



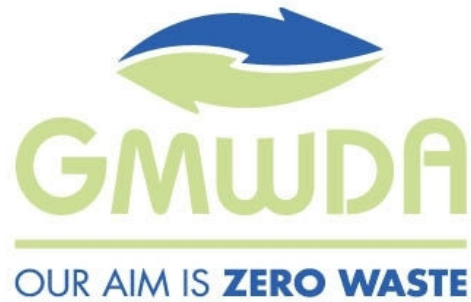
CONSTITUTION 2011/12

1. Revised Draft Constitution 2011/12

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY



CONSTITUTION 2011/12

Revised July 2011

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY



Part A

Summary and Explanation

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THE AUTHORITY'S CONSTITUTION

INTRODUCTION

This Constitution sets out how the Greater Manchester Waste Disposal Authority (“the Authority”) operates, how decisions are made and the procedures that are followed to ensure that decisions are efficient, transparent and accountable to local people. Some of the processes are required by law, while others are a matter of local choice.

It aims to:

- explain how the Authority operates, how decisions are made and the procedures which are in place to ensure efficient, effective, transparent and accountable decision taking;
- ensure that high standards of conduct are exercised by Members and officers;
- ensure that those responsible for decision making are clearly identifiable to local people and other stakeholders and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to our citizens.

Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose the option which it thinks is closest to these aims.

The whole Constitution is a lengthy and comprehensive document so this part gives a very brief overview of the Authority's operation, constitutional arrangements and citizens' rights.

The Constitution is then divided into other parts that explain the elements in more detail.

A copy of the whole Constitution can be inspected at the Authority's Offices, Media Chambers, 5 Barn Street, Oldham, OL1 1LP between 9.00 a.m. - 4.30 p.m. Monday to Friday (excluding Bank Holidays). Alternatively, the document can be found on the Authority's web site (www.gmwda.gov.uk).

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A BRIEF OVERVIEW OF THE AUTHORITY

The Authority

The Authority was established on 1st January 1986 as a Statutory Waste Disposal Authority (“WDA”) by the Waste Regulation and Disposal (Authorities) Order 1985. The Authority began to carry out its functions on 1st April 1986, following the abolition of the Greater Manchester County Council.

The principal legislation which governs the Authority’s duties and activities is the Environmental Protection Act 1990 (“the EPA”).

The Authority is primarily responsible for:-

- a) making arrangements (with contractors) for the disposal of waste collected by its constituent Waste Collection Authorities (namely Bolton MBC, Bury MBC, Manchester CC, Oldham Council, Rochdale MBC, Salford CC, Stockport MBC, Tameside MBC and Trafford MBC);
- b) providing and making arrangements (with contractors) for the provision and operation of household waste recycling centres for use by members of the public and the removal of wastes deposited at those sites;
- c) making arrangements for the recycling and composting of waste and meeting its statutory performance standards;
- d) Discretionary payment of “recycling credits” to third parties; and
- e) aftercare of 23 former landfill sites in the ownership or under the control of the Authority.

The majority of the responsibilities covered in bullet points (a) to (c) above are carried out by Viridor Laing (Greater Manchester) Limited (VLGM), to whom a 25 year Recycling and Waste Management Contract was awarded on the 8th April 2009.

Members

The Authority comprises of 21 Members, with two Members appointed annually from each of the constituent Councils, except Manchester who appoint three Members. These Members are Councillors within their respective Boroughs. Wigan MBC is a Unitary Authority and maintains a presence on the Authority for administrative purposes; however their representatives have no voting rights on waste disposal matters.

All Authority Members:

- (i) are, collectively, the ultimate policy-makers and those responsible for strategic and corporate management functions of the Authority as a WDA. They should act at all times in the best interests of the WDA collectively, and not as district representatives;
- (ii) participate in the governance and management of the Authority;
- (iii) are available to represent the Authority on other bodies; and
- (iv) have a duty to maintain the highest standards of conduct and ethics and follow the adopted Code of Conduct.

Members have rights of access to such documents, information, land and buildings of the Authority as are necessary to enable them to carry out their functions.

Members will not make public information that is confidential or exempt without the prior consent of the Clerk to the Authority or divulge information given in confidence to anyone other than an individual entitled to know it. For these purposes, “confidential” and “exempt” information is defined in Article 2 (Access to Information) in Part B of the Constitution.

Officers

Under the provisions of the Local Government Act 1985, the Authority is required to appoint a Clerk to the Authority. This role is fulfilled by the Chief Executive of Oldham Council. Oldham Council also provides some support services to the Authority.

The Officers of the Authority are as follows:-

Clerk to the Authority	Charlie Parker (Chief Executive of Oldham Council)
Treasurer & Deputy Clerk to the Authority & Section 151 Officer (Local Government Act 1972)	John Bland
Deputy Treasurer	Andy Brownhill
Solicitor to the Authority	Colin Brittain (Assistant Borough Solicitor, Oldham Council)
Monitoring Officer	Mark Newall
Deputy Monitoring Officer	Sarah Mellor

The Treasurer & Deputy Clerk is supported by direct employees of the Authority in the following areas:-

- Waste Management Strategy and procurement;
- Contract performance and management;
- Communications;
- Landfill site aftercare; and
- Support services.

AUTHORITY MEETINGS

The Local Government Act 2000 required most local authorities to introduce new political structures as part of a wide-ranging modernisation programme. Statutory WDAs are not covered by this legislation and as a 'single service' organisation, with waste disposal being the sole business.

At the Authority's Annual General Meeting on 17th June 2011 the Authority agreed to new governance arrangements which includes three new committees focusing on key areas for the Authority.

In terms of Authority meetings, the Authority agrees a programme of meetings for each municipal year. Occasionally it is necessary for additional meetings to be arranged during the year, mainly to consider issues that cannot reasonably wait until the next programmed meeting. Details of the Authority's programme of meetings for 2011/12 are outlined below and can also be found on its website (www.gmwda.gov.uk) or by contacting the Authority's Governance Team on 0161 770 1790/91/92.

Authority meetings are open to the public, unless exempt or confidential matters are being discussed (see Part B for further details). Attendance by the public is positively encouraged.

Schedule of Authority Meetings 2011/12

17th June 2011 (AGM)
22nd July 2011
7th October 2011
9th December 2011
10th February 2012
16th March 2012

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MEMBERS OF THE AUTHORITY - 2011/12

Constituent Council	Elected Member	Political Party
Bolton	Guy Harkin	Labour
	Frank White	Labour
Bury	Tony Cummings	Labour
	Alan Quinn	Labour
Manchester	Charles Glover	Liberal Democrat
	Nigel Murphy	Labour
	Neil Swannick	Labour
Oldham	Adrian Alexander	Labour
	Ali Aqal Salamat	Labour
Rochdale	Karen Burke	Labour
	Aftab Hussain	Labour
Salford	Ray Mashiter	Labour
	Pat Ryan	Labour
Stockport	Ben Alexander	Liberal Democrat
	Chris Gordon	Liberal Democrat
Tameside	Philip Fitzpatrick	Labour
	Catherine Piddington	Labour
Trafford	Rob Chilton	Conservative
	Michael Young	Conservative
Wigan (non-voting in waste disposal matters)	Not appointed	

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CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with local authorities and some are relevant to the Authority. For example, they have the right to:

- contact their local Councillor about any matters of concern to them;
- obtain a copy of this Constitution;
- attend Authority meetings (except when exempt or confidential matters are being discussed);
- see reports and background papers for formal Authority meetings (except in respect of exempt or confidential information) and any record of decisions made at these meetings;
- complain to the Authority about a related service they have received; A leaflet advising citizens on how to make a complaint is available from the Authority's website, or by telephone on 0161 770 1700;
- complain to the Local Government Ombudsman if they think that the Authority has not followed its procedures properly.
- inspect the Authority's accounts and make their views known to the Authority's external auditor; and
- make requests for access to information, particularly under the Data Protection Act 1998 and under the Freedom of Information Act 2000. A copy of the Authority's Freedom of Information Act publication scheme is attached at Appendix A to this Part A of the Constitution.

The Authority welcomes participation by its citizens in its work. In doing so, citizens are asked to act responsibly and must not be violent, abusive or threatening to Members or staff. Also they must not wilfully harm anything owned by the Authority, its Members or staff. In the event of any such behaviour occurring, the Authority may withdraw services to the person concerned and/or pursue legal action against them.

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FREEDOM OF INFORMATION ACT 2000

**PUBLICATION SCHEME FOR
GREATER MANCHESTER WASTE
DISPOSAL AUTHORITY**



**Greater Manchester
Waste
Disposal
Authority**

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

FREEDOM OF INFORMATION ACT 2000

THE PUBLICATION SCHEME FOR GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

1. AUTHORITY DETAILS

Greater Manchester Waste Disposal Authority, Media Chambers, Barn Street, Oldham, OL1 1LP
Telephone: 0161 770 1700, fax 0161 770 1701.

2. RESPONSIBILITY FOR THE SCHEME

Mark Newall, Director of Resources, the Greater Manchester Waste Disposal Authority. Media Chambers, Barn Street, Oldham, OL1 1LP

3. RESPONSIBILITY FOR THE MAINTENANCE OF THE SCHEME

Sarah Mellor, Head of Governance, Greater Manchester Waste Disposal Authority. Media Chambers, Barn Street, Oldham. OL1 1LP.

4. FUNCTION OF THE AUTHORITY

The Greater Manchester Waste Disposal Authority was one of seven statutory authorities created under the Local Government Act 1985 to carry out the waste management functions and duties of the Metropolitan County Councils after their abolition in 1986.

The primary function of the Authority is to make arrangements with contractors following competition for the reception, treatment, recycling, recovery, transport and final disposal of municipal waste collected by the Waste Collection Authorities.

Also for the provision and management of Household Waste Recycling Centres for the reception, recycling, transfer, transportation and final disposal of waste and other materials deposited at such sites/centres.

The Authority investigates and develops recycling and resource recovery and works in partnership with contractors, the Waste Collection Authorities and other parties to provide an integrated waste minimisation, recycling, composting and resource recovery from the municipal waste stream solution.

The Authority also manages and assumes aftercare responsibility for 23 closed landfill sites in the ownership, or under the control of the Authority.

The areas covered by the Authority comprise the Districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford.

5. PUBLICATION SCHEME

In implementing the Freedom of Information Act 2000 GREATER MANCHESTER WASTE DISPOSAL AUTHORITY promotes an understanding of the work undertaken within the Authority to foster a spirit of trust with the public and other organisations. We achieve this by promoting transparency in the way we make our decisions and by providing clear information about our policies and processes through our publication scheme. We deal with individual requests for information courteously and promptly and provide advice and assistance if necessary. Much of

our information, including all decisions is available from our website <http://www.gmwda.gov.uk>.

