed to be made, taking into account the Authority's Corporate Plan, performance targets and the resources allocated.

RESOURCE ALLOCATION

The general level of balances and reserves to be maintained by the Authority shall be calculated and recommended for approval by the Director of Finance using a risk-based approach in advance of the setting of the Budget for the approaching financial year. This will support the budget decisions being taken at the Budget Setting meeting which sets the Levy. The level of balances and reserves shall be subject to regular review in the budget monitoring reports presented to the Authority during the financial year. At the year-end as part of the production of the Annual Statement of Accounts the Director of Finance shall assess the risks facing the Authority and prepare the Accounts to minimise future unbudgeted expenditure including the assessment of required reserves in accordance with the Authority's agreed policy on Reserves. The Reserves Policy will be subject to scrutiny by the Audit Committee.

The Director of Finance is responsible for developing and maintaining a resource allocation process, taking into account, current information on the Authority's financial position and prospects for the future. It will also include an annual review of the budget to ensure that the resources allocated to each budget heading remain appropriate in the light of corporate priorities, business developments and national requirements.

REPORTING

The Chief Executive in consultation with SLT is responsible for ensuring that Service and Corporate Plans are implemented within the resources allocated in the Revenue and Capital Budgets. The Director of Finance will provide information on the Authority's performance against the Revenue and Capital Budgets to SLT (monthly) and to the Authority at regular intervals over the financial year. The report will include the projected out-turn for the agreed budgets. In addition, and as appropriate, the Audit Committee will receive reports that include financial information on key partners and the progress made on issues identified with the Annual Governance Statement.

The general format of the budget proposed to the Authority will follow that advised by the Director of Finance. The draft budget should include indicative allocations to different services and projects, proposed levy levels and any contingency funds/balances. The headings proposed will be those advised by the Director of Finance.

Senior Officers will control income and expenditure within their areas of responsibility. They will monitor performance, taking account of financial information provided by the Director of Finance. They should report on actual variances within their own areas, and on the possible likelihood of them. They must also: alert the Director of Finance to any problems; consult with the Director of Finance about the remedial action necessary to avoid exceeding their budget allocations: and take the remedial action agreed.

MANAGING BUDGETS

Senior Officers are responsible for managing budgets within their delegated authority. They must take action to avoid overspending respective budgets and report any difficulties to the Director of Finance.

Senior Officers must, in consultation with the Finance Manager, use the financial reports from the financial ledger and review their budgets on a monthly basis. This must inform the regular budget monitoring undertaken by the Director of Finance.

The Director of Finance is accountable for all corporate and contingency budgets, which will be managed in the same way as service and activity budgets.

Where, as a result of a mistake or error by an officer, the Authority becomes liable for any charges, penalties or additional expenses, such costs will be met by the Service in which the error is made.

Carry forwards and recovery of overspends

Carry forward is a mechanism for transferring budgetary resources from one year to the next, or vice versa. This will be determined during the production of the Statement of Accounts. If the carry forward process is to be applied, there will be a presumption that the carrying forward of any underspending will only be allowed subject to a service managing its resources in line with its agreed budget. All overspendings may be recovered in the following financial year following the advice of the Director of Finance. The Authority, in determining the Revenue Budget for a particular year, will review any arrangements for carry forward for that year and can change the guidance on advice from the Director of Finance.

CAPITAL PROGRAMME PREPARATION AND MANAGEMENT

Responsibilities

The Authority is responsible for agreeing the overall allocation of resources to the Authority's Capital Strategy and Programme.

The Chief Executive is responsible for recommending to the Authority a multi-year Capital Strategy and Programme. The Chief Executive in consultation with SLT undertakes overall management oversight for the Capital Strategy and Capital Programme on behalf of the Authority.

Capital Strategy and Programme Preparation

The Director of Finance will submit to the Authority each year a multi-year Capital plan with planning totals for the main programme areas for at least the three following years, to align with the Medium-Term Financial Strategy.

The Chief Executive in consultation with SLT determines the criteria for the selection of projects to form the Capital Programme. This will assist the Director of Finance to prepare a programme of capital schemes for consideration by SLT and then by the Authority.

The Authority will approve the initial allocations to projects and programme areas. The Chief Executive in consultation with SLT will recommend the subsequent allocations of resources from programme areas to projects within the overall total agreed by the Authority

The Director of Finance will advise SLT and the Authority on the overall Capital Programme and levels of funding available.

Senior Officers are responsible for providing details of all projects in a format prescribed by the Director of Finance.

Management of the Capital Programme

The Chief Executive in consultation with SLT is responsible for implementing the Capital Programme within the resources allocated and will provide summary monitoring information to the Authority when required.

Senior Officers will recommend capital budget virements in accordance with the protocol set out at paragraph 3.9. All virements will be recorded in a way prescribed by the Director of Finance, who will arrange for virements to be reported to the SLT.

Senior Officers are responsible for managing programmes and projects. They must take action to avoid overspending the amounts provided in the Capital Plan and report any difficulties to the Director of Finance. Senior Officers must prepare regular reports on the progress of projects in a format and to a timetable prescribed by the Director of Finance.

The Director of Finance will report to the Authority on the projected overall out-turn of the Capital Programme as part of the regular budget monitoring reports.

The inclusion of a project within the Capital Programme confers authority to proceed with planning applications and the completion of feasibility studies and option appraisals.

Senior Officers must prepare a business case in respect of each project with a value in excess of £250,000 before proceeding to detailed project design or land acquisition. The business case should be prepared in a format prescribed by the Director of Finance and must be considered by SLT.

Once a business case is approved, Senior Officers are authorised to proceed to detailed design and to commit to contracts providing:

(a) that the total costs of a project including tenders or quotations, fees etc, are estimated to be less than or equal to the amount approved in the business case and the Capital Programme;

(b) that where the total costs of a project exceed the amount approved in the business case and the Capital Programme and the excess is within the agreed tolerance levels, the appropriate virement has been approved to finance the additional cost;

(c) all necessary external approvals, if any are required, have been obtained;

(d) the incurring of the expenditure has been authorised by the Director of Finance;

(e) that any contract shall be executed in accordance with the Contract Procedure Rules.

The Director of Finance will authorise the incurring of the full project costs provided he/she is satisfied that the approval will not give rise to any further expenditure not provided for in either the Capital Programme or the Revenue Budget.

During the completion of corporate projects totalling £360,000 and over, Senior Officers must co-operate with any requirement to complete a gateway review and the production of reports to SLT setting out the outcomes from the project and whether these match the planned outcomes set out in the original business cases. Further phased expenditure on a project cannot be agreed until an appropriate business case has been approved by the Chief Executive in consultation with SLT and an appropriate report produced as per agreed delegations.

GRANTS FROM THIRD PARTIES (OTHER THAN FROM CENTRAL GOVERNMENT OR LCR)

Where a Senior Officer proposes to accept grant funding from a third party or take on accountable body status then the Senior Officer should, in advance of accepting the funding, seek an appraisal of that proposal which will involve the approval of the Chief Executive in consultation with SLT.

Where the amount of the proposed third-party grant exceeds the sum of £250,000, this will become a key decision and therefore a report to the Authority will be required in order to gain approval to accept the funding.

PRODUCTION OF ACCOUNTS

The Director of Finance shall consolidate and produce the Authority’s statutory accounts. Accounts will be prepared in accordance with the relevant statutory requirements (including timelines) and Codes of Practice.

Senior Officers shall assist the Director of Finance to undertake the closure of their service's accounts which must be in accordance with the standards, timescales and format set by the Director of Finance.

The Director of Finance is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the CIPFA/LASSAC Code of Practice on Local Authority Accounting in the United Kingdom. This will include an assessment of the financial risks facing the Authority.

The Audit Committee has delegated authority from the Authority for approving the Annual Statement of Accounts.

The Director of Finance shall report to the Authority, after the accounts have been audited, the out-turn for the previous year for both the revenue and capital programme, identifying the out-turn against budget and the findings outlined in the Audit Completion Report prepared by the External Auditor.

CHANGES TO APPROVED REVENUE AND CAPITAL BUDGET

Senior Officers will propose items during their normal course of business which could have financial implications to increase the overall agreed net revenue and/or capital budget of the Authority. Where the expenditure is capital, the revenue implications also need to be calculated.

Where there is additional cost to the Authority, then in each case the potential commitment needs to be fully costed setting out the impact on the budget with details of how any additional cost will be financed and its performance effect. Where appropriate and after consultation with the Director of Finance, a report must be presented to the Authority for consideration, but a capital matter must first be considered by SLT.

All proposals which involve a change to the overall revenue or capital budget need to be considered in accordance with the advice of the Monitoring Officer and Director of Finance.

Revenue Budget Virements

The Chief Executive in consultation with SLT is responsible for agreeing procedures for virements (the transfer of resources) between department, earmarked reserves and service budget headings. However, the Director of Finance may approve virements to address identified budgetary challenges having regard to the financial position of services and the Authority as a whole.

The Chief Executive in consultation with SLT may approve a budget virement up to a limit of £360,000. Any virement above this level must be approved by the Authority (which may be by inclusion of the issue within the regular financial monitoring report).

The Director of Finance may approve an increase in an approved Service budget by a transfer from another approved service budget where: -

(a) both budget heads are cash limited; and

(b) the variation does not exceed £50,000.

SLT members must consult with the Director of Finance about any proposed virements before allowing any action in respect of them to take place. All virements above the above limits must be approved by the Chief Executive and the Authority.

Note - "Approved budget" above means the original provision made when the annual budget was approved by Authority, plus or minus any variation which has been approved subsequently.

Capital Budget Virements

The Director of Finance may approve virements up to £50,000.

Senior Officers will make recommendations to the Chief Executive on virements within the overall agreed capital programme. Approval levels will be calculated at 10% of the approved estimate or £360,000 whichever is the greater. If this tolerance level is exceeded the approval to proceed must be sought by reporting to the Authority (which may be by inclusion of the issue within the regular financial monitoring report).

Whenever a project is to be funded via prudential borrowing it shall be done in accordance with the Authority's Treasury Management Strategy.

4. RISK MANAGEMENT AND CONTROL OF RESOURCES

RISK MANAGEMENT & INTERNAL CONTROL

The Chief Executive shall establish a Primary Assurance Group to review the Authority's governance and internal control arrangements and to ensure they are effective and fit for purpose. The Group will include the Treasurer, the Monitoring Officer and the Clerk.

The Chief Executive shall:

(a) Manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risk

(b) Review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line

The Director of Finance is responsible for preparing the Authority's Risk Management Strategy and Framework, which includes the approach to ensuring proper insurance cover, and for promoting the Strategy and Framework throughout the Authority, and for ensuring there is appropriate insurance cover in place.

The Chief Executive in consultation with SLT is responsible for approving the Authority's Risk Management Strategy and Framework. Monitoring of the effectiveness of risk management is undertaken by the Audit Committee on behalf of the Authority.

Internal Control is the systems of control devised by management to help ensure the Authority's objectives are achieved in ways which promote economic, efficient and effective use of resources and which ensure that the Authority's assets and interests are safeguarded.

The Director of Finance will advise the Authority on the requirements for an effective system of Internal Control. Arrangements devised and implemented must ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They will also ensure that public money is properly safeguarded; and is used economically, efficiently, effectively and in accordance with the statutory and other authorities which govern their use.

It is the responsibility of Senior Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. In doing this they must consult as necessary with the Director of Finance about matters past and present and future which bear upon the framework of Internal Control.

INTERNAL AUDIT AND COUNTER FRAUD

Responsibility & Authority

Under the Accounts and Audit (Amendment) Regulations 2022 the Director of Finance must arrange and direct a continuous Internal Audit, which is an independent review of the accounting, financial and other operations of the Authority. The Public Sector Internal Audit Standards (PSIAS) ("Standards") came into effect on 1 April 2013, replacing the 2006 Code of Conduct, and was then revised in 2017. The Standards are mandatory for all central government departments, local government and agencies and have been developed based in global and national best practice. They are intended to promote professionalism, quality, consistency and effectiveness of Internal Audit across the public sector and for local authorities, are supported by CIPFA. Therefore, the scope, objectives and operation of Internal Audit for the Authority is that recommended by CIPFA and set out in the Standards.

The Chief Internal Auditor (the Head of Internal Audit and Counter Fraud performs that role for St Helens Council), or role(s) designate will report directly to the Chief Executive and the Chair of the Audit Committee in any circumstance where the functions and responsibilities of the Director of Finance are being reviewed. The Standards note that a professional, independent and objective internal audit service is one of the key elements of good governance, as recognised throughout the UK public sector. The Chief Internal Auditor, in accordance with the PSIAS, will provide an Annual Opinion on the overall internal control environment of the Authority to the Audit Committee.

Internal Audit and Counter Fraud Staff have the authority to:

(a) enter at all times any Authority premises or land or location from which Authority services are provided;

(b) have access to all property, records, documents and correspondence relating to all activities of the Authority;

(c) require and receive explanations concerning any matter; and

(d) require any employee of the Authority, without prior notice, to produce cash, stores or any other property for which they are responsible.

Reporting

The Director of Finance must report upon:

(a) the risks inherent in and associated with the operational/service processes and information technology;

(b) the soundness, adequacy and application of the financial and other management controls and systems within each Service;

(c) the extent of compliance with, and the financial effects of, established policies, plans and procedures;

(d) the extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause; the suitability, accuracy and reliability of financial and other management data within the organisation; and

(e) value for money aspects of service provision.

