

Strictly Private & Confidential

Advice to Merseyside Waste Disposal Authority:
Proposed change of job titles and change of the name of
Merseyside Waste Disposal Authority

1. **INTRODUCTION**

- 1.1 We have been asked to advise Merseyside Waste Disposal Authority (MWDA) on proposed changes to the job titles of some employees of MWDA and to the name of Merseyside Waste Disposal Authority.
- 1.2 The proposed changes to job titles are as follows:
 - 1.2.1 The Director of Waste Disposal would become the Chief Executive.
 - 1.2.2 The Assistant Director (Strategy and Resources) would become the Director of Strategy and Development.
 - 1.2.3 The Assistant Director (Operations) would become the Director of Operations.
 - 1.2.4 The Assistant Director (Finance) would become the Director of Finance.
- 1.3 MWDA also wishes to consider changing its name, so that its name would present an identity to the public which reflects more accurately the current activities of MWDA.

2. **CHANGE OF JOB TITLES**

- 2.1 We have been informed that other than the changes in job titles, MWDA has no intention to change any terms or conditions of any of the persons who hold those jobs. MWDA does not intend to change the responsibilities associated with those jobs.
- 2.2 We have not reviewed any documents containing MWDA's own constitutional provisions, for example MWDA's Code of Corporate Governance, but we have been told that there is nothing in MWDA's constitutional documents which would prevent changes to job titles.
- 2.3 We suggest that there is not a statutory reason why MWDA could not change the job titles of its officers but there are a number of practical issues which it would need to address. These would include:
 - 2.3.1 MWDA would need to inform the employees whose job titles would be changed and would need to check their terms and conditions to see if they have any rights to be consulted on or approve such changes.
 - 2.3.2 MWDA would need to check where the relevant job titles are mentioned and consider whether any consequential amendments would need to be made. For example, in MWDA's Procedural Rules, the term "Director" is used to refer to the Director of Waste Disposal.

MWDA's Scheme of Delegation refers to delegation to the Director of Waste Disposal. There may also be references to particular officers in arrangements with other organisations, for example contracts.

3. **CHANGE OF NAME OF MERSEYSIDE WASTE DISPOSAL AUTHORITY**
- 3.1 MWDA was established by the Waste Regulation and Disposal (Authorities) Order 1985 ("the Order"), which was made under section 10 of the Local Government Act 1985. Article 2(1) of the Order said that the authorities "named" in Schedule 1 would be established on 1st January 1986 and Part VII of Schedule 1 named "Merseyside Waste Disposal Authority".
- 3.2 Since the name of MWDA has been set by statute, we suggest that MWDA would not be able to change it unless the Order is amended or another statute makes provision for MWDA to change its name.
- 3.3 Part IV of the Local Government Act 1972 makes provision for councils, parish councils and community councils to change their names and sets out what they must do in order to do so. These sections of the Local Government Act 1972 do not apply to MWDA and it would therefore need legislation to allow it to do so. If MWDA is interested in pursuing this, then we suggest that it should approach the Secretary of State for Environment, Food and Rural Affairs.
- 3.4 However, since MWDA wishes to use a different name for public purposes in order to reflect more accurately what MWDA does, it may be able to do this without formally changing the name of MWDA. If MWDA wishes to adopt an additional designation for public facing purposes, we would suggest that it could do so. MWDA's legal name would still be Merseyside Waste Disposal Authority and it would therefore need to use this on official documents such as business letters and notices. It should also ensure that decisions are taken in the name of Merseyside Waste Disposal Authority and that this is clearly recorded, so that it does not create any potential risk of decisions being challenged. We suggest that there may be some potential for confusion in the practical operation of MWDA if it is using two names and MWDA should therefore take steps to minimise any such potential. Therefore, if MWDA does decide to use another name, we would suggest that there would need to be a clear link to sources of information about its official name. So, for example, MWDA might decide to use another name on displays or on information literature which it publishes and could either include a note on the relevant display or in the relevant publication to explain that this is a publicly used name for Merseyside Waste Disposal Authority or could refer readers to a source of information where this is explained.