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY is the statutory body responsible for managing and disposing of the waste produced by local residents in the area covered by the Metropolitan Districts of Bolton; Bury; Manchester; Oldham; Rochdale; Salford; Stockport; Tameside and Trafford. These districts are Waste Collection Authorities for their respective areas. Wigan Metropolitan Borough Council is a statutory waste disposal authority in its own right and is represented on the Authority for administrative purposes.

6. WHAT IS FREEDOM OF INFORMATION?

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. It lists exemptions from that right and places a number of obligations on public authorities.

The Act came into force in two stages: -

- The first stage was in February 2003 when **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** adopted a Publication Scheme.
- The second stage came into force in January 2005. Any person now making a request to a public authority for information must be informed whether the public authority holds that information and supplied with that information. This is subject to a number of exemptions listed in the Act.

7. WHAT IS A PUBLICATION SCHEME?

A Publication Scheme is a guide to the classes of information that **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** publishes or intends to publish routinely. The term “published” is broad and is not limited to information produced in paper forms. As far as the Freedom of Information Act 2000 is concerned, information made publicly available has been published. Therefore, information on our website is as much part of the Publication Scheme as printed documents.

8. WHAT ARE CLASSES OF INFORMATION?

A requirement of the Act is to specify “classes” of information that **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** will publish within its Publication Scheme.

The Information Commissioner has issued a ‘**Model Publication Scheme**’ and from 1st January 2009 **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** has adopted the ‘**Model Scheme**’.

The Model Scheme contains 7 classes of information and these are as follows: -

- **Who we are and what we do**
- **What we spend and how we spend it**
- **What our priorities are and how we are doing**
- **How we make decisions**
- **Our policies and procedures**
- **Lists and registers**
- **The services we offer**

Examples of the type of information available are given below under the **Guide to Information**.

By adopting the Information Commissioner's 'Model Scheme' **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** is committed to the following: -

- To proactively publish information (including environmental information) held by it and contained within each class.
- To provide a means by which the Authority can ensure the public are aware of the sorts of the information the Authority has committed to make readily available, how they can access the information and whether they will have to pay for it.
- To review and update the information on a regular basis and in accordance with The Association of Greater Manchester Authorities' Publication Scheme Review Guidance.

9. **HOW WILL I REQUEST ADDITIONAL INFORMATION NOT COVERED BY THIS SCHEME?**

The **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** includes as much information in the Publication Scheme as it can, however, if you cannot find what you are looking for you can make a request for the information.

The Act is retrospective and information requests can be for information created before the Act came fully in to force in 2005. However, where any of the information comes within an exempt category either under the Freedom of Information Act 2000 or other relevant legislation, it will be published with the exempt material deleted.

10. **WILL I BE CHARGED FOR INFORMATION?**

Material which is published and accessed on the website can be downloaded free of charge. Some information may only be available in hard copy and some information will only be available for inspection. Charges may be made for information subject to a legal charging regime. Charges under the publication scheme may be made for actual disbursements such as:

- Photocopying
- Printing
- Postage and packaging
- The cost directly incurred as a result of viewing information

Any charges will be in accordance with the Association of Greater Manchester Authorities' "Freedom of Information Act 2000 - Fees & Charges" policy which **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** has adopted.

11. **WHO DO I CONTACT?**

For information concerning the scheme or if you wish to make a request for other information you can contact the following:

Sarah Mellor
Head of Governance
Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP
Tel: 0161 770 1790
sarah.mellor@gmwda.gov.uk

The information can be found under the **GREATER MANCHESTER WASTE DISPOSAL Authority's** website at the following: <http://www.gmwda.gov.uk/publications.htm>

12. MAKING A COMPLAINT, SUGGESTION OR COMPLIMENT

If you are not satisfied with **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY'S** response to a request for information you may make a complaint to the address below: -

The Director of Resources
Greater Manchester Waste Disposal Authority
Medtia Chambers
5 Barn Street
Oldham
OL1 1LP
email: gmwda@gmwda.gov.uk

If after going through **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY'S** formal complaint and appeals system you are still not satisfied then the Freedom of Information Act 2000 makes provision for you to complain directly to the Information Commissioner's Office: -

Wycliffe House,
Water Lane
Wilmslow
Cheshire
SK9 5AF
<http://www.ico.gov.uk/>

If you have any suggestions or compliments, we need to know so that we can improve our service to you. Please submit to:

Greater Manchester Waste Disposal Authority
Medtia Chambers
5 Barn Street
Oldham
OL1 1LP
Tel: 0161 770 1700
gmwda@gmwda.gov.uk

13. ADVICE AND ASSISTANCE

If you need help to make a request for information you may contact the following: -

Sarah Mellor
Head of Governance
Greater Manchester Waste Disposal Authority
Medtia Chambers
5 Barn Street
Oldham
OL1 1LP
Tel: 0161 770 1790
sarah.mellor@gmwda.gov.uk

14. REVIEWING AND MAINTAINING THE SCHEME

The Freedom of Information Act 2000 states that a publication scheme should be reviewed from time to time. **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** is responsible for reviewing and maintaining this guide to information and the data it contains. Material will be

updated and any outdated information will be removed. This guide and operation of the scheme will be reviewed annually in accordance with The Association of Greater Manchester Authorities Publication Scheme Review Guidance.

15. COPYRIGHT

Reproducing material supplied under this Publication Scheme without the express permission of the **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** may be an infringement of copyright. Requests for permission should be addressed to the Information Officer.

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY GUIDE TO INFORMATION
Information can be found on the GMWDA homepage at <http://www.gmwda.gov.uk>

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY has a search facility on its website to assist you in finding information.

The guidance below is intended to assist you by giving some examples of the type of information the **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** routinely makes available. Where a document is indicated within this guidance it will be the current version.

16. WHO WE ARE AND WHAT WE DO

- **Structure of the Authority**
 - Contained in “The Constitution”
<http://meetings.gmwda.gov.uk/ecSDDisplay.aspx?NAME=Constitution%202010/11&clear=1>
- **Key Personnel of the Authority**
 - <http://www.gmwda.gov.uk/about-us/key-personnel>
- **Geographical area of operation**
 - Greater Manchester Waste Disposal Authority’s office details on <http://www.gmwda.gov.uk/contact-us>
 - Links to all districts on Greater Manchester Waste Disposal Authority <http://www.gmwda.gov.uk/our-partners/districts>
- **General outline of responsibilities**
 - Can be found within the “Greater Manchester Municipal Waste Management Strategy Headline Strategy” at the following link:
<http://www.gmwda.gov.uk/publications/mwms>
- **Relationship with other authorities**
 - Links with Association of Greater Manchester Authorities (AGMA)
 - Geological Survey/ Association of Greater Manchester Authorities (AGMA)
 - Department for Environment, Food and Rural Affairs (DEFRA)
 - Lead Authority - Oldham Council
 - Local Government Pension Fund - Tameside Metropolitan Borough Council
 - Greater Manchester Waste Collection Authorities (WCA’s)

17. WHAT WE SPEND AND HOW WE SPENT IT

- **Summary of revenue budget estimates and capital expenditure plans**
Contained in document: “Authority Meeting 11th February 2010” can be viewed by clicking on the following link:
<http://meetings.gmwda.gov.uk/ieListDocuments.aspx?CId=120&MId=984&Ver=4>

- **Annual statement of accounts**
“Statement of Accounts 2009 - 2010” can be viewed by clicking on the following link:
<http://www.gmwda.gov.uk/publications/finance>

- **Financial audit reports**
“Annual Report 2009/2010” can be viewed by clicking on the following link:
<http://www.gmwda.gov.uk/publications/finance>

- **Staff pay and grading structure**

National salary scales - available to inspect at GMWDA’s offices:

Greater Manchester Waste Disposal Authority
Medtia Chambers
5 Barn Street
Oldham
OL1 1LP
Tel: 0161 770 1700
Office hours: Mon to Fri 9:00am - 4:00pm (excl. bank holidays)

- **Expenses paid to members of the authority and senior officers**

National Guidelines are adhered to in terms of mileage, accommodation & subsistence rates payable to staff.

- **Procurement procedures**
Procurement policies and guidance can be found within the Greater Manchester Waste Disposal Authority’s “Constitution”
<http://meetings.gmwda.gov.uk/ecSDDisplay.aspx?NAME=Constitution%202010/11&clean=1>

- **Contracts and values**
Procurement policies and guidance can be found within the Greater Manchester Waste Disposal Authority’s “Constitution”
<http://meetings.gmwda.gov.uk/ecSDDisplay.aspx?NAME=Constitution%202010/11&clean=1>

- The link to all documents relating to the Waste Management PFI Contract is within the Authority’s Publication page on the website:
<http://www.gmwda.gov.uk/recycling-and-waste-management-contract>

- Greater Manchester Waste Disposal Authority utilises the Office of Government Commerce’s (OGC) collaborative procurement process to secure best-value goods and services. OGC’s website: <http://www.ogc.gov.uk/index.asp>

- **Internal financial regulations and delegated authority**
 - Information on internal Financial Regulations and delegated authority can be found within the Greater Manchester Waste Disposal’s “Constitution”
<http://meetings.gmwda.gov.uk/ecSDDisplay.aspx?NAME=Constitution%202010/11&clean=1>

18. WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING

- **Strategic plan, business plan, aims and objectives**
 - Contained within Greater Manchester Waste Disposal Authority’s “Corporate Plan”
<http://www.gmwda.gov.uk/publications>
- **Reports indicating service provision, performance assessments, operational assessment reports**
 - Contained within Greater Manchester Waste Disposal Authority’s “Corporate Plan”

<http://www.gmwda.gov.uk/publications>

- **Reports by external inspectors**
 - See documentation on the “Publications” page of the Greater Manchester Waste Disposal Authority’s website: <http://www.gmwda.gov.uk/publications>
- **Vision**
 - Contained within Greater Manchester Waste Disposal Authority’s “vision” on the Authority’s website. <http://www.gmwda.gov.uk/about-us/gmwda-vision>
- **Statistical Information**
 - See “Annual Report 2009/2010”:
<http://www.gmwda.gov.uk/clientfiles/File/Annual%20Report%2009-10%20website%20version.pdf>

19. HOW WE MAKE DECISIONS

The individual members of the Authority are appointed by the constituent councils and must be elected councillors. All such individuals must disclose their interests to the council of which they are a member. Those declarations are compiled into a register and maintained by each of the individual councils. Those registers are open to public inspection and some of the councils have chosen to publish them 'online'. If a member has an interest in a specific item of Authority business, that interest must be declared at the relevant meeting and will be recorded in the Authority minutes.