In respect of any Internal Audit and Counter Fraud report or communication issued, the Senior Officer, and/or their nominated deputy, must reply within 3 weeks indicating the action proposed or taken, by whom and including target dates. Where a draft report is issued for initial comments, a reply must be made within 2 weeks of issue.

SLT members responsible for an area of service provision / financial or other management system which is the subject of Internal Audit recommendations, must respond to Internal Audit and Counter Fraud requests for progress and status updates against previously agreed Internal Audit recommendations. This requirement exists until all recommendations are actioned satisfactorily.

The Chief Internal Auditor will report to the Audit Committee on a cyclical basis about the findings of Internal Audit and Counter Fraud, the progress on issues in the Corporate Risk Register. The Chief Internal Auditor will report the Annual Report and Opinion on the System of Internal Control for the year ended 31st March (year, as relevant) to the Audit Committee.

Investigations and Suspected Fraud or Corruption

The Director of Finance is responsible for the provision of an appropriate Counter Fraud service to minimise fraud risks and to investigate potential fraud and corruption. The Counter Fraud service at the Authority operates as recommended by CIPFA. The Cabinet Office also provide guidance on professional Counter Fraud standards across the public sector, and such guidance is followed in Counter Fraud activities undertaken by the Authority.

The Director of Finance is responsible for the development and maintenance of the anti-fraud policy and for directing the Authority's efforts in fraud investigation. The Monitoring Officer supported by the Chief Internal Auditor is responsible for the development of the Whistleblowing Policy and the Chief Internal Auditor is responsible for the assessment of Whistleblowing disclosures against the Public Interests Disclosure Act 1998 and reporting disclosures to the Monitoring Officer.

Senior Officers must ensure that all Members and employees are:

a) aware of the Authority's Anti-Fraud Policy;

b) aware of the Whistleblowing Policy; operating in a way that maximises internal check against inappropriate behaviour; and

c) able to undertake the on-line training package on preventing fraud supported by the Authority.

It is the duty of any officer who suspects or becomes aware of any matter which may involve loss or irregularity concerning cash, stores or other property of the Authority or any suspected financial irregularity in the operations or exercise of the functions of the Authority to immediately advise their manager. The Senior Officer concerned must immediately notify the Director of Finance who may take action by way of investigation and report.

Where, following investigation, the Director of Finance and/or Monitoring Officer considers that there are reasonable grounds for suspecting that a loss has occurred as a result of misappropriation, irregular expenditure or fraud, consultations will be held with Senior Officers on the relevant courses of action, including the possibility of police involvement and the invoking of any internal disciplinary procedure in accordance with the relevant conditions of service.

Where there are sufficient grounds to believe that a criminal act may have been committed and it is agreed to refer the matter to the Police for investigation, this should be recorded on a central log of “matters referred to the Police” maintained by the Monitoring Officer.

INSURANCE

The Director of Finance, in consultation with Senior Officers is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. He/she will control all claims and maintain records of them.

Senior Officers must promptly notify the Director of Finance in writing of all new risks or assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.

In the event of any insurance claim or occurrence Senior Officers must:

(a) not admit liability where this may prejudice the outcome of any settlement;

(b) promptly notify the Director of Finance in writing, of any loss, liability, damage or any event likely to lead to a claim; and

(c) inform the Police in the case of loss or malicious damage to Authority property.

Senior Officers must consult the Director of Finance and the Monitoring Officer as to the terms of any indemnity the Authority is required to give.

The Director of Finance will determine the extent of insurance cover in line with Contract Procedure Rules which must be provided for in any external contract for the supply of goods, works or services. The Director of Finance, in consultation with the relevant Senior Officer, may reduce the cover requirements in respect of specific contracts.

ASSETS

Senior Officers are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items and all other items used for the Authority's purposes, including property). These items must only be used for the authorised purposes of the Authority. Assets must be recorded in the Authority’s Asset Register, in accordance with the CIPFA Code of Practice.

Senior Officers must ensure that contingency plans exist for the security of assets and the continuity of service in the event of any disaster, significant event, or system failure. Whilst the Authority’s Emergency Plan, Business Continuity Plans and its Disaster Recovery Plan for Information Systems are the main devices to be used and followed by SLT members, they are not exhaustive and should be added to or improved upon by them when necessary.

Disposal of Assets

Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, a Community Asset Transfer, competitive sale or public auction in accordance with both Contract Procedure Rules and the Land and Property Protocols, except when the Authority instructs otherwise. Where appropriate, the Authority's Asset Register should be amended accordingly.

Leased items should only be disposed of in accordance with the instructions of the lessor.

Asset Register

The Director of Finance must ensure that an Asset Register in accordance with agreed auditing standards is maintained. This will include all land and property

Each Senior Officer must immediately notify the Director of Finance of the acquisition of any asset having a value of £5,000 or more.

Each Senior Officer must immediately notify the Director of Finance of the disposal (or transfer to another Service) of any asset (or part of any asset) which is included on the Asset Register.

In respect of any item acquired by lease the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

Land and Property Assets

The Director of Finance must ensure that the detailed record of all land and property owned by the Authority is included in the Authority's Asset Register.

The Monitoring Officer is responsible for the security and custody of all title deeds and must maintain a suitable register.

Decision Making

Transactions Subject to Authority Approval

(a) All recommendations to acquire by agreement, appropriate or dispose of land or property valued in excess of £250,000.

(b) All recommendations to dispose of land for less than the best consideration reasonably obtainable where the likely Land undervalue is greater than £50,000.

(c) All recommendations to acquire individual plots of land, compulsorily or by agreement, or properties of any value that have not been separately approved within an approved development project.

The Chief Executive is authorised, to approve property acquisitions, appropriations and disposals of land valued below £250,000 (subject to 4.5.3 (b).

For Transparency, all transactions involving consideration in excess of £50,000 will be reported retrospectively to the Authority

Emergency Decisions

In circumstances where actions are required urgently, to acquire land and property of strategic significance, where the value of the transaction is greater than £250,000, the Chief Executive in agreement with the Chair of the Authority and in consultation with the Directors of Finance and the Monitoring Officer will have authority to take appropriate action. An Emergency Action will be reported to the Authority for information at the next available opportunity.

Compulsory Acquisition of Land

Authority approval is required for any acquisition of land (or programme of acquisition) where it is proposed to use the Authority's powers of compulsory acquisition. Any approval to acquire the same land by agreement should be sought from Authority at the same time as the approval to use compulsory powers.

Content of Reports

Reports seeking consent to dispose of or acquire land should include details of the interest held, appropriate site plans and valuation information provided by an appropriately qualified source.

Reports seeking to dispose of land at less than best consideration should in addition:

(a) include the provision of a Red Book Valuation in respect of the amount of undervalue

(b) demonstrate that all relevant legal issues have been considered and addressed and that there is no legal barrier to prevent a decision from being taken.

Reports seeking acquisition of land or property in respect of a development project should include a plan showing the individual properties whose acquisition it is proposed to seek.

Independent Valuations of Land/Property

With regard to those transactions for the disposal and acquisition of property that have not been exposed to the open market it is considered prudent to seek an independent valuation from a Chartered Surveyor (valuer) in accordance with the RICS Red Book.

Only transactions correctly approved as set out in above will be accepted.

SECURITY OF INFORMATION

All staff must maintain proper security, privacy and use of information held in computers and all other recording systems under their control. Senior Officers must ensure that:

(a) all employees are aware of and comply with the Authority's Information Security and Information Management policies; all sensitive information is protected from unauthorised disclosure;

(b) the accuracy and completeness of information and software is safeguarded;

(c) software and other intellectual property is used only in accordance with licensing agreements;

(d) Data Protection legislation is complied with;

(e) the Freedom of Information Act and Environmental Information Regulations are complied with;

(f) proper controls to system and physical access are in place;

(g) the Authority’s intellectual property rights are protected; and

(h) data taken off site by staff has the appropriate security such as encryption in place to protect the data should it be lost.

5. <u>TREASURY MANAGEMENT</u>

GENERAL

The Director of Finance shall arrange the provision of a Treasury Management service governed by good practice as set out in the CIPFA "Code for Treasury Management in Local Authorities".

The Authority has adopted requirements of the Ministry of Housing, Communities and Local Government (MHCLG) Investment Guidance (via its SLA with St Helens), the MHCLG Minimum Revenue Provision Guidance, the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code and the CIPFA Treasury Management Code.

The Authority is responsible for adopting:

(a) A Treasury Management Strategy Statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled;

(b) An Annual Investment Strategy, determining the type and level of investments to be entered into over the coming year together with a policy on risk management and a creditworthiness policy, and the level of investment in specified and non-specified investments;

(c) The Minimum Revenue Provision policy (in line with Government Guidance) and the Borrowing Strategy.

The Director of Finance will prepare a report before each financial year recommending a treasury management strategy and investment plan, and subsequently an annual report after the end of the year. In addition, there will be a treasury management update at the end of quarter 2 including performance in relation to prudential indicators. Each of these reports must be considered by the Audit Committee where there will be a recommendation to the Authority where there will be final approval.

The Audit Committee is responsible for the review of treasury management policies, procedures and practices and reviewing all treasury management reports (including reports presented to the Authority).

The Director of Finance is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices as set out at in the Treasury Management Strategy Statement report presented to the Authority for Budget setting.

ADMINISTRATION

All money under the management of the Authority is to be aggregated for the purposes of treasury management and will be controlled by the Director of Finance.

A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.

The Director of Finance will arrange all loans. The Director of Finance is to be informed of all leases entered into by Senior Officers.

6. SALARIES, WAGES AND PENSIONS

GENERAL

All payments of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees and Members are to be made by the Authority's Payroll Service (currently provided by St Helens Council) or an agreed payroll provider in accordance with information supplied by the Business Services Manager. All payroll transactions must be processed through the Authority's nominated payroll system. This will include any Members and Officers expenses which are to be paid in arrears by payroll.

Senior Officers, in conjunction with the Business Services Manager, must ensure that appointments of all employees and agency staff are in accordance with the appropriate Conditions of Service of the Authority or any approved scheme of delegation, and are within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Chief Executive.

RECORDS

Senior Officers, in conjunction with the Business Services Manager, must maintain adequate records to notify the Payroll Service of all appointments, resignations, dismissals, and retirements together with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration, and provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness and maternity pay and any other additions, to or deductions from pay. Senior Officers must also advise the Business Services Manager of any employee benefit in kind to enable reporting for taxation purposes.

Time records and other pay documents must be maintained in a manner approved by the Business Services Manager and be certified by the relevant Senior Officers. A record of all authorised officers must be maintained together with specimen signatures.

OVERPAYMENTS

The Director of Finance is authorised to write-off any net overpayment of salary/wage where death-in-service of an employee occurs, except where the Authority holds a statutory obligation to recover such overpayments. All other overpayments of pay must be treated for the purposes of recovery and write off in accordance with Financial Procedure Rule 8.

TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES

Payment of all claims is to be made via payroll or under other arrangements approved by the Director of Finance and must be in accordance with Schemes of Conditions of Service adopted in respect of the employee to which the payment relates.

All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses, must be made by the payroll system.

The certification of a claim by or on behalf of a Senior Officer is taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Authority. Expense claims which relate to a period more than 6 months before the date of submission will not be paid, except where agreed by the Director of Finance.

TAXATION

The Director of Finance is responsible for advising the Authority / SLT members on all taxation issues that affect the Authority.

Each Senior Officer must ensure taxation is treated correctly and consult with the Director of Finance in the event of any uncertainty as to any taxation treatment (this includes compliance with IR35 regulations where interim staff are engaged). Should an error in taxation occur due to the failure of a Senior Officer to follow an appropriate procedure then there shall be a charge against that Services budget.

The Director of Finance will maintain the Authority's tax records, make all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate, as well as lead and co-ordinate discussion or negotiations with His Majesty's Revenue and Customs about any taxation matter.

7. <u>ORDERING AND PAYING FOR WORK, GOODS AND SERVICES</u>

GENERAL

Every Officer and Member of the Authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct. These interests should be registered with the Monitoring Officer as per the Authority's agreed procedures.

Public money must be spent with demonstrable probity and in accordance with the Authority's policies, including ensuring suppliers' compliance with taxation in accordance with resolutions of Authority. Where appropriate a valid purchasing order shall be raised Local Authorities have a statutory duty to achieve best value in part through economy and efficiency and the Authority's procedures (Contract Procedure Rules, Scheme of Delegation, Financial Procedure Rules and in accordance with Procurement Policy and Practice) must be followed to help Services obtain value for money from their procurement arrangements.

Whilst Contract Procedure Rules have a threshold for written competitive quotations, it is nevertheless an obligation on officers to be able to show that they have received value for money at much lower levels than the formal requirement of these rules.

Where the Authority has corporately negotiated contracts for goods, services or works, Service Managers shall normally use these contracts for such supplies. Information on these contracts can be obtained from the Corporate Procurement Section.

Senior Officers must ensure that all valid invoices are paid as a minimum within 30 days of receipt. Suppliers should be encouraged to participate in the early discount scheme of the Authority and that invoices are submitted in a timely manner to maximise the amount of early payment. In payment of invoices all officers should comply with the detailed guidance issued by the Director of Finance. This includes an analysis where appropriate that a supplier is financially robust to receive all payments via the early payments scheme.

RAISING ORDERS

All orders for goods, services and works shall be made using the Authority's agreed procurement system, Unit 4. Unless agreed by the Director of Finance as an agreed exception, orders should be issued in advance of the receipt of the service and invoice.