- **Schedule of meetings open to the public**
 - <http://meetings.gmwda.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>
- **Agendas and approved minutes of the authority and authority committees/sub-groups**
 - Public information on the Authority’s decision recording system
<http://meetings.gmwda.gov.uk/ieDocHome.aspx?bcr=1>
- **Background papers for meetings open to the public**
 - Background papers can be viewed on request by contacting the Author of the report.
- **Facts and analyses of facts used for decision-making**
 - Public information on the Authority’s decision recording system
<http://meetings.gmwda.gov.uk/ieDocHome.aspx?bcr=1>
- **Public consultations**
 - Advertisements in press, distribution of leaflets and publicity on Manchester Consultation website : <http://www.manchester-consultation.co.uk/>

20. OUR POLICIES AND PROCEDURES

- **Procedures for the conduct of business at Authority meetings**
 - Information can be found within the Greater Manchester Waste Disposal’s “Constitution”
<http://meetings.gmwda.gov.uk/ecSDDisplay.aspx?NAME=Constitution%202010/11&clean=1>
- **Policies and procedures for the delivery of services**
 - These can be found within the Customer Charter and the Equality and Diversity Policy, adopted by the Authority: www.oldham.gov.uk/customer-charter
- **Policies and procedures about the employment of staff**
 - Greater Manchester Waste Disposal Authority has adopted numerous policies & procedures. e.g. Health & Safety Policy, etc.

- **Customer service**
 - Contact name and number on the Greater Manchester Waste Disposal Authority website: <http://www.gmwda.gov.uk/contact-us>
 - Complaints can be made in writing to:
Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP
Tel: 0161 770 1700
gmwda@gmwda.gov.uk
 - Or:

Via printed leaflets which are available at Greater Manchester Waste Disposal Authority's office (as above) and at all the Household Waste Recycling Centre (HWRC) sites. See link below for site addresses: <http://www.gmwda.gov.uk/services-and-facilities/hwrcs>
 - Requests for information and operation of the Publication Scheme are dealt with by Sarah Mellor, Head of Governance. The Greater Manchester Waste Disposal Authority has adopted Oldham Metropolitan Borough Council's policies for dealing with these requests.
- **Internal instructions for Scheme of Delegation and Financial Procedures**
 - Information regarding guidelines can be found with the Greater Manchester Waste Disposal Authority's "Constitution": <http://www.gmwda.gov.uk/constitution.htm>
- **Records Management and personal data policies**
 - Records Management policies can be obtained from:
<http://www.gmwda.gov.uk/publications/freedom-of-information-foi>
 - or by contacting:

The Information Management Officer
Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP
email: debra.ashington@gmwda.gov.uk
- **Charging regimes and policies**

Guidelines for charges in respect of requests for information are provided in "The Constitution". Charges may also be made in accordance with the Freedom of Information and Data Protection [Appropriate Limit and Fees] Regulation 2004. **GREATER MANCHESTER WASTE DISPOSAL AUTHORITY** has adopted the guidance on fees and charges as provided by the Association of Greater Manchester Authority's (AGMA).

21. LISTS AND REGISTERS (Available for inspection only)

- **Asset register**
 - Asset Register - information can be viewed on request by contacting:

The Information Management Officer
Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP
email: debra.ashington@gmwda.gov.uk

- **Register of Members Interests**
 - Register of Members Interests in accordance with the Local Government Act 2000 (Section 81). Districts covered are the Metropolitan Districts of Bolton; Bury; Oldham; Rochdale; Stockport; Tameside and Trafford along with the City Councils of Manchester and Salford.

- **Register of gifts and hospitality**
 - A register is available for inspection at GMWDA's offices:

Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP

Tel: 0161 770 1700
Office hours: Mon to Fri 9:00am - 4:00pm (excl. bank holidays)

22. THE SERVICES WE OFFER

- **Information about services we offer are located at**
<http://www.gmwda.gov.uk/services-and-facilities>
- **Leaflets and explanatory booklets**
 - Compiled and distributed as and when required. Publicised on the Greater Manchester Waste Disposal Authority website : <http://www.gmwda.gov.uk/services-and-facilities>
- **Media releases**
 - Publicised under "Press Releases" on Greater Manchester Waste Disposal Authority website :
<http://www.gmwda.gov.uk/news-media>

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Greater Manchester Waste Disposal Authority

FREEDOM OF INFORMATION ACT 2000



**POLICY ON
FEES AND CHARGES**

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY
FEES AND CHARGES POLICY

1. Fees

Under the Freedom of Information Act 2000 and Section 9A of the Data Protection Act 1998, the "appropriate" limit for fees is £450.

Greater Manchester Waste Disposal Authority will estimate on a case by case basis whether a request will be less than £450 to answer or exceed this limit.

When estimating the cost of complying with a request for information, the Authority will take into account the staff time charged at a rate of £25 per hour. The £450 limit therefore equates to around 18 hours. This will involve the following:-

- Determining that the information is held.
- Locating the information or a document which may contain the information.
- Retrieving the information or a document which may contain the information.
- Extracting the information from a document containing it

The Authority will not take into account any cost other than those set out in the Fees Regulations.

In particular, it may **not** take into account any of the following:-

- Time taken to check that a request for information meets the requirement of the Act.
- Considering whether information requested should be withheld in reliance of an exemption under the Act.
- Considering whether it is a vexatious or repeated request.
- Obtaining authorisation to send out the information.
- The time taken to calculate any fee charged.
- Providing advice and assistance under the Act.
- Redaction of any information.

Where the cost of complying with written requests is below the appropriate limit of £450, there will be no fee, but there may be a charge (see below charges/costs).

The Authority is not obliged to respond to requests for information where it estimates that the cost of complying with the request exceeds £450. In cases where the limit will be exceeded, the Authority will discuss with the requester whether they would prefer to redefine the request to reduce the costs.

2. Aggregated Requests

In some circumstances, the cost of answering more than one request can be added together or **aggregated** for the purpose of estimating whether the appropriate limit of £450 would be exceeded (this will only apply to requests under the Freedom of Information Act not to subject access requests to the Authority on "unstructured personal data" to which the Data Protection Act 1998 applies).

Requests may be aggregated when two or more requests have been received by the Authority and: -

- They must be either from the same person or from different persons who appear to the Authority to be acting in concern or in pursuance of a campaign.
- They must relate to the same or similar information.
- They must have been received by the Authority within a space of 60 consecutive working days.

3. Requests costing less than the appropriate limit - the Authority's Charges/Costs

In cases where the appropriate limit has not been exceeded, the Authority can only make a charge in relation to the cost of:-

- Informing the person whether it holds the information.
- Communication of the information to the person making the request.

This includes the cost of the following:-

- Putting the information into the requested preferred format so far as it is reasonably practical;
- Reproducing any documents containing the information, for example photocopying or printing; and
- Postage or other forms of communication of the information.

The Authority will consider the applicant's preferred format when responding to a request which may include the follow:-

- A summary of the information.
- Providing a copy (for example by photocopying or printing).
- Allowing the requester to inspect a record.
- Producing in the applicant's preferred format, for example CD Rom etc.
- Translating into a different language - the Authority is not obliged to translate documents if this would not "reasonably practical".

Charges will be based on the following costs however the Authority will usually provide information free of charge up to £10.

4. Postage Costs

Applicants will either provide an envelope with the correct postage or pay at one of the levels given in charges issued by the Royal Mail - Public Tariff

NOTE: THESE CHARGES ARE BASED ON ROYAL MAIL COST AND MAY BE SUBJECT TO CHANGE.

5. Printing Costs

This is based on 10p per sheet of A4 paper.

6. Charges for other formats and translation to other languages

Charges may be made to the requester for supplying other formats e.g. CD Rom, Video, floppy disk where the cost of this is equal to or costs above the printing and/or postage cost.

7. Time Limits

Under the Act the Authority will, in most cases, respond to a request within 20 working days.

If the Authority is making a charge for the information, a letter/notice will be issued to the requester to inform them of the amount of charge. The 20 working day time limit will be extended to cover for the day on which the letter/notice is given to the requester and ending with the day on which the fee is received by the Authority.

Payments by cheque should normally be calculated from the date the cheque is cleared.

8. Refunds

If the actual cost of answering the request is greater than the estimated cost, the Authority will bear the additional cost.

If the cost of answering is less than estimated, the Authority will consider refunding the excess amount to the requester.

9. Requests costing more than £450

The Authority is not obliged to answer these requests, but will take into account its duty under Section 16 of the Act, which is to provide advice and assistance.

The Authority will discuss with the requester, the refining of a request to bring it below the appropriate of £450.

If, after consideration of the above, the request is still over the appropriate limit, the Authority will inform the requester accordingly.

The Authority will then consider the following:-

- It may decide not to provide the information.
- It can answer and charge any permitted fee.
- It can answer without charging.

If the Authority does decide to make the information available, any fee charged will again be calculated using the £25 per hour rate.

10. Fees and Information that is exempt under the Act

Section 21 of the Act provides that information is absolutely exempt if it is "reasonably accessible" to the Applicant.

Information will always be considered reasonably accessible if the following applies:-

- The Authority is obliged to communicate it to the Applicant under some Act; or
- The information is made available within the Authority's Publication Scheme.

Charges already exist for certain identified Authority documents within the Publication Scheme.

Where the Authority already provides information for a fee, this will be exempt from the Freedom of Information Act and the existing costs and charging regimes will apply.

11. VAT

- As the Act does not set a specific fee, any monies charged are not statutory fees;

- Customs do not consider that information released under the Act constitutes an economic activity where the information could only be provided by a public the Authority. As such, any fees charged in will be outside the scope of VAT. This means that no VAT should be added to the fees; and
- The key-determining factor as to whether VAT is charged is whether the information is available from another source that is not a public authority. This distinction is made so as not to distort competition between the public and private sector.

Basically: -

- If the Authority is asked for information, and the information is only available from the Authority or another public Authority, any chargeable fees do not attract VAT.
- If the Authority is asked for information that is available from another non-public advice source any fees do attract VAT.

This is still the case even if the Authority is obliged to supply the information because the cost of answering is below the appropriate limited (i.e. where the cost of similar requests may have been aggregated).

12. Copyright Protection

Some of the information supplied under the Freedom of Information Act may be subject to copyright protection under the Copyright, Designs and Patents Act 1998. Information can be reused for the purposes of research for non-commercial purposes, for private study or for news reporting and review without requiring formal consent. However, if the requester wished to reuse the information for commercial purposes, including publishing he or she would require the permission of the copyright holder. Permission to reuse copyright information is granted in the form of a licence. Charges will be advised on request

13. Mixed Requests

This a request in which part of the information request is regulated by one access to information regime and other parts by other information regimes.

The regimes most likely to be encountered in addition to Freedom of Information are:-

- subject access request under the Data Protection Act 1998.
- access to environmental information under the Environmental Information Regulations 2004

Under Subject Access Request the Authority will usually charge £10.00 (with the exception of Education Records and Manual Health Records where there is a maximum fee of £50.00).

Requests under the Environmental Information Regulations 2004 are similar to the Freedom of Information Act requests, although there is no appropriate limit above which the Authority can refuse a request and unless there is a charging regime already in place, the Authority will adopt the same policy for Environmental Information Regulations 2004 as under the Freedom of Information Act 2000.

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY



Part B

Articles

- Article 1 - Conduct of Meeting**
- Article 2 - Access to Information**
- Article 3 - Committees and Sub-Groups**

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ARTICLE 1: CONDUCT OF MEETINGS

1. Role

Authority meetings are the main decision-making forum for Authority matters. At these meetings, the Authority sets its overall corporate direction, policy framework and financial limits, within which all the Authority's operations and policies are carried out.

2. Functions

2.1 There are certain matters which, by law, can only be carried out by the Authority. These are set out in Section A of Part C of the Constitution.

2.2 All local choice functions that the Authority has decided it should undertake itself rather than to delegate to Officers are also set out in Section A of the Part C of the Constitution.

2.3 Matters that have been delegated to Committees are contained within Section B of Part C of the Constitution.

3. Membership

The 21 Members of the Authority are appointed by the constituent Councils. Two Members are appointed by each Council, with the exception of Manchester City Council who appoint three Members. In the case of Wigan Members, whilst they have two representatives on the Authority, they have no voting rights on waste disposal matters.

4. Chair

4.1 The Chair will be appointed at each Annual General Meeting of the Authority.

4.2 Normally, the Chair will be appointed from the largest political party represented on the Authority.

4.3 If the Chair is present at the meeting it is his/her responsibility to:-

(a) uphold and promote the purposes of the Constitution, and interpret it (with the assistance of the Clerk to the Authority).

(b) preside over meetings of the Authority so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community.

4.4 If the Chair is not present at the meeting then a Vice-Chair from the same political party will preside over the meeting. If the Vice-Chair(s) of the same political party are also not at the meeting then another Vice-Chair will preside over the meeting. In absence of the Chair and all 3 Vice-Chairs, a Chair will be elected for that particular meeting from those present.

4.5 In the event of a casual vacancy occurring in this position, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority.

5. Vice-Chairs

5.1 The 3 Vice-Chairs will be appointed at each Annual General Meeting of the Authority.

5.2 Vice-Chairs will be appointed on the following principles:-

If the Authority comprises of more than one political party:-

- a) with a membership greater than 15% of the total number of seats appointed onto the Authority, then the 3 Vice-Chair positions will not be occupied by the majority party;
- b) If more than 3 parties have membership greater than 15% of the of the number of seats appointed onto the Authority then the 3 largest parties will have vice-chair positions; and
- c) For the purpose of (b) above if two or more political groups have an equal number of seats, the group which holds the largest number of seats within all the administrative area will be regarded as being the largest political party.

5.3 Normally, Vice-Chairs of the Authority will be appointed as a Chair of one of the three Committees.

5.4 In the event of a casual vacancy occurring in one of these positions, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority.

6 Employee Support

The Clerk to the Authority is responsible for ensuring appropriate support for all Member meetings.

7. Accessibility

The Authority wishes to be as open as possible in its dealings and the press and public are encouraged to attend meetings. Occasionally there will be some matters which are legally restricted from the public (for example, if discussing issues concerning a member of staff), but wherever possible issues are discussed in the open forum.

Further details of the types of matters that are considered in private are contained in Appendix A in Article 2 of Part B.

8. Venues

8.1 Authority Meetings are generally held at the Civic Centre, Oldham but may, from time to time, be held at an alternative venue within one of the constituent Councils.

8.2 Meetings of the Committees and Sub-Groups will generally be held in the GMWDA Offices.

9. Calendar and Timing of Authority Meetings

9.1 Where possible, meetings are programmed in advance. A programme of meetings for the municipal year is normally agreed by the Authority at the Annual General Meeting.

9.2 Meetings are usually held on Fridays, commencing at 11.00 am.

10. Business at Ordinary Authority Meetings

Set out in Section A of Part C is the Authority's comprehensive Scheme of Delegation. Ordinary meetings of the Authority will take place in accordance with the programme of meetings. Illustrated below, provides details of what business (but does not contain all the Authority Scheme of Delegation) that might be carried out at Ordinary meetings:

- 6.4.1 elect a person to preside if the Chair and Vice-Chairs are not present;
- 6.4.2 receive apologies for absence from Members;
- 6.4.3 receive declarations of interest;
- 6.4.4 approve the minutes of the last meeting;
- 6.4.5 considers public questions (if any);
- 6.4.6 consider and set the Authority's overall priorities, plans, policy framework and related targets;
- 6.4.7 set the annual Levy on the constituent Councils and the Authority's Capital and Revenue budgets. This includes:-
 - the allocation of financial resources to different services and projects;
 - agreeing the level of balances to be held;
 - proposed contingency and reserve funds and borrowing limits; and
 - the control of its capital expenditure.
- 6.4.8 consider and approve issues relating to the Authority's recycling and waste management services contracts and future procurement;
- 6.4.9 approve the work programmes of the Authority and its Committees/Work Programme;
- 6.4.10 approve the disposal of assets, write-off and non-recurring virements above £25,000;
- 6.4.11 receive, consider and accept tenders over the EU Thresholds;
- 6.4.12 approve the Programme of Authority Meetings and agree any changes;
- 6.4.13 make any changes to the appointments of elected Member representatives to outside bodies and partnerships;
- 6.4.14 agree any changes to the Constitution and associated Rules, Schemes, Codes and Financial Protocols relating to the way in which the Authority operates;
- 6.4.15 oversee the management of the Authority, including holding all the component parts to account for their actions and performance;
- 6.4.16 receive and consider reports from officers as appropriate;
- 6.4.17 to receive minutes of committees and sub-group;
- 6.4.18 consider and approve appropriate statutory and non-statutory plans;
- 6.4.19 receive petitions (see paragraph 24 below);
- 6.4.20 receive Officers' delegated decisions; and
- 6.4.21 deal with any other matters of significance or importance at the discretion of the Chair.

The order of business will be in accordance with the agenda for each meeting. However, at the discretion of the Chair the order may be varied at the meeting. Any matters which are exempt from publication will generally appear later on the agenda.

11. Annual General Meeting (“AGM”)

- 11.1 The AGM of the Authority will be held at the start of the Municipal year, usually in June.
- 11.2 At each AGM, the first business shall be the appointment of a Chair and Vice-Chairs for the coming year from amongst the membership. Once appointed, the newly appointed Chair shall preside at the meeting.
- 11.3 To avoid any doubt, the person presiding at the commencement of the AGM shall be the Clerk (or the Clerk’s nominated substitute).
- 11.4 Following the appointment of the Chair and Vice-Chairs, the AGM will consider such other business as is included on the agenda.

12. Extraordinary General Meetings (“EGM”)

- 12.1 An EGM of the Authority may be called at any time by the Chair.
- 12.2 Any five Members of the Authority may also, by signed requisition, request the Chair to call an EGM.
- 12.3 If the Chair refuses to call an EGM of the Authority after a requisition for that purpose or without so refusing, does not call such a meeting within seven days of the requisition being presented to him, then on that refusal or the expiry of those seven days, as the case may be, any two Members of the Authority may then call an EGM.
- 12.4 The arrangements for EGMs are the same as for ordinary meetings.

13. Committees and Sub-Groups

- 13.1 The Authority may appoint Committees or Sub-Groups which it considers necessary in order to efficiently discharge of any of its functions.
- 13.2 The Authority shall agree its committee structure and the number of Members on each of the Committees and Sub-Groups at its AGM. The membership of such Committees or Panels will be determined and appointed by the Authority (in line with the principle of political balance).
- 13.3 The terms of reference of the Committees shall be approved by the Authority, usually at its AGM, but the Authority reserves the right to review and revise the terms of reference at any Authority meeting.
- 13.4 The Authority shall at each AGM, or whenever there is a vacancy in such Committee, appoint a Chair and (where necessary) a Deputy Chair of each Committee.
- 13.5 If the Chair of the Committee is present at the meeting it is his/her responsibility to:-
 - (a) uphold and promote the purposes of the Constitution, and interpret it (with the assistance of Monitoring or Deputy Monitoring Officer).
 - (b) preside over meetings of the Committee so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community.
- 13.6 If the Chair of the Committee is not present then the responsibilities set out in section 13.5 above will be undertaken by the Deputy-Chair of the Committee.
- 13.7 The Authority may dissolve or alter the membership of a Committee or Sub-Group at

any time. This includes the removal of a Member from a Committee/Sub-Group.

13.8 Where possible, a programme of dates and times of the Committees for the ensuing year will be approved at the AGM, or at the first meeting of the Committee. Such a programme shall, however, be capable of variation by the Authority and/or Committee, in case of urgency.

13.9 Normally at the AGM, Officers will produce a draft work programme for that particular municipal year. The Committee, at its first meeting will review the draft work programme and submit the reviewed work programme to the next Authority meeting for approval.

13.10 The Chair and Deputy Chair will approve the agenda for each Committee meeting, in consultation with the Chair of the Authority.

13.11 The Authority's current Committees and Sub-Group are:

- Special Purposes Committee
- Audit Committee
- Performance, Policy and Resources Committee
- Recycling, Waste Management and Operations Committee
- Strategy and Behavioural Change Committee
- Petitions Sub-Group

Please refer to Article 3 within the Constitution for the role and responsibilities of the above Committees/Sub-Group.

13.12 For the 2011/12 municipal year, the Authority at its AGM resolved not to appoint to the Special Purposes Committee.

14. Adjournment at Meetings

The Chair may decide to adjourn the meeting, if deemed appropriate, at any given time throughout the meeting. In the event of an adjournment, this will be to a specific time or date.

15. Quorum

15.1 A quorum is the number of Members needed to enable a meeting to proceed. If a meeting is not quorate, the business will be adjourned to the next ordinary meeting or, if necessary, to an EGM.

15.2 Subject to paragraph 45 of Schedule 12 of the Local Government Act 1972, no decisions will be taken at a meeting of the Authority unless at least seven Members of the Authority are present and the Members present comprise representatives of at least three of the constituent Councils.

15.3 No decisions will be taken at a Committee or Sub-Group meeting of the Authority unless it has more than the stipulated quorum within the terms of reference for that particular Committee or Sub-Group, as set out in Article 3: Committees and Sub-Groups

15.4 An inquorate meeting can, if it feels there is any merit in doing so the Authority, Committee and/or Sub-Group may discuss issues but strictly on an informal basis only. The minutes will make only brief reference to any such discussions.