Each SLT member's own Scheme of Delegation must identify employees authorised to act on their behalf, or on behalf of the Authority, in respect of payments and orders, together with the limits of each person's authority.

The Business Services Manager must approve a schedule of Authority officers authorised to raise requisitions, undertake approvals up to order and invoice stages and to supply their names, job titles and authorised approval levels to the Director of Finance. The schedule must be reviewed at least once per year.

By approving a requisition, the approving officer indicates that satisfactory checks have been carried out to ensure that:

(a) the authoriser of the order should be satisfied that the goods and services ordered are appropriate and necessary;

(b) the order value indicates that prices, extensions, calculations, discounts, other allowances and all relevant taxes are correct;

(c) payment will be processed via a proper tax invoice;

(d) the proposed expenditure will be properly incurred, is within budget, and has been charged to the appropriate budget;

(e) entries will be made in asset registers, inventories, stores and other records as appropriate;

(f) the order has not been processed previously;

(g) the commitment is a proper liability of the Authority.

There should be adequate controls to agree invoice values to contracts or non-Unit 4 orders where a dispensation has been received for not using A1/Agresso ordering as detailed in section 7.2.1. The supplier's sales invoice reference should be recorded in spreadsheet format by the budget holder's department to allow the tracing of invoices input to Unit 4 in the absence of a Unit 4 purchase order reference.

The correct receipt of goods shall be acknowledged by recording the details on Unit 4 or the signature of an appropriate officer who checks for quantity and quality to the details set out on the delivery note to validate the receipt of goods or services. This should not be the same officer who has approved the order.

Signed delivery notes shall be matched and checked to the appropriate electronic order and retained as a record of receipt of the delivery.

System procedures must be followed for the treatment of part or incorrect deliveries and the system updated appropriately.

PAYING INVOICES

Payments shall only be made in respect of goods or services properly received on receipt of an official invoice from the supplier. The invoice must contain, if appropriate, the company registration and VAT numbers and valid Purchase Order number. Failure to quote an order number will not allow the Authority system to match with the original purchase order and as a result the invoice will be returned to the sender for the inclusion of this data.

Invoices will be received and processed by St Helens' Accounts Payable Team, who will electronically scan the invoices, which will be matched by the system to the relevant order and goods/services received record and passed for payment if within system tolerances.

An exception to this matching process relates to non-order invoices input under the dispensation rule detailed in 7.2.1 above where the budget holder effectively gives retrospective order approval after an invoice has been input.

SLT members are responsible for ensuring that undisputed invoices are processed for payment within a maximum of 30 days from receipt of the invoice.

ADVANCE PAYMENTS

Where a supplier or contractor requires payment prior to the despatch of goods or the provision of services for a new service, an official order signed by a duly authorised officer and clearly marked that payment is to be made before receipt of the goods or services must be completed. A pro forma invoice or supplier's order form detailing fully the goods/service to be obtained must be approved by an officer authorised to certify invoices and retained as a record of the payment made.

Where a supplier or contractor of a supply/ works has already been agreed under a tender/ contract process, then a payment can only be agreed following the submission of a mod.gov report setting out the rationale for agreeing the payment.

TRANSPARENCY AGENDA

As a part of Transparency Agenda the Authority shall publish all individual transactions for expenditure in excess of £500 within statutory deadlines.

PAYMENT CARDS

All arrangements regarding payment and procurement cards must be approved by the Director of Finance and the Chief Executive.

Senior Officers in conjunction with Director of Finance will determine the credit limit for individual payment and procurement cards.

Each cardholder will ensure safe custody of the card and not exceed their monthly limit.

Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder in the course of official Authority business.

They must not be used:

(a) to circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or

(b) to purchase items for the private or personal use of cardholders.

Each cardholder must ensure that all expenditure incurred is supported by adequate records and in respect of payment cards, a VAT receipt is obtained to support all expenditure.

8. INCOME

GENERAL

The Revenue Budget report presented to the Authority prior to the start of each financial year will include proposals for fees and charges, including any amendments, for the forthcoming financial year. This will be prepared by the Director of Finance in consultation with Service Managers and SLT. Any amendments in year should be reported to the Authority for approval.

The methods of collecting, recording and banking of all income due to the Authority are to be approved by the Director of Finance.

DEBTORS

Wherever possible, payment should be obtained in advance or at the time of provision of a service, goods, letting or works.

Where credit is given, Senior Officers must ensure that the credit status of each customer is satisfactory. Senior Officers are responsible for arranging for staff to raise debtor accounts using the financial ledger approved by the Director of Finance immediately a debt falls due. Each Senior Officer, in conjunction with the Director of Finance must maintain adequate records to ensure that all credit income due to the Authority is promptly recovered. Where services are proposed through the year's accounts, they should be raised on a monthly basis to the body in receipt of the service.

The authorisation limits for the writing off of debts are as follows:

(i) individual debts up to £5,000 by the relevant SLT member in conjunction with the Director of Finance;

(j) individual debts over £5,000 by the Director of Finance and the Chief Executive; and

(k) individual debts over £30,000 by the Authority.

As part of the closure of the final accounts the Director of Finance shall undertake a detailed review of the outstanding debts owed to the Council and write off amounts that the Director deems irrecoverable prior to the draft annual accounts being submitted for approval.

The 'writing off' of a debt does not absolve a Senior Officer or a Service of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored by SLT members.

9. GIFTS AND HOSPITALITY

A separate Code of Conduct is available which sets out how officers and members should deal with issues such as receipt of personal gifts and offers of hospitality. All officers and members need to be aware of the requirements of the Code and ensure they are followed. All gifts and offers of hospitality over £25 need to be registered with the Business Services Manager.

10. WORKFORCE

The Chief Executive is responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration for a job.

The Chief Executive is responsible for controlling total numbers in the workforce and its cost by:

(a) Determining, in conjunction with the Director of Finance, the budget necessary in any given year to cover the workforce levels previously approved by SLT members,

(b) adjusting the workforce to levels that can be funded within approved budget provision, varying the numbers provided (though not the remuneration, or levels of remuneration for the specific categories of the workforce) as necessary, within that constraint, in order to fulfil operational needs.

The Director of Business Services & Strategy is responsible for:

(a) Ensuring the proper use the proper use of appointment procedures;

(b) ensuring an establishment list which includes job titles, names and contact details is prepared and maintained.

11. <u>MONEY LAUNDERING</u>

The legislation concerning money laundering impacts on local authorities. Potentially any member of staff could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. The Authority has therefore established an internal Anti-fraud Policy, which includes the provision of training to all employees, designed to prevent the risk of the Authority being involved in money laundering and to enable staff to report suspicions of money laundering activity to the Monitoring Officer (as the Authority's nominated Money Laundering Reporting Officer).

All staff should have regard to the Authority's Anti-Money Laundering Policy and supporting Guidance. A member of staff should report any transaction which involves the receipt of £50 or more of cash to the Authority's Monitoring Officer and the Finance Manager; notwithstanding such financial limit, and member of staff who has reasonable grounds to believe that money laundering is taking place (or is being attempted) in respect of a smaller amount of cash should report the matter to the Authority's Monitoring Officer.

ARTICLE 4

CONTRACT PROCEDURAL RULES

ARTICLE 4 - TABLE OF CONTENTS

1. Introduction

1.1 Merseyside Waste Disposal Authority's (MWDA) Procurement Policy should be read prior to using this procedure document and can be found in the procurement section of the Controlled Document Library.

1.2 MWDA relies on a range of third parties (suppliers/contractors/consultants) to deliver key services. These Contract Procedural Rules, and associated appendices have been designed to guide colleagues through the process for procuring and awarding a contract or agreement for the provision of goods, services or works by a third party, while ensuring compliance with Public Procurement and other relevant Regulations.

1.3 The purpose of this document is to ensure that all procurement activities carried out by, or on behalf of, MWDA are done so in a responsible and effective manner that conforms with all relevant regulatory requirements and the requirement to deliver Value for Money.

1.4 Public Sector procurement is governed by the Procurement Act 2023, legislation and Case Law from UK and Europe. The rules are complex and continually developing. Breaching the rules can have far reaching consequences, ranging from large fines to cancelled contracts, compensation claims and the cost and time of re-running procurement exercises.

1.5 The Procurement Regulations 2024 were established following the implementation of the Procurement Act 2023. In some instances, references within this document (and all associated documents within the MWDA Procurement System), will be made to the Procurement Act 2023, as opposed to the Procurement Regulations 2024, adhering to official Government Guidance references.

1.6 The Procurement Act 2023 established the overarching legislation that governs public procurement in the UK. Procurement Regulations 2024 provide the detailed implementation framework for the Act, outlining specific procedures and requirements.

1.7 Dual-regime procurement may exist until all PCR15 frameworks expire, as the Public Contract Regulations 2015 (PCR15) that used to govern public procurement, may still apply to any further competition procurements against Frameworks or Dynamic Purchasing Systems (DPS) that were established under PCR15, and any contract established under the PCR15.

1.8 Every contract entered into by MWDA is required to comply with:

- MWDA Financial Regulations, Financial Procedural Rules, Scheme of Delegation and Procurement Policy in relation to tendering and entering a contractual commitment.
- Compliance with legislation, and relevant guidance issued by the Cabinet Office.

- ➢ Where applicable, the general principles of UK Law, the treaty of Rome Principles and current UK public procurement directives implemented by Regulations.
- ➢ MWDA's Vision and Values, Social Value commitment, Procurement Strategy, and other commercial associated policies.

1.9 These rules relate to the supply of services; the purchase, leasing and hiring of goods and the execution of works.

1.10 **Interpretations**

Unless the context otherwise requires, in the Contract Procedural Rules, the following terms have the following meaning:-

"Threshold"	means the Government's current procurement thresholds. As of January 2026, this is £207,720 (inclusive of VAT). These thresholds are subject to change and should be regularly checked and updated. Thresholds can be found on the government website gov.co.uk and the latest thresholds are available in the following location: https://www.legislation.gov.uk/uksi/2023/1117/regulation/2/made.
"Central Digital Platform	means the online portal designed to streamline public procurement in the UK. It helps suppliers find and bid for contracts while ensuring buyers meet transparency commitments under the Procurement Act 2023. It serves as the enhanced Find a Tender service, ensuring all regulated public procurement notices are published in one place
"Clerk"	means the Clerk to the Authority or their duly authorised representative
"Contract"	means any agreement for:-

a. the supply of services to or for the Authority including the use of consultants but excluding the use of Counsel instructed by the Monitoring Officer

b. the purchase, leasing or hiring of goods by the Authority **providing that** arrangements involving hire purchase, finance leases or operating leases shall only be entered into in accordance with arrangements approved by the Treasurer; and

c. the execution of works for the Authority

“Contracts Finder”	A Government website previously used to advertise Contracts below a set threshold under PCR15. All tenders under the Procurement Act 2023 will be published on the Central Digital Platform.
“Chief Executive”	means the Chief Executive of the Authority or their duly authorised representative.
“Consultant”	means an external service provider appointed to advise and act for the Authority.
“e-Procurement Portal” / “MyTenders Portal”	A dedicated website used to publish, advertise and receive tenders and associated notices.
“Find a Tender”	A Government website used to advertise Above Threshold tenders under PCR15. Under the Procurement Act 2023, the Central Digital Platform uses an enhanced version of the “Find a Tender” for advertising all tenders and all transparency requirements..
“Monitoring Officer”	means the officer appointed in accordance with section 5 of the Local Government and Housing Act 1989 and responsible for the provision of legal services to the Authority or their duly authorised representative.
“Treasurer”	means the Officer the officer appointed under section 73 of the Local Government Act 1985, responsible for the proper administration of the financial affairs of the Authority or their duly authorised representative.

2. Scope

The Structure of Procurement

2.1 Certain employees within MWDA are required to perform purchasing decisions and transactions as part of their job. Whilst procurement is not their primary role or main responsibility, the placing and managing of procurement contracts may still form a significant part of their role responsibilities. These employees are, for the purposes of these procedures, called Contract Owners and will have knowledge and experience regarding their own business area. This document and associated appendices provide detail on how to perform a procurement process for Contract Owners.

Procurement Fundamentals

Valuing the Contract

2.3 The calculation of the estimated value of a procurement is be based on the total amount payable, inclusive of VAT, including any options and/or any allowable extensions of the contracts as explicitly set out in the procurement documents at the point of procurement. In addition, the value must include the whole life cost, including any termination or disposal costs, if applicable. The value is set in pounds sterling and should not be purposely subdivided to prevent it from falling outside the scope of Procurement Act 2023.

Procurement Act 2023 Thresholds

2.4 The anticipated value of the procurement determines the regime of regulations which govern the procurement and the awarded contract. Table 1 presents the contract value thresholds which would be governed by the full regime of the Procurement Act 2023, procurements below these values are considered as 'Below threshold' and are governed by Section 5 of the Procurement Act 2023, which applies different rules and regulations with regard to how contracts are advertised and awarded.

Table 1: The Procurement Act 2023 Contract Thresholds

Thresholds are updated by Procurement Policy Notes and should be checked and updated at regular intervals – current Thresholds can be found at: https://www.legislation.gov.uk/uksi/2023/1117/regulation/2/made.