16. Agenda Papers

- 16.1 Unless otherwise stated in the Articles for particular meetings, agenda papers will be in the Clerk to the Authority's name and will indicate an appropriate contact for any queries.
- 16.2 Notices of meetings and agendas will be circulated in advance having regard (where appropriate) to the requirements of the Local Government (Access to Information) Act 1985 or any subsequent legislation. In general, this means that the papers will be available at least five clear working days before a meeting, for avoidance of doubt weekends and bank holidays are excluded and are not classed as working days.
- 16.3 All the agendas and supporting reports can be found on the Authority's website at <http://meetings.gmwda.gov.uk/>.

17. Reports

- 17.1 Reports will provide sufficient information to enable Members to make informed judgements and decisions, including reasoned options, where appropriate, ensuring that Members are made fully aware of all the implications and alternatives, and the advantages and disadvantages associated with each. The Authority's report template is attached at Part B, Appendix A to Article 1.
- 17.2 Reports will be in the name of the appropriate lead officer but will include the author as the point of contact for further information or queries.
- 17.3 Every report submitted to the Authority or Committee shall consider under separate headings the following matters, as appropriate:-
 - a) Legal Comments
 - b) Treasurer Comments
 - c) Finance and Procurements Implications
 - d) Human Resources Implications (including Equal Opportunities)
 - e) Environmental and Health and Safety
 - f) Assets and Information Technology Implications
- 17.4 Late reports will generally not be allowed. If there are unavoidable genuine circumstances, their consideration will be at the discretion of the Chair. The relevant lead officer will be required to justify the reason for special consideration in writing as part of the report.
- 17.5 Background papers will be made available for public inspection in accordance with statutory requirements. This responsibility lies with the relevant lead officer.

18. Voting

- 18.1 Decision-making is determined by a majority of the Members present at the meeting.
- 18.2 Voting is generally by show of hands.
- 18.3 The Chair, or person presiding, will have a second and casting vote where votes for and against a proposal are equal.
- 18.4 Any Member may ask for a vote to be recorded before it is taken provided they have the support of three other Members. Individual votes will then be taken and recorded in the minutes. In this situation, Members will be asked to vote "for" or "against"; alternatively they may, if they wish, "abstain".
- 18.5 Representatives of Wigan MBC do not have voting rights on waste disposal matters.

19. General Questions

- 19.1 Questions relating to any matter on the agenda or otherwise may be raised at the meeting at the appropriate stage, subject to the discretion of the Chair who will ensure that questions are appropriate and relevant. All Members will be given an equal and fair opportunity to ask questions.
- 19.2 Wherever possible, answers will be given at the meeting by the appropriate Member or officer. In the event that it is not possible to do so, a written response will be sent to the questioner, with copies to all Members, as soon as possible.

20. Conduct/Disturbance at Meetings

- 20.1 It is the responsibility of the Chair to keep order at meetings.
- 20.2 Members are expected, in accordance with the Code of Conduct, to behave in a professional manner and to respect the ruling of the Chair.
- 20.3 If any Member persists in disregarding the authority of the Chair or behaves irregularly, offensively or improperly, or wilfully obstructs the business or the Authority, the Chair, may call upon the Member to retire for the remaining business. The Member concerned cannot vote in these circumstances.
- 20.4 If the Member concerned continues his/her misconduct, the Chair may either instruct the Member to leave the meeting or adjourn the meeting for a period which the Chair feels will be appropriate to contain the problem.
- 20.5 If a member of the public interrupts a meeting, the Chair will ask them not to do so and warn them that if the interruption continues, the person will be required to leave. If the person continues to interrupt, the Chair can order him/her to leave the meeting. If necessary, the assistance of staff will be sought to escort the person off the premises.
- 20.6 Where there is a general disturbance in any part of the room where a meeting is being held, the Chair can, at his/her discretion, order that it be cleared. If the general disturbance is considered by the Chair to be such that the meeting cannot reasonably continue, he/she shall adjourn the meeting for a certain period or until another day, which-ever is felt to be most appropriate in the circumstances.
- 20.7 The Police will be called to assist with any situation, if necessary.

21. Members' Interests

- 21.1 Having regard to statutory requirements and Authority's Members' Code of Conduct, if a Member has a personal interest in a matter for consideration (i.e. one which affects the Member more than most other people in the area) they must declare it and say what that interest is before any meeting where the issue is to be discussed or as soon as it comes to light. However, they can still take part in the meeting and vote unless the personal interest is also a prejudicial interest (Refer to Part E to the Constitution).
- 21.2 A Member with a prejudicial interest in any matter (i.e. where a member of the public would view the personal interest as being so significant that it is likely to prejudice the Member's decision) must declare what the interest is (if they have not already done so) and withdraw from the meeting (by leaving the room). The Member will return to the meeting once the matter has been considered and a decision has been reached.
- 21.3 Members can seek advice relating to personal and prejudicial interests from the Solicitor to the Authority or the Head of Governance.

21.4 The minutes will record the declaration and, if appropriate, that the Member left the meeting.

22. Speaking by the Public at Meetings

22.1 Members of the public will not normally be allowed to speak at meetings. However, members of the public may speak on a specific issue at the discretion of the Chair.

22.2 The Authority welcomes questions from the public and as outlined on the Authority's agenda, a written copy of the question should be submitted to the Head of Governance by 12noon on the day before the meeting (excluding weekends and bank holidays).

23. Press Briefings

The Authority wishes to conduct its business in an open and informative manner. Where considered appropriate, press briefings will be arranged through the Treasurer & Deputy Clerk to explain particularly important or sensitive issues and to give an opportunity for questions to be asked.

24. Petitions

24.1 The Authority's Petition Scheme is set out in Appendix B to Article 1 of Part B.

24.2 All petitions sent to the Authority which contain at least 50 signatories from separate households will be reported to the Authority.

24.3 Petitions with fewer than 50 signatories will be accepted by the Clerk to the Authority but may be reported to the Authority, at the Clerk's discretion.

24.4 Petitions between 50 - 1,500 signatures will be considered and debated at the Petitions Sub-Group (roles and responsibilities of the Sub-Group are located in Part B, Article 3 - Appendix B, of the Constitution) who will convene a meeting to discuss the petition and this will trigger evidence to be provided from a Senior Officer of the Authority. The petitioner organiser will be invited to attend and speak at the meeting.

24.5 The Clerk to the Authority will then prepare a report setting out the recommendations of the Petitions Sub-Group and detailing any action which has been proposed or taken in response to the petition. This report would accompany the submission of the petition to the Authority.

24.6 If a petition contains more than 1,500 signatures, the petition will be debated at an Authority meeting.

24.7 The petition organiser will be invited to speak at the Authority meeting for the purpose of introducing the petition should he/she wish - a maximum of five minutes will be allowed for this.

24.8 Should the petition organiser feel that the petition has not been dealt with properly, there is the right to appeal. The appeal will be considered by the Petitions Sub-Group, with the outcome of the investigation being reported to the next Authority meeting.

24.9 The Chair reserves the right to have a petition heard by the full Authority rather than the Petitions Sub-Group.

25. Urgent Action

- 25.1 In exceptional circumstances, in consultation with the Clerk to the Authority and where delay would be prejudicial to the interests of the Authority, Officers are authorised to take action which is not otherwise delegated to them subject to:-
- (a) authorisation by the Special Purposes Committee; or
 - (b) consultation with the Chair and the relevant Vice-Chair. Should either the Chair or relevant Vice-Chair be unavailable, then consultation with either shall be sufficient. In the event both the Chair and relevant Vice-Chair are unobtainable, and where the necessary decision cannot be obtained promptly through this procedure, usually within 24 hours, the matter may be dealt with provided that the Deputy Chair of the relevant Committee has been consulted;
 - (c) compliance with the Constitution and, in particular, relevant Rules where appropriate; and
 - (d) the action taken being reported to the next appropriate meeting of the Authority.
- 25.2 In an exceptional emergency situation the Clerk will be permitted to take all reasonable action necessary to protect the public/Authority. If exercised, the action will be reported immediately to the Chair and relevant Vice-Chair, prior to being reported to the next appropriate meeting of the Authority.

26. Inspection of Documents by Members

- 26.1 A Member of the Authority may inspect any document that is in the possession of, or under the control of, the Authority provided that either:
- (a) the Member can justify that it is reasonably necessary to perform his/her duties as a member of the Authority, or
 - (b) the document contains material relating to any business to be transacted or which has been transacted at a meeting. They are not, however, entitled to inspect any document if it relates to a matter in which the Member is professionally interested, or in which he/she has a personal or prejudicial interest.
- 26.2 If the Clerk to the Authority is of the opinion that the document in question is not required to be open to inspection under the provisions of the Local Government (Access to Information) Act 1985 (exempt information not to be provided to Members), a Member will not be able to inspect the document.
- 26.3 This provision does not entitle the Clerk to the Authority to refuse a Member access to documents which they have a legal right to inspect.

27. Confidentiality

Where the contents of any document are expressed to be restricted from publication, Members and officers must respect such confidentiality.

28. Requirement to Attend Meetings

If a Member fails to attend three consecutive meetings of the Authority, unless the failure was due to a reason approved by the Chair of the Authority, the Authority will recommend to the

relevant constituent Council that the Member be replaced and not considered for re-appointment by the Council to the Authority for a period of at least two years.

29. Publishing of Decisions of the Authority and Committees

- 29.1 Decisions undertaken by the Authority and Committees will be published on a decision notice (as set out at Part B, Appendix C to Article 1) by the Head of Governance on the Authority's website within 2 clear working dates (excluding weekends) after the date of the meeting.
- 29.2 The decisions of a Committee can be "referred" to a full Authority meeting at either the request of the Chair of the Authority or by the request of 3 Elected Members (for further details on the referral process, see section 32).
- 29.3 The decision notices will bear the date on which they were published and will specify the referral period, if applicable, along with the implementation date.

30. Delegated Decisions undertaken by Officers

- 30.1 Officers can undertake delegated decisions either through their scheme of delegation, as set out in Part C of the Constitution or by the Authority requesting that an Officer exercises their delegated powers for a particular decision.
- 30.2 Officers undertaking delegated decisions must consult with the Chair of the Authority and the relevant Vice-Chair. In the absence of either the Chair or relevant Vice-Chair the relevant Deputy must be consulted.
- 30.3 Contained at Part B, Appendix D of Article 1, in a flow chart, is the process Officers need to follow to execute delegated decisions.

31. Implementing Decisions

- 31.1 Decisions of the Authority can be acted upon immediately after the meeting subject to any restriction placed at the time.
- 31.2 Decisions of the Committees and Officer delegated decisions are subject to the "referral" process as set out in section 32 below, unless the decision has been exempt by the Authority from the "referral" process or under section 25, Article 1 within Part B of the Constitution.
- 31.3 Decisions of the Committees and Officer delegated decisions will be implemented immediately after the "referral period" (as set out in section 32, below) has expired.

32. Referral Process

- 32.1 Committees are required to provide a work programme for consideration and approval of the Authority.
- 32.2 At the time of the Authority agreeing the work programme of each Committee, Members have the opportunity to identify any matters which either the Authority could:-
- a) exclude from the potential of being "referred" to the Authority; or
 - b) request that the item from the work programme be referred to the Authority and therefore removed from that Committee's work programme.

- 32.3 Following each Committee meeting, the Committee's decisions will be published by the Head of Governance within 2 clear working days (excluding weekends) from the meeting date.
- 32.4 Authority Members then have 5 clear working days (excluding weekends) to consider and request that the decision be "referred" to the next meeting of the Authority, so long as it as the decision has not been excluded from being "referred" to an Authority meeting.
- 32.5 To request the "referral" of a decision, the Elected Member must contact the Head of Governance, complete the referral pro-forma (as set out in Part B, Appendix E of Article 1) and provide the written support of 2 other Elected Members unless the request is from the Chair of the Authority.
- 32.6 The Chair has the reserved right to "refer" to the Authority any decision undertaken by a Committee.
- 32.7 If the Chair of the Authority requests the "referral" of a decision, the Chair must contact the Head of Governance and complete the referral pro-forma (as set out in Part B, Appendix E of Article 1)
- 32.8 Upon receipt of a "referral", the Chair of the Authority, the Chair and Deputy Chair of the relevant Committee and the Authority's Senior Management Team will be notified of the request.

33. Minutes

- 33.1 Minutes will be circulated to Members with the agenda for the next meeting.
- 33.2 Minutes of all meetings will generally be confirmed as a correct record at the next scheduled meeting. If appropriate, or if necessary, this may be done at an earlier special meeting. The minutes will be signed by the Chair, or other person presiding at the meeting, when they are confirmed.
- 33.3 Minutes will be made available for public inspection in accordance with statutory requirements and can be found on the Authority's website at <http://meetings.gmwda.gov.uk/>.
- 33.4 Minutes of every Committee/Sub-Group will be considered at Authority meetings.
- 33.5 The minutes will be the formal record of attendance at meetings by Members.

34. Sealing

- 34.1 The Common Seal of the Authority shall be kept in a safe place in the custody of the Solicitor to the Authority or his/her nominated deputy.
- 34.2 The Seal shall be attested by the Solicitor to the Authority or his/her nominated deputy and a register kept recording details of all documents sealed.
- 34.3 In the absence of the Solicitor to the Authority, the Treasurer & Deputy Clerk and the Director of Resources have delegated authority to seal documents.

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NOT FOR PUBLICATION

By virtue of Paragraph? of Part
1 of Schedule 12 A of the Local
Government Act, 1972

It would not, on balance, be in the public interest to disclose this information to the public because disclosure would be likely to breach the reasonable requirements of



Greater Manchester Waste Disposal Authority

Date

Author

Title

1. **Purpose**

1.1

2. **Recommendations**

2.1

3. **Executive Summary**

3.1

4. **Introduction/Background**

4.1

4.2

5. **Current Position**

5.1

5.2

5.3

6. **Options/Alternatives**

6.1

6.2

6.3

7. Preferred Option

7.1

7.2

7.3

8. Consultation

8.1

8.2

8.3

9. Risk Assessment

9.1

10. Resource Implications (as appropriate)

10.1 Financial and Procurement

10.2 Human Resource (including Equal Opportunities)

10.3 Environmental and Health & Safety

10.4 Assets and IT

11. Comments of the Solicitor

11.1

12. Comments of the Treasurer

12.1

Author
Position

The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100D(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information, as defined by that Act.

XXXXXXXX

Files held by Name, Title Medtia Chambers, 5 Barn Street, Oldham, OL1 1LP (0161 770 EXT)



GREATER MANCHESTER WASTE DISPOSAL AUTHORITY PETITIONS SCHEME

Introduction

The Authority welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Authority will receive an acknowledgement from the Authority within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:-

Sarah Mellor
Head of Governance
Greater Manchester Waste Disposal Authority
Media Chambers
5 Barn Street
Oldham
OL1 1LP

Or be created, signed and submitted online by following this link (link to be inserted)

Petitions can also be presented to a meeting of the Authority. These meetings take place on a 8 weekly basis, dates and times can be found here (link). If you would like to present your petition to the Authority, or would like your councillor or someone else to present it on your behalf, please contact Sarah Mellor on 0161 770 1790 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1,500 signatures or more it will also be scheduled for an Authority debate (link to section on Full Authority Debates) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Authority.

What are the guidelines for submitting a petition?

Petitions submitted to the Authority must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Authority to take; and
- The name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will **not** be placed on the website. If the petition does not identify organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently - if this is the case we will explain the reasons and discuss the revised timescales

which will apply. If a petition does not follow the guidelines set out above, the Authority may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Authority do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving of the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

Dependent on the number of petitions received the Authority will either:-

0-49 petitions	Officer investigation
50 -1,499 petitions	Petitions Sub-Group* ¹
Over 1,500 petitions	Full Authority meeting

*¹ The Chair of the Authority ultimately has the right to decide whether a petition of under 1,500 petitions is considered at a full Authority meeting.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger an Authority debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Authority respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a Authority meeting
- Holding an inquiry into the matter
- Undertaking the research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Referring the petition for consideration by the Authority's Petitions Sub-Group *²
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition

* Petitions Sub-Group is a committee of councillors who are responsible for scrutinising the work of the Authority - in order words; the Petitions Sub-Group has the power to hold the Authority's decision makers to account.

The process is shown in a flow-chart at Annex A of this scheme.

If your petition is about something over which the Authority has no direct control (for example the collection of waste) we will consider making representations on behalf of the community to the relevant body. The Authority works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Authority policy), then we will set out the reasons for this to you. You can find more information on the services for which the Authority is responsible here <http://www.gmwda.gov.uk/services-and-facilities>.

If your petition is about something that a different Authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Authority, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Authority debates

If a petition contains more than 1,500 signatures it will be debated by the full Authority. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Authority will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Authority will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Authority are required to make the final decision, the Authority will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Authority officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Authority officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 50 signatures, the relevant senior officer will give evidence at a public meeting of the Authority's Petitions Sub-Group. A list of the senior staff that can be called to give evidence can be found here at <http://www.gmwda.gov.uk/location-staffing.htm>. You should be aware that the Petitions Sub-Group may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The Sub-Group may also decide to call the relevant councillor to attend the meeting. Sub-Group members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the Sub-Group by contacting the Governance Team up to three working days before the meeting.

E-petitions

The Authority welcomes e-petitions which are created and submitted through our website: <http://meetings.gmwda.gov.uk/mgepetitionlistdisplay.aspx?bcr=1>. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be

open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Governance Team. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Authority, please contact (insert details) within 10 days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here:

<http://meetings.gmwda.gov.uk/mgepetitionlistdisplay.aspx?bcr=1>.

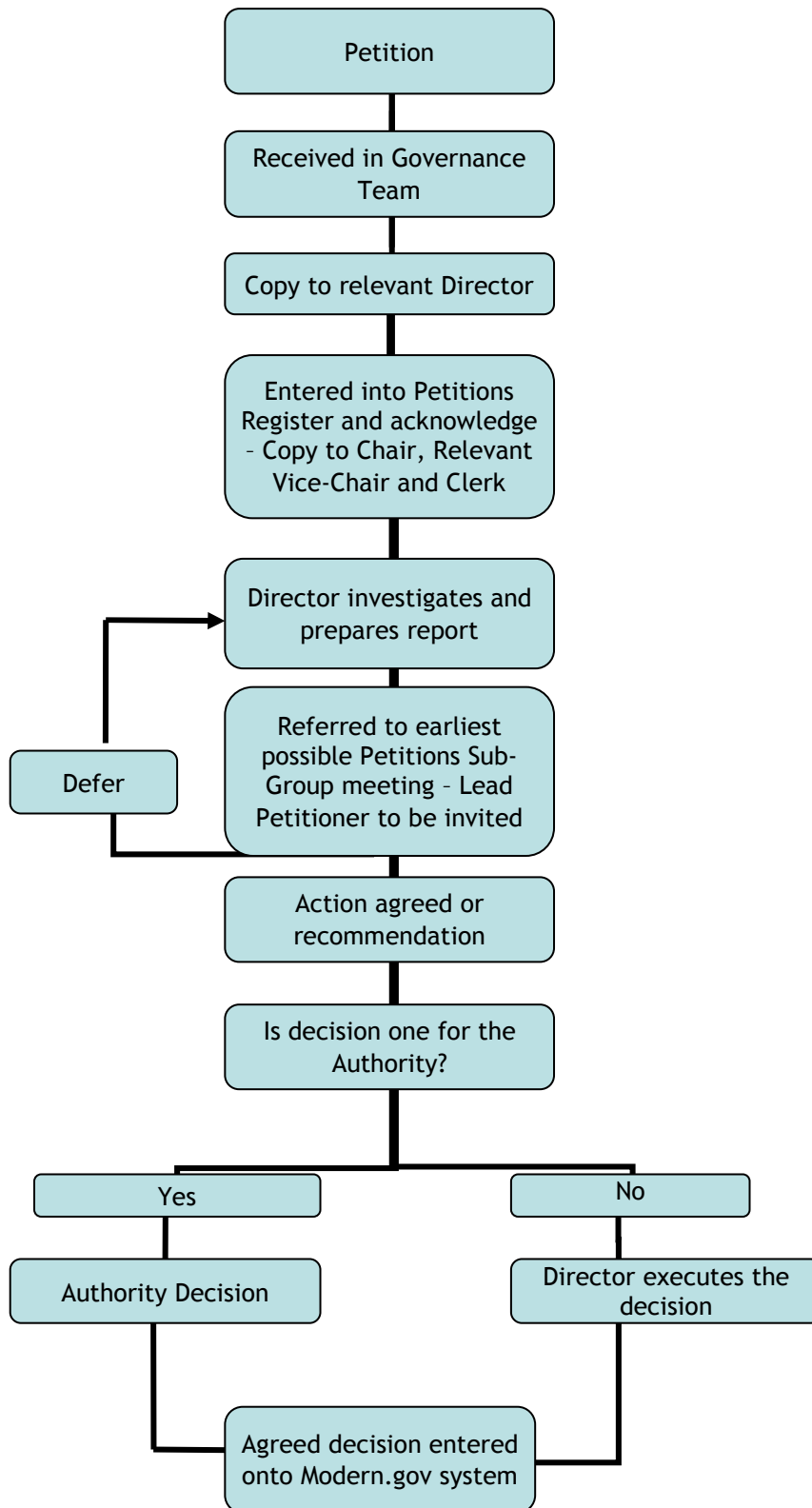
When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Authority's Petitions Sub-Group review the steps that the Authority has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Authority's response is not considered to be adequate.