Contract Type	Threshold from 1 January 2026 (inclusive of VAT)
Public works contracts	£5,193,000
Public supply contracts and public services contracts (Central Government)	£135,018
Public supply contracts and public services contracts (all other contracting authorities)	£207,720
Public service contracts for social and other specific services under Light Touch Contracts	£663,540

Defining the Type of Contract

2.5 In the event that MWDA choose to award a single contract which has subject-matter spanning several types of procurement (works, services or supplies), the main focus (predominate purpose) of the contract is to be taken into account in deciding the threshold.

Transparency & Equal Treatment

2.6 Fundamental to the Procurement Act 2023 and therefore all procurements undertaken by MWDA, regardless of value, are the principles of transparency and equal treatment. When undertaking any procurement activity, it is imperative to consider whether you are being open and fair in the procurement process, giving equal opportunity and information to all bidders, and not exhibiting bias of any form. Maintaining records of key decisions, evaluations and communication is essential to evidence adherence to these principles.

Contract Extensions and Modifications

2.7 Contracts may only be extended beyond their original term if the following provisions are met:

- The original contract was procured in a manner compliant with the Procurement Act 2023, the Procurement Policy (which can be found in the Controlled Document Library), Financial Procedural Rules, Financial Regulations and Scheme of Delegation, and included within the original procurement as an option to extend without seeking further approval or re-opening competition.
- The extension, variations or modifications are in accordance with the terms and conditions of the existing contract. Appropriate advice should be sought to confirm this is the case and to support the drafting of the extension and/or variation documents.
- If the initial contract was subject to a compliant Procurement Act 2023 process, and the extension option was declared within the original procurement.
- The Contract has not been extended beyond the approved extension period.

2.8 For contracts that do not contain specifically defined Change processes, MWDA may consider modifying an existing contract without the need to re-advertise under the circumstances defined below, however, they must now publish a 'Contract Change Notice' for any such changes:

- Modifications to below-threshold contracts (unless they are *Convertible Contracts*) and light touch contracts do not need to be justified on the same grounds as above-threshold contracts; they may be freely modified under the Act if it satisfies the following criteria:
    - does not increase or decrease the estimated value of a goods or services contract by more than 10%, or a works contract by more than 15%; and
    - does not materially change the scope of the contract.
    - cannot be made on the grounds at Schedule 8 or is not a substantial modification (as set out in section 74(3)).

  Below threshold modifications can be made multiple times, however, the aggregated value of the changes made on this ground must be less than the threshold applicable to that type of contract. If below threshold contract modification exceeds the threshold it becomes a ‘Convertible Contract’ and the full Procurement Act 2023 will apply to the contract.

- **Minor Change** does not:
    - increase or decrease the term of the contract by more than 10% of the maximum term provided for on award; or
    - materially change the scope of the contract; or
    - materially change the economic balance of the contract in favour of the supplier.

- **Major Change (above Minor Change thresholds and up to 50% of the original value)**
    - Additional works, services or supplies “have become necessary” and a change of supplier would not be practicable (for economic, technical or interoperability reasons) and would involve substantial inconvenience/duplication of costs, or;
    - The need for the change could not have been foreseen by a “diligent” contracting authority, provided these changes do not affect the nature of the contract/framework or exceed 50% of the price of the original contract.

2.8 In the event that these provisions are not met, a new procurement must be initiated.

2.9 Any contract extensions and/or variations should follow the same approval process as a new contract and must comply with the MWDA Scheme of Delegation in respect of contract signing/approval.

Quote vs Tender

2.10 A quotation is a fixed offer and is generally assumed for a simple purchase with standard terms and conditions. Quotes may be oral or in writing - if you seek quotes over the phone, the supplier should also confirm their quotes in writing or email. Quotes should include the proposed price, details of the service being delivered and to what timescales. They should also refer to any legislation or standards that are being adhered to. Quotations are only permissible as a route to market for total contract values below £30,000 (inclusive of VAT). The number of formal quotes required and procedure to follow are determined by the value as detailed in Table 2 of this document.

2.11 Formal tendering processes apply where the total estimated contract sum, project or programme of work exceeds a financial threshold (see table 2). A tender process is a formal and structured exercise, involving the issue of a tender pack, containing detailed requirements and the Form of Contract to be used. It will include a quality and cost assessment against pre-defined criteria, which is communicated to the bidders at the start of the process and used to determine the successful bidder(s). Appendices 2,3,4,5 and 6 to this procedure provide details of the various common tendering options used by MWDA. Table 2 presents the common procurement routes based on financial thresholds.

Procurement Reports

2.12 A Procurement Initiation Document (PID) (Appendix 12) is used to gain and record stakeholder agreement on the market approach and assessment criteria. The PID outlines the route to market and sets the method used for supplier evaluation, ensuring clarity, fairness, and effective procurement management.

2.13 A PID shall be completed for all procurement activities above a contract value of £30,000 (inclusive of VAT)

2.14 A Contract Award Report (Appendix 13) is used to gain stakeholder agreement on contract awards by providing transparency and accountability. The report documents the decision-making process, ensuring compliance with regulations. It also serves as a tool for continuous improvement in procurement practices.

Table 2 – Procurement Procedures

Total Contract Value	Procedure	MWDA Governance	Advertising / Regulation Requirements
£0 - £10k (inc vat) Goods, Services, Works	At least one formal written quote to be obtained **-ROUTE A**	the Chief Executive shall ensure that value for money is obtained and, in consultation with the Treasurer, shall establish staff instructions for the letting of contracts and placing of orders	None
£10k to £30k (inc vat) Goods, Services, Works	A minimum number of three separate written quotations or tenders shall be invited **- ROUTE B (see appendix 2)**	The Chief Executive, in consultation with the Treasurer, shall establish staff instructions for the letting of contracts and placing of orders	None
£30k to £207,720k (inc vat) Goods, Services, Works	Formal Competitive Tender using contract award criteria using either below threshold process: - i) Open Tender Procedure **ROUTE C (see appendix 3)** ii) Closed Tender Procedure **ROUTE D (see appendix 4)**	A tender recommendation report shall be developed and submitted setting out the award decision and submitted to the relevant budget holder. All Contracts in writing which are £30,000 (inclusive of VAT) and above shall be signed by at least two officers of the Authority. All Contracts of £120,000 (inclusive of VAT) or more shall be under seal.	Part 6 of the Procurement Act 2023 to be Observed. **i) Closed Tender Procedure (not advertised)** Requires the use of pre-determined award criteria and the submission of a Contract Details Notice to conclude the exercise. **ii) Open Tender Procedure (advertised)** Requires the publication of a Tender Notice on HM Government's Central Digital Platform (Find a Tender) website; the use of pre-determined award criteria; and the submission of a Contract Details Notice to conclude the exercise.
£207,720k and above (inc vat) Goods &, Services ONLY	Procurement Act 2023 compliant exercise either: - i) Above Threshold Open Tender Procedure **- ROUTE E (see appendix 5)** ii) Above Threshold Competitive Flexible Procedure - **ROUTE F**	A Contract Award Report shall be developed and submitted setting out the award decision and submitted to the relevant budget holder.	Full regime of the Procurement Act 2023 to be observed. Issuance of a Tender Notice to initiate the procurement. Issuance of a Contract Award Notice to advise of the award decision and issuance of a Contract Details Notice to conclude the procurement. A Contract Award Report to be retained containing the award criteria to support

	(see appendix 6)		contract award decision.
£207,720k to £5.1m (inc vat) WORKS ONLY	Formal Competitive Tender using contract award criteria using either below threshold process: - i) Open Tender Procedure **ROUTE C (see appendix 3)** ii) Closed Tender Procedure **ROUTE D (see appendix 4)**	A Contract Award Report shall be developed and submitted setting out the award decision and submitted to the relevant budget holder. All Contracts in writing which are £30,000 (inclusive of VAT) and above shall be signed by at least two officers of the Authority. All Contracts of £120,000 (inclusive of VAT) or more shall be under seal.	Part 6 of the Procurement Act 2023 to be Observed. i) **Closed Tender Procedure (not advertised)** Requires the use of pre-determined award criteria and the submission of contract award notice to conclude the exercise. **ii) Open Tender Procedure (advertised)** Requires the publication of a Contract Details Notice on HM Government's Central Digital Platform (Find a Tender) website; the use of pre-determined award criteria; and the submission of Contract Details Notice to conclude the exercise.
£5.1m and above (inc vat) Works ONLY	Formal Competitive Tender using contract award criteria using either below threshold process:- i) Above Threshold Open Tender Procedure **ROUTE E (see appendix 5)** ii) Above Threshold Competitive Flexible Procedure **ROUTE F (see appendix 6)**	A Contract Award Report shall be developed and submitted setting out the award decision and submitted to the relevant budget holder.	Full regime of the Procurement Act 2023 to be observed. Issuance of a Tender Notice to advise of the award decision and initiate the procurement. Issuance of a Contract Award Notice to advise of the award decision and issuance of a Contract Details Notice to conclude the procurement. A Contract Award Report to be retained containing the award criteria to substantiate contract award decision.

Requirement Specification

2.14 Specifications will vary in complexity depending on the nature of the Goods, Services or Works required, (and are developed and owned by the Contract Owner in conjunction with key users and stakeholders). This serves as 'a statement of needs' to be satisfied by the procurement of external goods, services or works. Specifications provide the marketplace with a clear, accurate and full description of MWDA's needs and enables suppliers to propose a solution to meet those needs. The suppliers/contractor's response to the requirement will form a key part of the contract.

2.15 Appendix 8 is a specification template with guidance to support Contract Owners with developing specifications. Advice should be sought by Contract owners for support with the development of their specifications.

Social Value

2.16 The Social Value Act 2012 is a legal obligation for public bodies to consider the social benefit that could be delivered or derived from any procurement before they embark upon a procurement exercise. The aim of the Act is not to alter the commissioning and procurement processes, but to ensure that, as part of these processes, the organisation considers the wider social impact of the service's delivery on the local economy or communities.

Clarification Process (bid stage)

2.17 The tender clarification process, which occurs during the Bid Stage of the ITT, is a crucial step to ensure transparency, fairness, and accuracy in the bidding process. All queries and requests for clarification from potential bidders should be submitted via the MyTenders Portal within a pre-specified timeframe, clearly stating the section and clause of the tender documentation being queried. These queries should be directed to a designated point of contact within MWDA who will oversee the clarification process.

2.18 MWDA will promptly review all queries and provide comprehensive and consistent responses to ensure a level playing field for all bidders. Responses should be issued in writing and circulated to all potential bidders within the Mytenders portal, within a reasonable timeframe to ensure transparency and equal access to information. Any amendments or clarifications to the tender documentation because of the clarification process should be formally communicated through addenda or amendments to ensure that all bidders are working from the same updated information. MWDA will maintain a log of all queries and responses (using Appendix 9) to track the clarification process and demonstrate compliance with procurement regulations and best practices.

Exceptions to Contract Procedure Rules

2.19 The tendering procedures and processes identified within these Contract Procedural Rules will not apply in the following explicit circumstances:

a) The acquisition or disposal of any interest in land or property and stocks and equipment incidental thereto;

b) The supply of goods, materials or services which are only obtainable from one contractor and where the Chief Executive is satisfied there is no reasonably satisfactory alternative;

c) The supply of goods, materials or services by a central or local government purchasing organisation or by or on behalf of any consortium, association or similar body of which the Authority is a member provided that in the latter situation the supply is in accordance with the method prescribed by that body. This may include ‘Frameworks’ accessible to MWDA or procurements undertaken by other organisations which include MWDA actual or potential requirements and have been procured in compliance with PCR15 or the Procurement Act 2023.

d) The execution of works of a specialised nature which are carried out only by one contractor and where the Chief Executive is satisfied that there is no reasonably satisfactory alternative;

e) The execution of work or the supply of services which must be carried out by a particular public utility undertaking, statutory undertaker, local authority or similar body.

f) Counterparty Exempted Contracts - These contracts are exempt due to the nature of the relationship between the contracting authority and the other party. Examples include:

   I. Vertical Arrangements: Contracts between a public authority and an entity it controls.
   II. Horizontal Arrangements: Contracts between two or more public authorities cooperating without market competition.

2.20 All exceptions other than those listed in 2.19 shall be authorised: -

a) For Contracts where the estimated value is below £30,000 (inclusive of VAT) by an Administrative Decision taken by the Director of the service area in accordance with the Scheme of Delegation;

b) For Contracts where the estimated value is above £30,000 but below £120,000 (inclusive of VAT) by an Administrative Decision taken by the Chief Executive in accordance with the Scheme of Delegation;

c) For Contracts where the estimated value is above £120,000 (inclusive of VAT) but below Threshold by an Administrative Decision taken by the Chief Executive in consultation with the Chair;

d) For contracts where the estimated value or amount is above Threshold by an Executive Decision or Key Decision in accordance with the Scheme of Delegation.

2.21 The Director of Finance shall be consulted before any Administrative Decision is signed.

2.22 The Chief Executive shall keep a record justifying any exceptions under 2.19 a) and d).

2.23 All admin decisions will be reported to the next Audit Committee Meeting following the decision

Form of Contract

2.24 The form of contract for the execution of works or the supply of goods, materials or services will be decided by the Chief Executive. Details will be supplied to tenderers within the tender documents.

2.25 All Contracts must be in writing with the exception of: -

a) Contracts for works, the supply of goods, services, and materials below £30,000 (inclusive of VAT) in value.

b) Contracts where the Chief Executive is satisfied that there is an urgent need for the execution of the works or the supply of goods, materials or services which does not permit time for the execution of a written contract but, in this case, a contract must (if otherwise required) be put into writing as soon as practicable;

c) All Contracts in writing which are £30,000 (inclusive of VAT) and above shall, with the exception of those under seal, be signed by at least two officers of the Authority.