The Sub-Group will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Sub-Group determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and/or make recommendations to the Authority.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.



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Greater Manchester Waste Disposal Authority

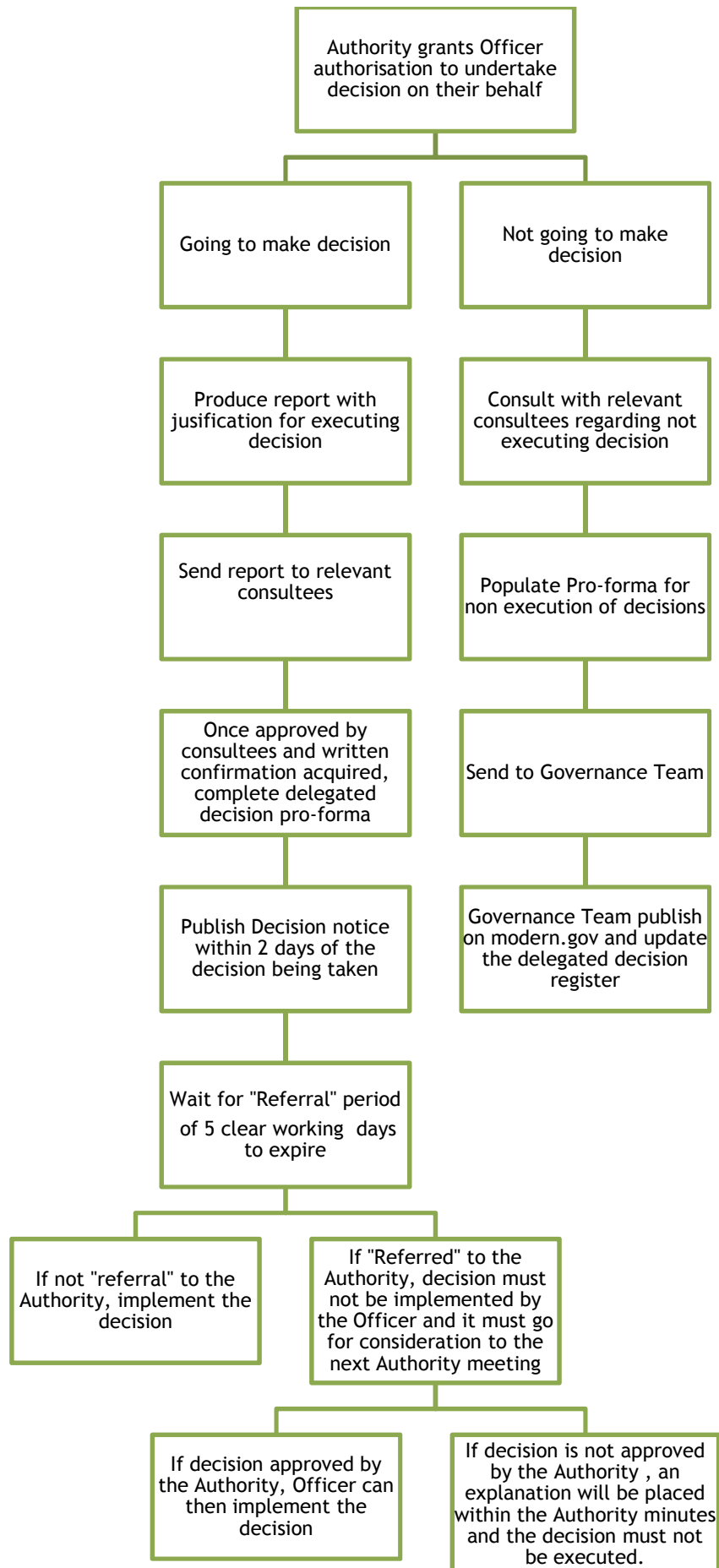
Decision Notice (Stage 2 of 2 of the decision making cycle)

Report Title:	
Recommendations:	
Summary of key considerations within the report:	
Work Programme Ref:	
Officer Implementing decision:	
“Referral” deadline date:	
Proposed Implementation date:	

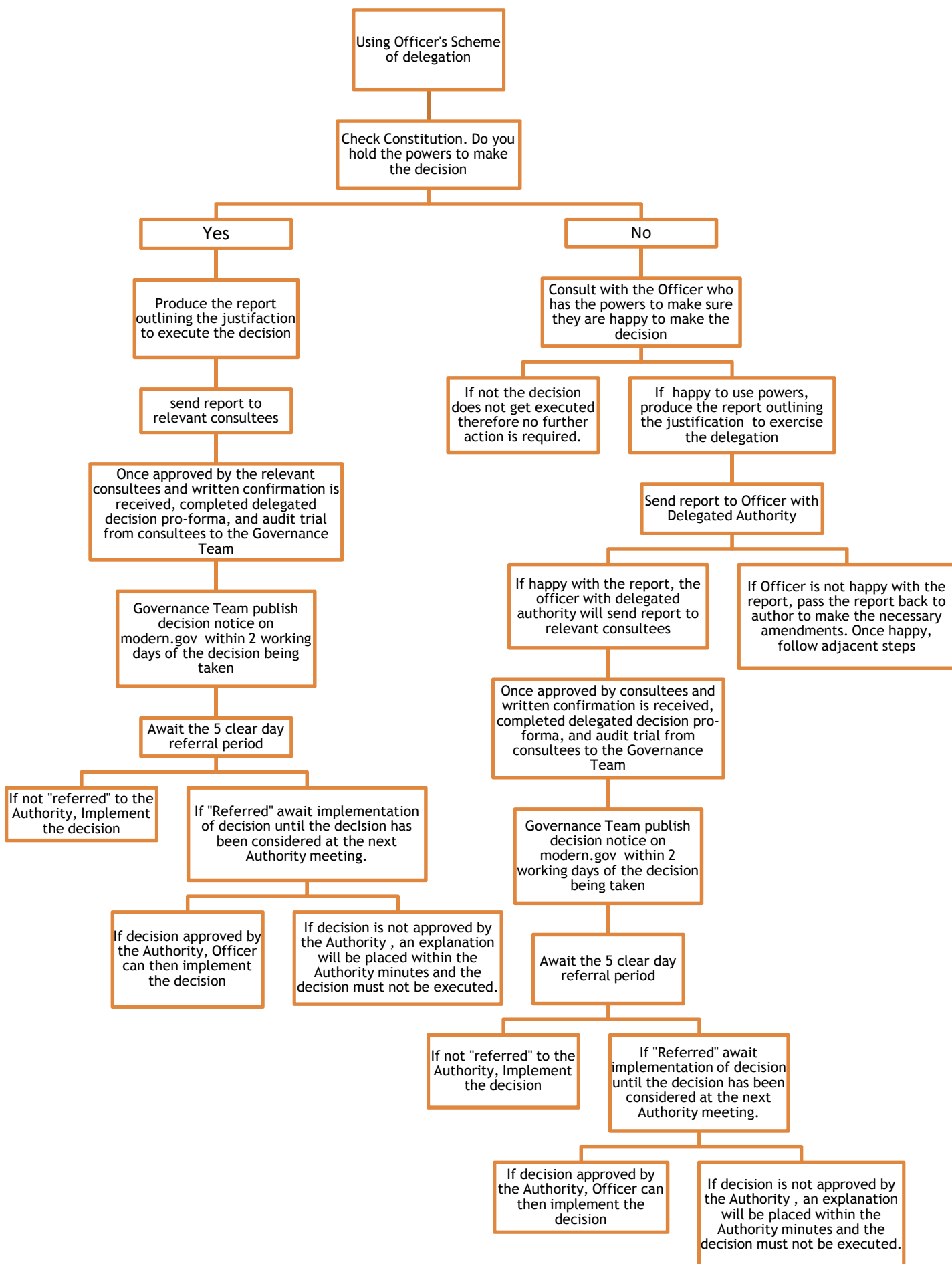
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Flow Charts for Officer Delegated Decisions

Authority grants Officer delegation to make Decision



Officer using Scheme of Delegation





Greater Manchester Waste Disposal Authority

Authority Members Referral Form for decisions taken at Committees

Name of Authority Member Requesting referral to the Authority:	
---	--

Names of 2 Elected Members supporting the referral to the Authority :	

Name of Committee:	
Date of meeting:	
Title of Report:	
Author:	
Reason for Requesting Referral to an Authority meeting:	
Date submitted:	

Work Programme ref:	
---------------------	--



Greater Manchester Waste Disposal Authority

Guidance Notes on the Authority Referral Process

The general principle for the reporting of decisions taken by the Committees was agreed by the Authority at their meeting on the 22nd July 2011

1. Committees are required to provide a work programme for consideration and agreement by the Authority.
2. At the time of the agreeing the work programme Authority Members would have the opportunity to identify any matters that would be excluded from the potential to be “referral” up to an Authority meeting.
3. Following each Committee meeting, there will a process of preparing a record of decisions taken by the Committee which will be made available to all Authority Members within 2 clear days of the Committee meeting.
4. Authority Members then have 5 clear working days to propose the “referral” of the decision to a meeting of the Authority, so long as that has not been excluded from being “referred” up to an Authority meeting.
5. To propose the “referral” of a decision up to an Authority meeting the Authority Member must complete the designated Referral Form outlining the reason for referral and have the support of at least 2 other Authority Members.
6. The Referral Form along with the written backing of the 2 other Authority Members must be made to the Head of Governance at the address below within the 5 clear working days of the decision notice of the Committee being published.

Address: Head of Governance
Medtia Chambers
5 Barn Street
Oldham
OL1 1LP

email: sarah.mellor@gmwda.gov.uk

ARTICLE 2: ACCESS TO INFORMATION

1. Scope

These rules apply to all meetings of the Authority and Committees or Sub-Groups of the Authority.

2. Additional Rights and Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to Attend Meetings

Members of the public and press are positively encouraged to attend all meetings, subject only to the exceptions set out later in this Article. The Authority will do all that it can to minimise such exceptions so that it can have an open debate in public on most issues.

4. Notice of Meetings

The Authority will give at least five clear working days notice (excluding weekends) of any meeting by posting details of the meeting at the GMWDA Offices, Media Chambers, 5 Barn Street, Oldham, OL1 1LP (known as “the designated offices”). If a meeting has to be called at short notice, details will be posted at the earliest opportunity. Such instances should, however, be rare and only in cases of absolute urgency.

5. Access to Agenda and Reports before Meetings

The Authority will make copies of the agenda and reports for meetings open to the public available for inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection at the time the item is added. Where reports are prepared after the notice of the meeting has been sent out, each report will be made available to the public as soon as it is completed and has been sent to Members.