2.26 All Contracts of £120,000 (inclusive of VAT) or more shall be under seal unless: -

a) the Monitoring Officer so agrees,
b) Contracts where the Chief Executive is satisfied that there is an urgent need for the execution of the works or the supply of goods, materials or services which does not permit time for the execution of a written contract but, in this case, a contract must (if otherwise required) be put into writing as soon as practicable;
c) The Contract is for the supply of specific goods or services that must procured on an annual basis and are excluded from the Procurement Act 2023.

2.27 Every contract in writing or under seal shall specify: -

a) The work, materials, matters or things to be furnished had or done.
b) The price to be paid with a statement of discounts or other reductions.
c) The time or times within which the Contract is to be performed and, where appropriate, the amount of liquidated damages which may otherwise become due.
d) The conditions of the Contract which are applicable.

2.28 Where a certificate under the Local Government (Contracts) Act 1997 must be issued, the Treasurer shall be the duly authorised certifying officer and will need to be satisfied that the Authority has the powers to enter into the Contract and that it is exercising its powers properly.

2.29 Where a Contract is not in writing, or where appropriate, it is not under seal the reasons for the exception shall be recorded and be available for inspection by members of the Authority.

2.30 Where appropriate, the Chief Executive, in consultation with the Treasurer, shall determine whether sufficient security should be taken for the due performance of every such Contract.

2.31 It shall be a condition of any contract between the Authority and any person (not being an officer of the Authority) who is required to supervise a contract on the Authority's behalf that, in relation to such contract, they shall comply with the requirements of these Rules, and with the Authority's Financial Procedure Rules, as if they are an Officer of the Authority.

2.32 Where appropriate, the Chief Executive, in consultation with the Data Protection Officer, if necessary, shall ensure the inclusion of clauses to meet the requirements of Data Protection legislation.

Clauses Common to All Contracts

2.33 In every contract in writing or under seal for the execution of work or the supply of goods, materials or services clauses to cover the following matters will be included: -

a) a clause to prevent a contractor from transferring or assigning directly or indirectly the contract without the written consent of the Authority and to prevent the sub-let of the Contract without the Authority's written consent except insofar as it relates to the supply of patent or proprietary articles, raw materials, or material products.

b) a clause to secure that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority or for showing or forbearing to show any favour or disfavour to any person in relation to the contract or any other contract with the Authority or if the like acts shall have been done by any person employed by it or acting on its behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Authority the contractor or any person employed by it or acting on its behalf shall have committed any offence under the Bribery Act 2010 or any superseding legislation, or shall have given any fee or reward the receipt of which is an offence under the sub-section (2) or (3) of Section 117 of the Local Government Act 1972.

c) a clause to require that where an appropriate British Standard specification or British Code of Practice issued by the British Standards Institute or similar national standards provided that they meet the British equivalent is current at the date of tender, unless there is good sufficient reason to the contrary, all goods and materials supplied or used and all workmanship shall be in accordance with that standard or such higher standard as may be specified.

d) a clause to require a contractor to take all such precautions as are necessary to protect the health and safety of all persons employed by it and others to comply with the requirements of all Health and Safety Legislation and of any other Acts, Regulations, Orders or Codes of Guidance pertaining to the health and safety of employed persons or members of the public who may be affected by the Contract.

e) a clause to require a contractor to take into account, where considered applicable by the Authority, the requirements of the European Acquired Rights Directive and/or Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014;

f) a clause or clauses to ensure adequate protection is afforded to personal information under the control of the Authority as Data Controller to which a contractor may have access in the course of fulfilling the terms of a contract and specifically that a contractor must agree to abide by specific terms in relation to its handling of such personal information in performance of the Contract;

g) a clause requiring the contractor to provide information to the Authority in order for the Authority to fulfil its obligations under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004 and a clause requiring the contractor to pass to the Authority any requests for information it receives for information held on behalf of the Authority;

h) such other clauses as the Monitoring Officer shall determine, whether generally or in relation to a specific Contract.

3. Process

A high-level process map is in Appendix 1 to guide users through the correct procurement process.

Step 1 – Assessing Contract Value

3.1 Contract value is classed as the anticipated cost for the life of the contract, including any extensions. For example, a four-year contract, costing £15,000 (ex-vat) per year, which has a 12-month extension would have a contract value of £75,000 (ex. VAT). As contracts are often priced excluding VAT you must ensure that VAT is added to the cost calculations when valuing the contract. In this example, the cost would equate to £90,000 (inc. VAT) and requires authorisation for that level. Where applicable, the contract value should take into account disposal costs and/or any costs associated with terminating the contract.

3.2 Contract Owners should estimate the value of the contract and consider the most appropriate route from those listed in Table 2 and in Appendices 2,3,4,5 and 6. Contract Owners must consider if the need can be satisfied from an existing contract.

In such instances, the purchase must fall within the terms, scope and permitted value including permitted extensions of the contract/framework and where an existing contract or framework is in place the current Contract Owner must be consulted prior to use.

3.3 It is not permitted under the MWDA's Financial Regulations, UK law and/or UK Procurement Directives, to disaggregate a contract to avoid the application of the Procurement Act 2023. Breaching these rules can have far reaching consequences such as declaring the contract as void, imposing large fines in the form of civil financial penalties, and awarding damages to any affected parties.

Step 2 – Select Procurement Processes

Table 3: Available Procurement Routes Aligned to Value, use appendices 2 - 6

Value	Route	Legislation	Appendices
Up to £10,000 inc VAT	A - Single quote	MWDA Policy	N/A
£10,000 to £30,000 inc VAT	B - Request for Quotations (RFQ	MWDA Policy	2
£30,000 to £207,720 inc VAT	C- Open Tender Process; or; D - Closed Tender Process	Procurement Act 2023 Part 6	3 & 4
£207,720 and above inc VAT	D- Above Threshold Open Tender Process; or; E - Above Threshold Competitive Flexible Procedure	Procurement Act 2023 Full Regime	5 & 6
£207,720 to £5.1m (inc vat) WORKS	C- Closed Tender Process; or; D - Open Tender Process	Procurement Act 2023 Full Regime	3 & 4
£5.1m and above (inc vat) WORKS	D- Above Threshold Open Tender Process; or; E - Above Threshold Competitive Flexible Procedure	Procurement Act 2023 Full Regime	5 & 6

Framework Agreements

3.4 Framework Agreements and Dynamic Markets (formerly Dynamic Purchasing Systems [DPS]) allow public bodies to access a list of pre-approved suppliers, from which they can Direct Award or undertake a Further Competition against the framework to appoint a supplier.

There are many existing Frameworks available that MWDA can access and utilise to appoint a supplier, should they choose to do so. Frameworks and DPS's established under PCR15 will remain accessible and can be utilised until their term expires and the previous regulations (PCR15) will continue to apply to the Frameworks and any contract procured against them.

A framework can be used for any value of procurement, therefore replacing the Procurement Processes outline in 'Step 2', however, there may be restrictions imposed by the Framework Provider that need to be adhered to.

When utilising a Framework, the process to follow will be dictated by the Framework provider and all information on how to appoint a supplier from the framework will be available from the Framework Provider.

Step 3 – Contract award

3.5 Following the completion of a procurement process, formal issue of a Contract Details Notice is required for contracts with a value in excess of £30,000 (inc VAT), no later than 30 days from the day after the notification of award of the contract (below threshold) or the standstill period ends (above threshold) containing specific information prescribed by the Procurement Act 2023, including the name and address of the contracting authority, the name and address of the winning bidder, the value of the contract, and a summary of the reasons for the award decision.

Procurement Waiver

3.6 Officers can make a request for approval not to follow the Contract Procedural Rules, due to there being an ‘Exception’ (as defined in Section 2.19) or due to exceptional circumstances which prohibit the adoption of normal procurement processes (e.g. the failure of a key or critical supplier and need to put in place alternative short-term arrangements). The Procurement Waiver form (Appendix 7) is to be completed and approval by the Chief Executive Officer must be sought prior to the procurement being initiated.

Data sharing agreements

3.7 Whenever MWDA, as the Controller of Personal Information, shares that personal information with a third-party organisation (as the Processor), the contract must be supported by a Data Sharing Agreement (DSA). Advice should be sought from the Data Protection Officer.

4. Appendices

Appendix 1 – Process Decision Map

Appendix 2 - Route B - RFQ

Appendix 3 – Route C - Below Threshold Open Procedure

Appendix 4 – Route D - Below Threshold Closed Procedure

Appendix 5 – Route E - Above Threshold Open Procedure

Appendix 6 – Route F - Above Threshold Competitive Flexible Procedure

Appendix 7 – Procurement Waiver Form

Appendix 8 – Specification Guidance Document

Appendix 9 – Clarification Log Template

Appendix 10 – Evaluator Guidance

Appendix 11 – Evaluator Scoring Template

Appendix 12 – Procurement Initiation Document

Appendix 13 – Contract Award Report – PCR15 Further Competitions

Appendix 14 – Contract Award Report – Procurement Act 2023

All documents are saved with the Authority’s CRM Document Library

ARTICLE 5

INFORMATION PROCEDURAL RULES

ARTICLE 5 - TABLE OF CONTENTS

1. SCOPE AND DEFINITIONS

These rules apply to all meetings of the Authority and its committees. The terms used in these Procedural Rules are as defined in the Authority Procedural Rules, unless the context otherwise demands

2. RIGHTS TO ATTEND MEETINGS

2.1 Members of the public may attend all Meetings, subject only to the exceptions in these rules.

2.2 Recording of Meetings such as filming, photographing, and/or audio-recording is permitted in accordance with the Authority's Protocol on Reporting at Meetings.

3. NOTICE OF MEETING

The Authority will, subject to Rule 4.2, give at least five clear days' notice of any meetings.

4. ACCESS TO AGENDA AND REPORTS BEFORE MEETING

4.1 The Authority will make copies of the agenda and all reports as are available, open to the public available for inspection at its offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the Summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to Members) will be open to inspection from the time the item was added to the agenda

4.2 A meeting may be called at shorter notice in exceptional circumstances as determined by the Proper Officer, but the agenda and reports must be made available for public inspection from the time the meeting is convened.

5. SUPPLY OF COPIES

The Authority will supply copies of any agenda, reports and background papers which are open to public inspection, to any person on payment of a charge for postage and any other costs.

6. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Authority will make available copies of the following for up to six years after a meeting:-

(a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) the agenda for the meeting; and

(c) reports relating to items when the meeting was open to the public.

7. **REPORTS AND BACKGROUND PAPERS**

7.1 Authority Reports

Reports prepared by officers in relation to Key Decisions and included in the agenda for a meeting will provide Members with sufficient detail for Members to take an informed decision. Reports will be in a format approved by the Proper Officer and will normally include:

i. Title and Unique Reference
ii. Recommendation (First Page)
iii. Any restriction on publication (Exclusion of the Public)
iv. Meeting Date
v. Purpose of the Report
vi. Background
vii. Body of the Report
viii. Risk Implications
ix. HR Implications
x. Environmental Implications
xi. Financial Implications
xii. Legal Implications
xiii. Conclusion
xiv. Contact Officer
xv. List of Background Papers

7.2 List of Background Papers

Every report will contain a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the officer responsible for the report:-

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or Confidential Information (as defined in Rules 8.3 and 8.4).

7.3 Public Inspection of Background Papers

The Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

8. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

8.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

8.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1988 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

8.3 Meaning of Confidential Information
Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed because it is prohibited by an enactment or a Court Order.

8.4 Meaning of Exempt Information
Exempt information means information falling within the following 7 categories (subject to any condition) if the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

	Category	**Condition**
1.	Information relating to any individual	Information is not exempt unless it relates to, and is recognisable as, referring to a particular individual.
2.	Information which is likely to reveal the identity of an individual	Information is not exempt unless it is likely to be recognisable as referring to a particular individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt if it must be registered under various statutes.
4.	Information relating to any consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Information within Paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the Authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in Paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act

	Category	Condition
		1974, i.e. matters which may be the subject of a trade dispute.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
6.	Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Information within Paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

9. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 8, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

10. PROCEDURE ON THE MAKING OF KEY DECISIONS

A Key Decision may not be taken unless:-

(a) a notice (here called a forward plan) has been published in connection with the matter in question; and

(b) at least 3 clear days have elapsed since the publication of the forward plan.

11. THE FORWARD PLAN

11.1 Period of Forward Plan

Forward plans will be prepared by the Chief Executive to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan. The most recent forward plan shall be taken to have superceded each and every earlier plan.

11.2 Contents of Forward Plan

The forward plan will contain matters which the Chief Executive has reason to believe will be subject of a key decision to be taken by the Authority. It will describe the following particulars insofar as the information is available or might reasonably be obtained:-

(a) the matter in respect of which a decision is to be made;

(b) the date on which, or the period within which, the decision will be taken;

(c) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(d) the means by which any such consultation is proposed to be undertaken;

(e) the steps any person might take who wishes to make representations to the Authority about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

(f) a list of the documents submitted to the decision taker for consideration in relation to the matter.

Exempt information need not be included in a forward plan and confidential information cannot be included.

12. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, the decision may still be taken for reasons of urgency (as defined in the Authority Procedural Rules (Rule 4.3.4 and 23) or if the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates. Where such a decision is taken, it must be taken at a public meeting unless Confidential Information or Exempt Information will be considered.

13. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

13.1 In addition to the rights of Members of the Authority under Section 100F of the 1972 Act, but subject to paragraph 2 below, the following persons shall be entitled on application to the Proper Officer, to inspect any documents or have access to other information of the following descriptions:

(a) any Member of the Authority; any document in the possession or under the control of the Authority in relation to which a Committee, of which he/she is a member, may discharge a function of the Authority;

(b) any Member of the Authority; any document or other recorded information in the possession or under the control of the Authority, access to which is necessary for the proper discharge of his/her functions as a Member of the Authority provided that:

(i) no person shall be entitled to inspect any document or have access to any information relating to any matter in which he/she has a personal or prejudicial interest and which would have prohibited the Member(s) from speaking and voting on a matter at a meeting;

(ii) a person may be refused the right to inspect a document which it is not necessary for him/her to inspect for the purposes of the proper discharge of his/her function as a Member of the Committee in question, if there is good reason why such inspection should be refused;

(iii) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high or during such period as the giving of access would unreasonably disrupt the work of the Authority;

(iv) where information which is provided to a Member (either upon request or as part of a report under consideration by the Authority or a committee of the Authority) is confidential to the Authority then that information will be kept confidential by the Member and will not be disclosed to any other person or body.

13.2 In the case of any document other than a document to which the rights under Section 100F of the 1972 Act apply and in any case of information which is not in the form of a document, if the Proper Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a Member of the Authority or as a Member of a Committee as the case may be) of the person requesting such access, and there is good reason why access should be refused, he/she may refuse the person concerned access to the document in question.

13.3 Where a person inspects a document under the rights conferred by Section 100F of the 1972 Act or this Procedure Rule and the Authority may lawfully make a copy of that document, he/she shall be entitled on request to be given a copy of that document provided that:

a) a reasonable charge shall be made for the copy unless the Proper Officer otherwise directs;

b) a copy may be refused if the Proper Officer considers that it is impracticable to make a copy.

13.4 A Member of the Authority may attend, as an observer, any meeting of a Committee, of which he/she is not a member, whether in public or private business and the attendance of that member at that meeting may be recorded in the minutes.

13.5 With the agreement of the person presiding at a meeting of a Committee, any member attending as in 13.4 above may be allowed to speak on any item before the Committee, but not vote, such agreement to be sought prior to the commencement of that meeting.

ARTICLE 6

PROTOCOL FOR REPORTING AT MEETINGS

ARTICLE 6 - TABLE OF CONTENTS

1 Introduction

Merseyside Waste Disposal Authority is committed to openness and transparency in how it conducts its business. This Protocol sets out its approach to certain types of reporting at Authority meetings. It outlines some basic principles and practical points aimed at balancing the requirements of those wishing to report the meeting and those attending and taking part.

This Protocol supports the Authority's Information Procedural Rules which governs access to information and the Authority Procedural Rules which sets out how meetings are conducted. Members of the public who wish submit questions to Authority meetings should follow the process set out in those documents.

2 Reporting

The Local Government Act 1972 provides that individuals may carry out reporting at meetings of local government bodies. This Protocol is primarily concerned with reporting that involves filming, photographing, and/or audio-recording of meetings.

3 Before the meeting:

There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact the Clerk and Monitoring Officer (see contacts below) to ensure that suitable arrangements can be made to accommodate you.

There will be a designated area in the meeting room for you to observe the meeting and to allow you to film, photograph and/or audio-record it. Wherever possible you will have access to a seat (although this may depend on how much space is available).

The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to being filmed, photographed and/or audio-recorded by you.

You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

4 During the Meeting:

The Chair will announce at the beginning of the meeting that the meeting is being filmed, photographed and/or audio-recorded. He or she will then ask attendees whether they agree to be filmed, photographed and/or audio-recorded to allow them to register a personal objection. If anyone has a personal objection then the Chair can temporarily suspend filming, photographing and/or audio-recording to allow attendees to have their say. Note: this does not apply to Members and officers.

If the Chair considers that the filming, photographing and/or audio-recording is disrupting the meeting he/she can instruct you to stop doing so. Therefore, it is worth noting that your equipment should not be noisy or otherwise distracting (e.g. flash and spotlights can be problematic).

You will not normally be allowed to give a spoken commentary during proceedings as this is highly likely to be disruptive.

If you refuse to stop filming, photographing and/or audio-recording when requested to do so, the Chair may ask you to leave the meeting. If you refuse to do so then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. There are provisions in the Authority Procedural Rules that allow this.

When the meeting is officially closed by the Chair you must stop filming, photographing and/or audio-recording.

5 Exclusion from Meetings:

The majority of the Authority's decision-making takes place in meetings open to the public and press. You may only be excluded from a meeting when issues are being considered that involve confidential or exempt information (as defined in Section 100 of the Local Government Act 1972).

Even if you are excluded you will know the nature of the business to be dealt with while you are excluded from the meeting and the decision will be made known after the meeting.

No filming, photographing and/or audio-recording is permitted during any exclusion. All equipment for filming, photographing and/or audio-recording must be removed from the meeting room.

6 Contact Officer:

Paula Pocock
Authority Clerk
Merseyside Waste Disposal Authority
7th Floor, No.1 Mann Island
Liverpool L3 1BP

Tele: 0151 255 1444
Email: paula.pocock@merseysidewda.gov.uk

ARTICLE 7

CODE OF CONDUCT FOR MEMBERS

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The Merseyside Waste Disposal Authority ("the authority") has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members.

The Code has been adopted voluntarily and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members of the authority, together with provisions about registering and declaring interests.

1 Interpretation

In this Code:-

"member" includes a co-opted member.

"meeting" means any meeting of:

(a) the Authority or any of its committees;
(b) any briefing by officers; or
(c) any site visit to do with business of the Authority

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

2 General obligations

When acting in your role as a member of this authority you must act in accordance with the following obligations:

Selflessness
You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity
You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Objectivity
When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or

benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

Accountability
You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

Openness
(a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.
(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

Honesty
(a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out below.

(b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Respect for others
(a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
(b) You must not do anything which may cause your authority to breach any equality laws.
(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.
(d) You must not bully any person, including other councillors, officers of the authority or members of the public.

Leadership
You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

3 Registration of Interests

You must within 28 days of:

(a) this Code being adopted by this authority; or
(b) your election or appointment to office (where that is later)

Register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Disclosable Interests).

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer of that new interest or change.

4 Declaring of Interests and Participation in Meetings

If you are present at a meeting and you have a Disclosable Pecuniary Interest as set out in Appendix A

(a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;
(b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
(c) you must leave the room where the meeting is held during any discussion or vote;
(d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Where a matter arises at a meeting which relates to an interest in Appendix B

(a) you must not vote on the matter;
(b) you may speak on the matter only if members of the public are allowed to speak at the meeting;
(c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.

Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix A, but in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours

(a) you must declare the interest;
(b) you must not vote on the matter;
(c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

5 Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a “sensitive interest”, you need only declare the fact that you have an interest but not the details of that interest. Copies of the public register of interests may state you have an interest the details of which are withheld.

6 Gifts and Hospitality

There will be no requirement for you to declare or register any gifts and hospitality but DO NOT accept any gifts in excess of £50 (fifty pounds).

7 Appendices

APPENDIX A

DISCLOSABLE PECUNIARY INTERESTS

This code requires members to register, disclose and not to participate in respect of any matter in which a member has a “Disclosable Pecuniary Interest” as defined in Chapter 7 of the Localism Act 2011. Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Whilst Merseyside Waste Disposal Authority is not listed as a “Relevant Authority” in the above act, the following list of Disclosable Pecuniary Interests should be treated as if it were for the purposes of this Code.

A Disclosable Pecuniary Interest is an interest of you (i.e. the member) or of your partner (which means spouse or civil partner or a person with whom you are living as husband or wife, or as if you are civil partners) within the categories below*:

Subject	***Prescribed description***
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member of a relevant authority in carrying out duties as a Member, or towards the election expenses of a/the Member of the relevant authority.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. **this means a firm in which the relevant person is a partner or a body coporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest*
Land	Any beneficial interest in land which is within the area of the relevant authority*. **land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.*
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the relevant Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the relevant Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**The provisions in the Code in respect of the registration and declaring of Disclosable Pecuniary Interests and the requirement to withdraw from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and to those of your spouse or civil partner or a person with whom you are living as a spouse or civil partner where you are aware of their interest*.

APPENDIX B

OTHER DISCLOSABLE INTERESTS

An interest which relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by this authority or your principal authority.

(ii) any body

(a) exercising functions of a public nature;
(b) directed to charitable purposes; or
(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

ARTICLE 8

CODE OF CONDUCT FOR EMPLOYEES

ARTICLE 8 - TABLE OF CONTENTS

This document outlines the standards of conduct expected from employee's incompliance with this Code of Conduct. The Code cannot cover examples of every specific instance which may arise in the course of employment but sets out the general and in some cases the specific standards which are to be met by all employees.

The Code of Conduct applies equally to all employees irrespective of their role, grade, or status. Certain aspects of the Code e.g.; Political Restriction, will however have more particular relevance to senior or other designated employees.

Elements of the Code apply to employees who are seconded to other organisations and will be applicable to individuals seconded to Merseyside Waste Disposal Authority (The Authority).

Agency staff or staff engaged under partnership arrangements will be expected to be familiar with the content of this Code of Conduct and undertake their duties in compliance. For the purpose of this document the term "employees" is inclusive of these individuals.

Employees in the Local Government Service are bound by certain rules and regulations, in some instances, by legislation, in others by Conditions of Service and the Constitution and Procedure Rules, and all by the terms of their individual contract of employment.

Local Government is a public service, and it is important that every employee conducts themselves in a manner which is beyond reproach and can be defended in the face of public criticism.

1 LINKS TO ASSOCIATED PROCEDURES

The Code of Conduct has been developed to be used as a general guide and will have links to other associated procedures that may also regulate or guide the standards of conduct expected of employees. There are numerous procedures within Human Resources, Health and Safety, Finance, Information Technology, Service Standards, Authority Constitution and Procedural Rules, Procurement and Equalities that will have close links to this Code of Conduct.

2 STANDARDS

Employees in Local Government are expected to give the highest possible standard of service when dealing with the public and other organisations. Where it is a part of employees' duties to provide advice to Elected Members or other employees this should be done appropriately and with courtesy and impartiality.

Employees should bring to the attention of their Chief Executive, Director or Section Manager any deficiency in the provision of a service which they feel could be properly eliminated or improved, any impropriety or any breach of procedure.

3 PROFESSIONAL STANDARDS

There is an obligation on all employees to adhere to rules and standards set by relevant professional bodies or institutions which govern the conduct of their members. Employees who are members of a professional body should offer advice and carry out their duties in accordance with the professional standards of appropriate body or institution. In some circumstances however, the Authority may determine its own standards which may complement or exceed those set by other bodies.

4 POLITENESS AND COURTESY

People generally respond positively to courtesy, and are more willing to co-operate.

This can reduce tension and assist employees to do their job more efficiently. Being polite and courteous also reduces the risks of assault. It is expected that employees conduct themselves with politeness and courtesy when dealing with colleagues, partners, service users of Authority facilities and visitors to the Authority at all times.

5 IDENTIFICATION

Employees should wear identification badges at all times during working hours unless official exemption has been given due to the nature of their work. When answering the telephone employees should use the correct salutation in accordance with the Authority's customer care protocol.

When visiting on business employees should state who they are, where they are from, the purpose of the visit, and the expected or approximate duration of the visit.

A warrant or right of entry documentation should be shown when required.

If possible or practicable employees should make arrangements in advance of visits especially where elderly or infirm clients are involved. Employees should always inform their manager, a colleague or appropriate person of the arrangements for outside visits in case of emergency.

In certain circumstances it may be necessary to ensure such visits are in the presence of another employee.

6 IMPLIED CONDITIONS OF THE CONTRACT OF EMPLOYMENT

Implied terms in any contract of employment are those aspects of it which are not prescribed in some specific way or other (i.e. in writing or in some oral form) which are intended to be binding on both the employer and employee but which form part of the contract.

The main implied terms which affect employees are:

The Duty of Fidelity

The expected loyalty of employees to the employer in the carrying out of a 'contract' to ensure there is no deliberate or negligent actions or omissions which could damage the business prospects or reputation of the Authority or in any way bring the Authority into disrepute.

Such actions could include improper behaviour when on Authority business, using information obtained through employment with the Authority to benefit self/another organisation, or to damage the integrity of the Authority.

The Relationship of Confidence and Trust

Any conduct or action which is likely to destroy or seriously damage the relationship of confidence and trust which must exist between the Authority and its employees will be in breach of this term.

Conduct which brings the Authority into disrepute could include actions committed outside work which has a bearing on employment e.g. fraud or theft.

Duty of Care

Every employee has a duty of care towards the Authority.

Care in this instance is defined as the requirement for employees in their particular occupation to utilise their skills, ability and knowledge (for which they are employed)to the best interest of the Authority.

7 MANAGERIAL RESPONSIBILITIES

Managers at whatever level in the organisation, have particular positions of trust greater than employees without these responsibilities. Terms detailed or implied in their contracts of employment place additional emphasis on behaviour and responsibility. Managers should therefore, set an example to other employees in observing the rules and practices of the Authority.

Obligation to Serve Faithfully

Managers are entrusted to exercise discretion and judgement when carrying out their duties.

When exercising discretion managers must have full regard to the Authority's legal obligations, Procedure Rules, rules of employment and expected standards of conduct and behaviour as they apply to their particular work area.

The contract of employment between Officer and the Authority is breached when managers commit or omit an act, not in the honest exercise of discretion or choice, but in order to disrupt or inconvenience the Authority's business.

Duty to Disclose

All managers are responsible for monitoring the conduct of employees under their control. Where there appears to be evidence of a serious breach of the contract of employment on the part of an employee or employees then managers have a duty to disclose such a breach to their relevant senior manager in order that the appropriate action may be taken.

8 CONFIDENTIALITY AND TRANSPARENCY

Employees who are responsible for information relating to customers and / or service users must maintain the confidentiality of such information. All paper and electronic information collected must be held in a secure and confidential environment and managed in accordance with relevant codes of practice.

Certain information must by law be open, e.g. under Section 100D of the Local Government Act 1972 and under the relevant statute or common law information must be made available to Elected Members, District Auditors and or the Public, There are also obligations to disclose information under the Freedom of Information Act 2000.

Employees who are requested to provide information to any of these parties, must seek clarification in the first instance from their manager who may refer the matter to the Authority's Legal Officer for advice.

9 POLITICAL NEUTRALITY

The Authority is the employer and requires employees to implement its policies.

This must be done equitably and employees must not allow personal or political opinions to interfere with the duty to implement the lawful policies of the Authority.

Where employees are expected to advise Elected Members, they are required to conform to this Code of Conduct.

10 POLITICALLY RESTRICTED POSTS

Under the Local Government and Housing Act 1989, Local Authority employees holding politically restricted posts (as defined below) are disqualified from elected membership of any Council (other than a Parish Council), from being an MP or an MEP or to hold office in a political party. Neither must employees canvass at any election or poll and/or speak or write in public in a way which can be construed to affect public support for a political party.

The posts under this restriction are:

a) The Chief Executive of Waste Disposal and Directors

b) All posts graded at spinal column point 44 (or equivalent) salary and above;

c) All posts which meet the duties-related criteria for determining a "sensitive" post irrespective of remuneration level. These posts are defined as those which;

-give advice on a regular basis to the Authority, to any committee or sub-committee of the Authority, to any joint committee on which the Authority are represented.

-speak on behalf of the Authority on a regular basis to journalists and broadcasters

Employees who wish to apply for exemption from these restrictions should formally consult both the Chief Executive and the Assistant Corporate Services Manager.

11 RELATIONSHIPS

Elected Members

Both Councillors and Authority Employees are servants of the public, and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts.

Authority Employees are responsible to Merseyside Waste Disposal Authority. Their job is to carry out the Authority's work under the direction and control of the Authority, the Chief Executive and, Committees and sub-committees.

Mutual respect between Councillors and Authority Employees is essential for good local government. Close personal familiarity between individual Councillors and Authority Employees can damage the relationship and prove embarrassing to other Councillors and Authority Employees.

It is important to realise that local government employees should not use personal relationships with Elected Members to influence or attempt to influence any decision making process of the Authority or to interfere with the proper implementation of Authority decisions. Nor should Elected Members use personal relationships with employees to interfere with or gain advantage over the proper running of the local government service.

In the case of the Chief Executive any relationships of the above type must be reported to the Authority.

Contractors and Suppliers

Relationships that exist or have existed between Officers with contractors or suppliers, or with potential contractors or suppliers, whether financial or non-financial must be declared. Contractors and suppliers must be dealt with in a fair and equitable manner and no advantageous, disadvantageous or prejudicial treatment given to individuals. This is in addition to the statutory responsibilities of all Authority Employees under the provisions of Section 117 of the Local Government Act 1972

Employees who engage or supervise contractors or suppliers and are involved with suppliers or contractors with whom they previously had or currently have a relationship in a private or domestic capacity must declare that relationship (as soon as they become aware of it), in writing to the Chief Executive.

Contractors and suppliers must not be used in a private or domestic capacity by any employee who has had or is having an official relationship with the contractor or supplier where the employee may benefit from that relationship. If any relationship becomes unavoidable, for example if the domestic relationship preceded the Authority's business relationship then the circumstances of the private or domestic relationship must be declared to the Chief Executive using the appropriate form i.e.

Registration of Personal Interests.

Contractors and suppliers of the Authority must not be approached by employees in any capacity, to provide goods and services at preferential rates by virtue of employees' dealings on behalf of the Authority. This does not apply to employees purchasing goods or services at normal rates from Authority suppliers in their capacity as a member of the public.

Exceptions to the above are those organisations who have been approved or authorised by the Authority to offer preferential rates for their goods and services to all employees of the Authority.

Appointments/Promotion/Discipline

Appointments or promotions must be made in accordance with the Authority's Recruitment, Selection and Retention Policy. Employees involved in these processes must declare to their manager any personal, social or other relationship with any candidate over whom a decision is required. It is unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post.

Candidates for all appointments are required to disclose on their application forms whether they are related to any Elected Councillor or employee of the Authority.

All employees graded above scp 28, or who receive a rate of pay in excess of that must disclose to their manager any relationship known to exist between themselves and any candidate for appointment with the Authority.

Similarly, irrespective of an employee's grade, caution and judgement must be exercised if they are involved or potentially involved in decisions relating to Human Resources Procedures which involve another employee with whom they have a personal, social or other relationship.

Management / Staff /Private Business Relationships

Given the wide range of skills of Authority employees, there may be occasions when employees carry out private work for other employees either on a voluntary or paid basis. This is generally, but not exclusively within technical or craft areas (e.g.bricklaying, joinery, plumbing, building drawings, gardening etc). The above of course is subject to employees complying with their obligations contained elsewhere within the Code of Conduct.

However, problems could occur if employees undertake work or activities of this kind for managers. Such relationships may influence a manager's judgement in relation to employment matters or be perceived by others as doing so.

Managers should therefore not have staff undertake private work for them.

12 DATA PROTECTION

Under the Data Protection Act 1998 employees have a legal obligation to safeguard personal data in their care and treat it in accordance with the provisions of the Act.

All personal information which is held and accessed in the course of employees' duties must be treated as confidential. It must not be disclosed to a third party without authorisation or permission of the party concerned. Employees must abide by the Authority's Data Protection policy and other relevant codes of practice in relation to data held about service users, employees or members of the public.

13 OUTSIDE COMMITMENTS / ADDITIONAL EMPLOYMENT

Employees graded above spinal column point 28 or who are above that corresponding pay level must not engage in other employment or engage in any other business without the express permission of the Authority.

Ordinarily, employees graded below scp 28 do not have to seek permission to engage in other employment or other business. However, the Authority subscribes to the Working Time Regulations (1998, as amended) and will take an interest in the number of hours that employees work above those contracted to the Council. The Council's Working Time Policy statement requires employees to notify their manager of any additional work undertaken. Managers will be expected to monitor the number of hours employees work within this category and should bring any issues they feel appropriate to their own manager, Chief Executive or The Assistant Corporate Services Manager.

The Authority also has a duty of care to its employees and recognises that working excessive hours may be a contributory factor to employee’s ill health and may have an adverse effect on their ability to perform their substantive duties at the Authority.

All employees irrespective of grade or status must not involve themselves in any organisation or business on a regular or casual basis, which carries out work on behalf of the Authority or on Authority property, nor must they hold any financial or business interest in any such organisation. In addition, if family are so involved then the family and business relationship must be declared to the Chief Executive using the appropriate form i.e. Registration of Personal Interest.

If clarification is required on this matter then advice should be sought from the Assistant Corporate Service Manager and if necessary discussed with the Chief Executive, and, the relevant Director.

Guidance is available at paragraph 22 of this Code of Conduct should employees seek to engage in outside commitments / additional employment.

14 REGISTRATION OF PERSONAL INTERESTS

Senior Officers (Director and above) must make an annual declaration of any personal interests they may have. Senior Officers will be expected to make a declaration annually, even if it is simply to formally state that they have no interests to declare.

In addition certain Senior Officers as deemed appropriate by the Chief Executive will also be expected to make similar declarations. These declarations will be from Senior Officers involved in the procurement function, dealing with contractors or suppliers or those involved in sensitive dealings with the public.

All employees irrespective of grade or status must declare to the Chief Executive any interest that could bring about conflict with the Authority’s interests e.g. acting as a school governor or involvement with any organisation or pressure group which may seek to influence the Authority’s policies, and/or seek funding grants.

All employees irrespective of grade or status must declare any financial interests in organisations which could conflict with the Authority’s interests.

Employees who are members of organisations not open to the public and which have secrecy about rules, membership or conduct, must declare this membership to the Chief Executive, using the appropriate form i.e. Registration of Personal Interest.

In the case of the Chief Executive any personal interests of the above type must be reported to the Clerk to the Authority.

Guidance is available at paragraph 22 for employees wishing to register a personal interest.

15 USE OF AUTHORITY PROPERTY OR FACILITIES

Employees must not remove or use Authority property or facilities for personal requirements or for the benefit of others where the work of the Authority is not involved.

Use of Authority buildings or property outside your normal duties and hours of work must be fully authorised and open to security.

Employees must not conduct business or work connected with an outside business or organisation during Authority time. Employees must not involve colleagues or request them to carry out such work.

16 COPYRIGHTS, DESIGNS AND PATENTS

Any inventions, creative design, writing or drawings which are produced as part of normal duties or as an obligation are the property of the Authority and must not be passed to outside organisations or persons.

Employees must not market or sell any invention, creative design, writing or drawing which has been produced or used during their period of employment with the Authority.

17 EQUALITY ISSUES

All employees have an obligation to ensure that they comply with the requirements of the law and Authority policies relating to equality and respect at work.

18 INVOLVEMENT IN THE TENDERING PROCESS

Employees involved in the tender process for Authority services or in the procurement of goods and services should fully understand the current Authority's procedures and practices and be conversant with the Authority Procedural Rules. If employees are unclear, they should seek guidance from their manager.

Employees, when dealing with customers, suppliers, contractors and sub-contractors, must do so in a fair and impartial manner.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors or suppliers must not disclose that information to unauthorised parties or organisations.

You must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

If a contract in which you have a pecuniary interest, whether direct or indirect not being a contract to which you are yourself a party, comes before the Authority, you must give notice of your interest at the earliest opportunity on the appropriate form.

In the case of the Chief Executive any interest of the above type must be reported to the Authority.

19 CORRUPTION

It is a criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for providing or not providing anything or showing favour or disfavour in their official capacity to any person.

20 FINANCIAL RESOURCES

Employees who are responsible for financial resources of the Authority must ensure that they are used in a responsible and lawful manner, thus ensuring Best Value to the taxpayer and avoiding legal challenge to the Authority.

Employees must ensure that all Authority Standing Order and Procedural Rules are observed when handling or dispensing financial resources.

21 HOSPITALITY AND GIFTS

The circumstances surrounding the provision and receipt of gifts and hospitality area is a sensitive issue in all aspects of the public service. For obvious reasons employees should exercise extreme caution when offered any form of gift or hospitality connected to their duties. The following set out some guidelines but it is essential that employees seek the earliest clarification from their manager before acceptance if there is any doubt.

HOSPITALITY

Official Hospitality

Some Officers will be expected to attend official functions and events on behalf of the Authority and sometimes will accompany Elected Members. It is the norm that hospitality will be provided by the host and it is quite acceptable and proper that this reasonable hospitality be accepted and there is no requirement for the officer to declare it.

Hospitality at Conferences, Seminars / Training Courses

A part of some officers' professional duties will be to attend conferences, seminars, briefings etc. As part of the fee, which is usually paid by the Authority, hospitality will be offered in the form of lunches, dinners or receptions. Provided that this is an integral part of the event there is no requirement to declare this.

At certain events organisations may provide hospitality over and above that included in the fee. This hospitality may be open to all or by select invitation. As a rule employees should declare all hospitality offered over and above that included in the event fee, albeit this may be in retrospect.

Day to Day Working / Hospitality

During officers' day to day business it is possible that an offer of hospitality will be made. This hospitality usually takes the form of refreshments. In these situations officers should exercise caution and professional judgement without causing offence to the other party.

Private / Recreational Hospitality

Hospitality may be offered to officers by organisations with speculative or established links to the Authority. This hospitality usually has a recreational base and includes golf events, football / rugby/ cricket games, theatre tickets, holidays, spa days etc., but could also extend to invitations to dinners and or events organised by institutions or consultants. This type of hospitality must be declined, and declared.

All declared hospitality or offers of hospitality will be recorded in the central register in the Corporate Services Section.

Declaration of Hospitality

To declare details of hospitality you should complete form DA1 as soon as possible. The form is available from the Corporate Services Section.

Details of hospitality (accepted or declined) will be entered into a register which will be maintained by the Corporate Services Section Resources. The record of hospitality which is declared or declined should be sent to the Corporate Services Section. If possible a value of the hospitality should be provided. Employees should always inform their Line Manager accordingly.

Gifts to Employees

With the exceptions outlined below employees are not permitted to receive gifts in their capacity as employees of the Authority. These include gifts for work undertaken, speaking engagements, gifts from organisations with links to the Authority, gifts provided at seminars / conferences, competitions connected to the employees work, etc.

Promotional gifts of insignificant value (e.g. pens, diaries, key rings, calendars etc.) are acceptable and employees will not be required to declare these.

Individual employees or the section within which they work, may also receive gifts from current and former colleagues. These gifts are usually in the form of souvenirs, flowers, confectionery, wine etc. These gifts are acceptable and there is no requirement to declare them.

All other gifts should either be declined or where this is not practical, declared to the Corporate Services Section who will arrange for the gift to be donated to an appropriate charity. Acknowledgement will be sent to employees declaring the gift or item.

Employees are reminded in all cases that where there is any doubt then guidance should be sought from the Assistant Corporate Services Manager, Line Manager or Chief Executive.

In the case of the Chief Executive any uncertainty as to the acceptability or otherwise of offers of hospitality should be discussed with the Clerk and Solicitor to the Authority.

22 REGISTERING A PERSONAL INTEREST / APPLICATION FOR PERMISSION TO ENGAGE IN OUTSIDE COMMITMENTS / ADDITIONAL EMPLOYMENT

Employees registering an interest or applying for permission to engage in outside commitments or additional employment should do so on the appropriate form which

is obtainable within the Employee Handbook, the Authority Intranet or from the Corporate Services Section.

In all cases employees' applications to engage in outside commitments or additional employment will be considered by and commented on in the first instance by the Director and Section Manager. This will then be submitted to the Chief Executive who will approve or disallow the request. The decision will be relayed to the employee in writing. Until such confirmation is received no commitments should be entered into.

Employees registering interests will receive acknowledgement and notification of specific action required to be undertaken in accordance with this Code of Conduct.

23 RECONSIDERATION

If employees are dissatisfied with the response of the Chief Executive then they may write to the Chief Executive requesting reconsideration of the issue. This should include any further evidence that may assist the Chief Executive.

ARTICLE 9

MEMBER / OFFICER PROTOCOL

ARTICLE 9 - TABLE OF CONTENTS

1. INTRODUCTION

1.1 The relationship between Members and Officers is an essential ingredient that goes into the successful working of the organisation. This relationship should be characterised by mutual respect, informality and trust. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Members and Officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Clerk to the Authority.

1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct.

1.3 "Officer" for the purposes of this Protocol includes all employees of the Authority.

1.4 “Member” for the purpose of this Protocol relates to those Councillors who have been nominated to represent their constituent district council on the board of Merseyside Waste Disposal Authority.

2. ROLES OF MEMBERS AND OFFICERS

2.1 The respective roles of Members and Officers can be summarised as follows:

2.2 Members

Members and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Authority. Their job is to give advice to Members and to the Authority, and to carry out the Authority’s work under the direction and control of the Authority and relevant Committees, etc.

Mutual respect between Councillors and Officers is essential to good local government.

Members have four main areas of responsibility:

(a) determining the policy of the Authority and giving it political leadership;
(b) monitoring and reviewing the performance of the Authority in implementing that policy and delivering services;
(c) representing the Authority externally; and
(d) acting as advocates on behalf of their constituents.

It is not the role of Members to involve themselves in the day-to-day management of the Authority’s services.

2.3 Members with Additional Responsibilities

Where Members have additional responsibilities, their relationships with officers may be different from, and be more complex than, those of Members without those responsibilities and this is recognised in the expectations they are entitled to have. However, such Members must still respect the impartiality of Officers and must not ask them to do work of a party political nature.

2.4 Opposition Members

As individual Members, all Members have the same rights and obligations in their relationship with Officers and should be treated equally. However, where a political group forms an administration it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers

The role of Officers is to give advice and information to Members and to implement the policies determined by the Authority.

In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. No Member should seek to pressure an Officer to make a recommendation contrary to the Officer's professional view.

Some officers have responsibilities in law over and above their obligations to the Authority and to individual Members. Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging their responsibilities.

3. **EXPECTATIONS**

3.1 Members can expect from Officers:

(a) A commitment to the Authority as a whole, and not to any political group
(b) A working partnership
(c) An understanding of, and support for, respective roles, workloads and pressures
(d) Timely response to enquiries and complaints
(e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers
(f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
(g) Awareness of, and sensitivity to, the political environment
(h) Respect, dignity and courtesy
(i) Training and development in order to carry out their role effectively
(j) Integrity, mutual support and appropriate confidentiality
(k) Not to have personal issues raised with them by Officers outside the agreed procedures
(l) That Officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly
(m) That Officers will at all times comply with the relevant Code of Conduct
(n) Support for the role of Members as the local representatives of the Authority

3.2 Officers can expect from Members:

(a) A working partnership

(b) An understanding of, and support for, respective roles, workloads and pressures

(c) Political leadership and direction

(d) Respect, dignity and courtesy

(e) Integrity, mutual support and appropriate confidentiality

(f) Not to be put under undue pressure or bullied. Members should have regard to the seniority of Officers in determining what are reasonable requests, having regard to the respective roles of Members and Officers, and the potential vulnerability of Officers, particularly at junior levels

(g) That Members will not use their position or relationship with Officers to advance their personal interests or those of others, or to influence decisions improperly.

(h) That Members will at all times comply with the relevant Code of Conduct

3.3 <u>Limitations on Behaviour</u>

The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

(a) Close personal relationships between Members and Officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception of others that a particular Member or Officer may secure advantageous treatment.

(b) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party political issues.

(c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an Officer favours that Member or group above others. The issue of Officer attendance and advice to political groups is specifically covered below.

3.4 <u>Support Services for Members</u>

The MWDA provides support services for Members :-

a. Development and training;

b. Supplementary ICT support coordinated with Districts as necessary

Members' subsistence and travel expenses are also paid in accordance with the MWDA scheme and legislation. Members may only claim expenses that they have actually incurred, and that they needed to incur for MWDA activities.

3.5 <u>Member Access to Information</u>

MWDA's Publication Scheme makes a clear presumption in favour of disclosure of information.

Information requested by Members should be supplied to them unless there are good reasons for withholding it in accordance with this Protocol, and those reasons are given in writing and copied to the Monitoring Officer. Information requested should be supplied accurately and quickly. In a few instances, the need to meet legal constraints, and to protect the Authority's and the public interest, may lead to contention.

The following paragraphs set out some guidance on how to resolve those issues.

They describe:-

- The circumstances in which Members have a legal right to access the information
- The limits to those legal rights
- The process that will determine a dispute

Under the "need to know" principle, Members are entitled to the information that they reasonably require to enable them to discharge their functions as Members. They are not entitled to go on fishing expeditions through Authority files. Statute law and the Constitution give Members rights of access to certain Authority documents.

Members do not have a general right to require Officers to carry out research or administrative work to provide information, apart from Officers whose job is to provide such support to Members. Unless they have authority to do so by virtue of their specific role, they cannot require resources to be reallocated for work of this kind.

Members are entitled to publicly accessible information, and personal information about themselves, like any other member of the public (for example under the Data Protection Act or the Freedom of Information Act). Members may be authorised by a member of the public to access information on their behalf, but the authority must be in writing clear and explicit.

An Officer may require a Member to undertake that the information will be treated as confidential before supplying it, and may refuse to supply it if the undertaking is not given. Reasons for confidentiality should be given in writing and subject to the Right of Appeal to the Monitoring Officer.

Information provided by Officers should be prompt and accurate.

Any Member who is dissatisfied with the decision to withhold information should complain to the Chief Executive, who may take legal advice. If the Member disagrees with the decision of the Chief Executive they can place the matter before the Authority, or raise it with the District Auditor.

3.6 <u>Confidentiality</u>

Members and Officers must keep confidential information and papers confidential. This means not sharing them with anyone.

MWDA papers marked “exempt” and “confidential” are to be treated as confidential. Other information may be confidential because it is against the Authority’s or the public interest to disclose it or because of the circumstances in which it was obtained.

Information about someone’s private or business affairs will normally be confidential, as will their correspondence with the Authority.

Officers should make it clear to Members if they are providing them with confidential information. If a Member is uncertain about whether or not information might be confidential, he or she should seek guidance from the Monitoring Officer, and in the meantime treat it as confidential.

If a Member receives confidential information but think it should be released on a “whistle-blowing” basis in the public interest, he or she must check with the Chief Executive, Monitoring Officer or Clerk or the appropriate external Regulatory Authority before deciding to release it.

3.7 Correspondence

Only the Chair and Deputy Chair can write official letters on behalf of the Authority (that is to say a letter intended or appearing to be written on behalf of the Authority as a body, as opposed to on behalf of an Individual Member) although generally Officers will handle correspondence of all kinds. Members writing official letters on behalf of the Authority must use a style which distinguishes this from the letters written in their personal or political capacities. Other Members’ letters are written in personal or political capacities.

A Member can ask an Officer to keep their correspondence private. If the Officer cannot do this (because they are under an obligation to someone else, or under the Constitution, or because the Authority ought to respond to the issue raised in a different way) they must make this clear straight away. Otherwise, the Officer must observe confidentiality.

Unless correspondence is private, Officers may copy letters of general interest to the relevant Executive Member or Committee Chair. They should always state that they are doing this on the letter itself. Officers should never copy Members’ correspondence to other Members secretly.

Officers should be aware that Members may circulate their letters to the public unless requested not to do so.

If an Officer needs to reproduce and communicate an oral conversation with a Member in written form, he or she will copy the correspondence to the Member concerned as a matter of courtesy.

Officers should respond to correspondence from Members within 5 working days.

Reference in this section to correspondence includes all e-mails.

3.8 Staffing Matters

Members may be formally involved in staff recruitment, disciplinary and grievance issues as a member of a panel. That apart, Members should not become personally involved in such matters. Officers should not raise individual personal issues with Members concerning their jobs.

If a Member received a “whistle blowing” disclosure from an employee he or she should pass it on in accordance with the Whistle Blowing Policy.

3.9 Authority Property

Individual Members do not have a general right to visit Authority premises or land that is not open to the public.

Members may have a “need to know” what is happening on Authority premises in the same way as they have access to other information. This will entitle them to visit premises for specific purposes such as scrutiny. If Members do visit premises, they should normally make themselves known to the person in charge.

3.10 Attendance at Meetings

Members may wish Officers to attend public meetings to provide them with support. This is subject to the certain principles set out in the Code of Conduct for Employees and summarised below:-

- Officers cannot become involved in political debate. This includes public meetings at which Members are not present.
- Officers will be able to explain particular proposals and issues but technical Officers are not expected to deal with issues outside their area of knowledge.
- Officers will not normally attend such meetings after the publication of notification of election.
- Attendance will be approved by the Chief Executive or appropriate Director in accordance with corporate guidelines if any are set.

Officers may be invited to public meetings by local people or organisations. If so, they should consider whether any Members, especially Ward Members, should be notified.

3.11 Avoiding Political Publicity

Literature and other material produced by any Officer or anyone using MWDA facilities:-

- Must not promote or denigrate a political party
    - e.g. (“Councillor says Conservatives have got it wrong” is not acceptable).
- Must not promote or denigrate policies that are clearly those of a political party

    - e.g. (“Chairman says Government should give councils more money for Waste” is acceptable, whereas “ Member says Labour should raise taxes to spend more on waste” is not).
- Must not emphasise the political group or party to which a Member belongs by use of large font, unnecessary repetition, design features etc. A single incidental, low-key reference to political party or group may be permissible. Anything else will not be.
- Must not include slogans, strap lines, logos or other design features identifiable with a political party.
- Must be “objective, balanced, informative and accurate” and avoid oversimplification and sloganising.
- Must not consist of campaigning or persuasive material, as opposed to informative material, except where this is a legally acceptable Authority function (“Register for HWRC Permit” is acceptable, but “Ban fox hunting” is not).
- May only contain quotes from, or photographs of, Members, insofar they are relevant to their roles as Members. Chair, Deputy Chair or Group Leaders and Opposition Spokespersons are therefore in a different position from others.

There should not normally be a problem providing support to Members attending to District matters, such as responding to individual constituent’s complaints and enquiries, helping to solve individual problems, or dealing with local waste issues.

4. POLITICAL GROUPS

4.1 The operation of political groups is an integral feature of Local Government, and such political groups can have an important part to play in the development of policy and the political management of the Authority. It is appropriate that the Authority support the effective operation of political groups, when formed, but their operation can pose particular dangers in terms of the impartiality of Officers.

4.2 Reports

Political groups may request the Clerk to prepare written reports on matters relating to the Authority for consideration by the group.

Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports will not deal with any political implications of the matter or any options, and Officers will not make any recommendation to a political group.

Where a report is prepared for a political group, the Clerk will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

4.3 Officer Attendance

a) Any political group may request the Clerk to attend a meeting of the group to advise on any particular matter relating to the Authority.

b) The Clerk may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Advice will not deal with any political implications of the matter or an option, and Officers will not make any recommendation to a political group.

d) Where an Officer attends a political group meeting, the Clerk will advise all other groups that the Officer has attended and the subject upon which he/she has advised.

e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

5. <u>WHEN THINGS GO WRONG</u>

5.1 <u>Public Criticism</u>

Members and Officers should not criticise or undermine respect for the other at Authority Meetings or at any other meeting they attend in their capacity as a Member or Officer.

5.2 <u>Procedure for Officers</u>

From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, Officers will have the recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate to the circumstances.

In the event of a grievance or complaint being upheld, the matter will be referred to the Clerk, who, having advised the Chair and the appropriate group leader, will decide on the course of action to be taken.

5.3 <u>Procedure for Members</u>

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should not be raised at any meeting held in public, instead the matter should be raised with the Chief Executive. Where the Officer concerned is the Chief Executive, the matter should be raised with the Clerk.

If the matter cannot be resolved informally, it may be necessary to invoke the Authority's Disciplinary Procedure.