6. Supply of Copies

6.1 On request, the Authority will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Clerk of the Authority thinks fits, any other documents open to public inspection and supplied to Members in connection with an item.

6.2 These papers will be available free of charge to any person at any meeting of the Authority, Committee or Sub-Group of the Authority to which the papers relate, or for a reasonable charge when requested at any other time.

7. Access to Minutes and Reports after Meetings

7.1 The Authority will make available copies of the following documents for six years after a meeting:

- (a) the minutes of the meeting or record of decisions taken, together with reasons, including any part of the minutes when the meeting was not open to the public;
- (b) the agenda for the meeting;
- (c) reports related to items where the meeting was open to the public; and
- (d) communication briefings when prepared about items closed to the public.

7.2 Agendas, Minutes and Reports

All agenda, minutes and reports, within at least a six year period, that are open to the public are located on the Authority's website at <http://www.gmwda.gov.uk/meetings.htm>

8. Background Papers

8.1 Every report will list those documents relating to the subject matter of the report, which, in the author's opinion, (a) disclose any facts or matters upon which the report, or part of it, was based and (b) have been relied upon to a material extent in preparing the report.

8.2 This will not include published works, or those that disclose exempt or confidential information.

8.3 Background papers are available for public inspection for four years after the date of the meeting and copies may be requested for a reasonable charge from the Clerk to the Authority.

9. Summary of Public's Rights

9.1 The public has the right to attend meetings and to inspect and copy documents. Those rights are summarised as follows:-

9.2 Members of the public may:

- (a) attend meetings and speak with the permission of the Chair or in accordance with any special procedures for the meeting concerned (e.g. lead petitioner);
- (b) inspect agendas for each of the meetings;
- (c) inspect minutes of the meetings once they have been confirmed as a correct record;
- (d) inspect a list of background papers used to compile the reports attached to each agenda; and
- (e) make copies, or ask for copies of the whole or part of any such document open to inspection.

- 9.3 Members of the public may not, however -
- (a) have access to some documents which, by law, are exempt from publication (i.e. private and confidential reports).
 - (b) stay at a meeting when private and confidential reports are being discussed - a resolution will be passed at the meeting requiring press and public to leave.
 - (c) take photographs at meetings nor record or transmit the proceedings (unless the Chair chooses to allow these actions in which case this will be announced).

10 Exclusion of Access by the Public to Meetings

10.1 Confidential Information

The public has, legally, to be excluded from meetings whenever it is likely that confidential information will be disclosed.

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot, by Court Order, be publicly disclosed.

10.2 Exempt Information

The public may be excluded from meetings whenever it is likely that exempt information will be disclosed.

Exempt information means any of the paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972 as detailed in Appendix A to Article 2, Part B.

- 10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in that Article.

11 Exclusion of Access by the Public to Reports

If the author deems necessary, the Authority may exclude access by the public to reports that in his/her opinion relate to items during which, in accordance with above, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" and the agenda will explain the category of information likely to be disclosed (as set out at Appendix A, Article 2, Part B).

12. Procedure for taking a Key Decision

12.1 Subject to Part B, Article 1: section 25 (urgent action rules), a "key" decision (as defined in Part D, paragraph 21.1.11 of the Contract Procedure rules) may not be taken unless it has been considered, in the first instance, at a full Authority meeting.

12.2 Where the decision is taken at a meeting of the Authority meeting, a notice of the meeting must be given in accordance with Rule 4, Article 2, Part B (notice of meetings).

12.3 Key decisions undertaken at an Authority meeting are subject to Article 1: section 30.1 (publishing of decisions of the Authority and Committee), but are not subject to the “referral” process (as set out in Article 1, section 32)

12.4 Subject to Part B, Article 1: section 25 (urgent action rules) the implementation of key decisions undertaken by Committees or Officers of the Authority, will be taken in accordance with Part B, Article 1: section 31, implementing decisions and section 32, the “referral” process.

13 The Authority’s Work Programme

13.1 Period of the Work Programme

The Clerk to the Authority will prepare an annual work programme covering the Authority meeting and all its committees for a period of 12 months, which will be reviewed and updated on an 8 weekly cycle.

13.2 Contents of the Work Programme

The work programme will cover all reports planned to be considered at that particular meeting.

Sitting behind the work programme will be a summary sheet outlining the following information (as set out in Appendix B to Article 2, Part B).

a) Which body and proposed meeting date will consider the report;

b) A summary of the content of the report;

c) Proposed recommendations; and

d) An indication of the Officer responsible for preparing the report.

13.3 The Authority will review and approve the work programmes at Authority meetings and have the right to exempt any items being considered within a committee from the “referral” process (as set out in Part B, Article 1: section 32).

Exempt Information

Category	Condition
<p>1. Information relating to any particular individual.</p> <p>2. Information which is likely to reveal the identity of any individual</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicates;</p> <p>A "protected informant" means a person giving the Authority's information which tends to show that</p> <ul style="list-style-type: none"> (a) a criminal offence; (b) a breach of statutory duty; (c) a breach of planning control; or (d) a nuisance, has been, or is being, or is about to be committed.
<p>3. Information relating to the financial or business affairs of any particular person including the Authority ('person' includes any public authority, company, or other legally-constituted organisation, and the partners in a partnership or firm).</p>	<p>Information within Paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable;</p> <p>Information is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with the Authority in respect of the advantage would arise as against the Council or as against other such persons;</p> <p>Information is only exempt if, and for so long as, disclosure to the public of the terms would prejudice the Authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it);</p> <p>For the purposes of this paragraph "tender" includes a written bid from the Council.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority, or a Government minister, and any employees of, or office holders under, the Authority.</p>	<p>Information 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 1974, i.e. matters which may be the subject of a trade dispute.</p>

5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Any instructions to or advice from Counsel, or information about any legal proceedings (actual or contemplated), or the determination of any matter, involving the Authority.
6.	Information reveals that the Council proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person (including an organisation) or (b) to make an order or direction under any enactment.	Information 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.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

While changes have not been made to the existing ‘need to know’ rights of Members, all members of the Authority are now able to inspect documents where the new exemptions by virtue of Paragraphs 3 and 6 apply to reports.

A significant new feature of the revised Schedule is the qualification that has been introduced (mirroring provisions in the Freedom of Information Act 2000) that, before applying any exemption, the meeting has to consider a ‘**public interest**’ test i.e. before excluding the public the meeting has to be satisfied that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in having access to the information.

This public interest test may have been implicit in previous decisions to exclude the public but, in future, it will need to be dealt with explicitly and recorded in the minutes, with some explanation as to why the balance of public interest has come down in favour of confidentiality. Authors of reports need to be as explicit as possible with regard to the balance of public interest when recommending confidentiality (they would, in any event, be required to give detailed reasons if refusing a formal Freedom of Information Application).



Greater Manchester Waste Disposal Authority

Summary of Report (Stage 1 of 2 of the Decision making cycle)

Report Title:		
Proposed Recommendations:		
Summary of key considerations within the report:		
Author:		
Agenda Setting Date for summary report:		
Summary approved	Yes:	
	No:	
Chair & Vice-Chair(s) to sign of full report	Yes:	
	No:	

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ARTICLE 3: COMMITTEES AND SUB-GROUPS

1. Committees


The Authority will appoint to the Committee set out below with the terms of reference outlined in Appendix A, unless stated otherwise.

- Special Purposes Committee (Appendix A¹)
- Audit Committee (Appendix A²)
- Performance, Policy and Resources Committee (A³)
- Recycling, Waste Management and Operations Committee (A⁴)
- Strategy and Behavioural Change Committee (A⁵)

2. Sub-Groups

The Authority will appoint a Petitions Sub-Group with the term of reference outlined in Appendix B.


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	GREATER MANCHESTER WASTE DISPOSAL AUTHORITY TERMS OF REFERENCE	
Name:	Special Purposes Committee	
Membership:	In line with Political Balance the composition of the Committee* ¹ will be set each year at the Annual Meeting.	
Purpose of the Group:	To consider, with full delegated power, a) any matter referred to the Committee by the Authority; and/or b) any matter referred to the Committee by Officers.	
Quorum:	One Third of the Committee	
Chair	The Chair of the Authority	
Deputy Chair:	To be appointed at the Annual General Meeting	
Frequency:	As and when required	
Responsibilities:	To consider, with full delegated power -	
	a)	Any item of business where it is considered impracticable to obtain a decision in time by any other means, and to exercise delegated powers on behalf of the Authority, in dealing with items of business, including any matter relating to the invitation, receipt, opening and acceptance of tenders;
	b)	To consider business that has been delegated to the Committee from the Authority.
Date approved by the Authority:		

*¹ The Composition of the Committee usually operates with 9 Members, (One for each District with the exception of Wigan MBC).

The Authority for the 2011/12 municipal year resolved not to appoint to this Committee.

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	<p>GREATER MANCHESTER WASTE DISPOSAL AUTHORITY</p> <p>TERMS OF REFERENCE</p>
<p>Name:</p>	<p>Audit Committee</p>
<p>Membership:</p>	<p>5 Elected Members: Councillor Fitzpatrick Councillor Glover Councillor Harkin Councillor Mashiter Councillor Quinn</p> <p>Up to 2 Independent Members, one of which will be Chair of the Committee Geraldine Lewis (Chair) Stephen Tinsley</p>
<p>Purpose of the Group:</p>	<p>The Audit Committee will provide assurance on behalf of the Authority that their Corporate Governance objectives are being met. To determine its opinion, it will:</p> <ul style="list-style-type: none"> • Assess how fully the Authority complies with the statutory responsibilities placed on it by the Accounts and Audit Regulations 2006 2011 or by amendments to the Regulations or by similar formal demands; • In maintaining compliance within a robust financial framework objectively consider, review and approve the annual Internal and External Audit Plans; • Ensure that the Authority has the appropriate systems to achieve Value for Money; • Review progress on risk management and governance, on a regular basis; • Review the Authority's role as a senior lender to the Private Finance Initiative (PFI) Contract; • Report to the Authority any cases that the Committee deems appropriate to be brought to their attention; • Ensures that the Authority maintains a robust counter fraud culture, backed up by effective controls and procedures; and • Provide an effective challenge to performance management Corporate Governance arrangements for the delivery of the Authority's policies; and • To report annually, in the form of an annual report upon work undertaken and form a view upon the adequacy of Corporate Governance. <p>To achieve these objectives the Committee will depend on reporting from the Treasurer & Deputy Clerk, the Authority's internal and external auditors and other reporting from management or external advisors, as it requires.</p>
<p>Quorum:</p>	<p>3 (At least 2 of which must be Elected Members)</p>
<p>Chair:</p>	<p>An independent Member</p>
<p>Frequency of meetings:</p>	<p>The Committee will normally meet at least four times each year to fulfil its requirements.</p>

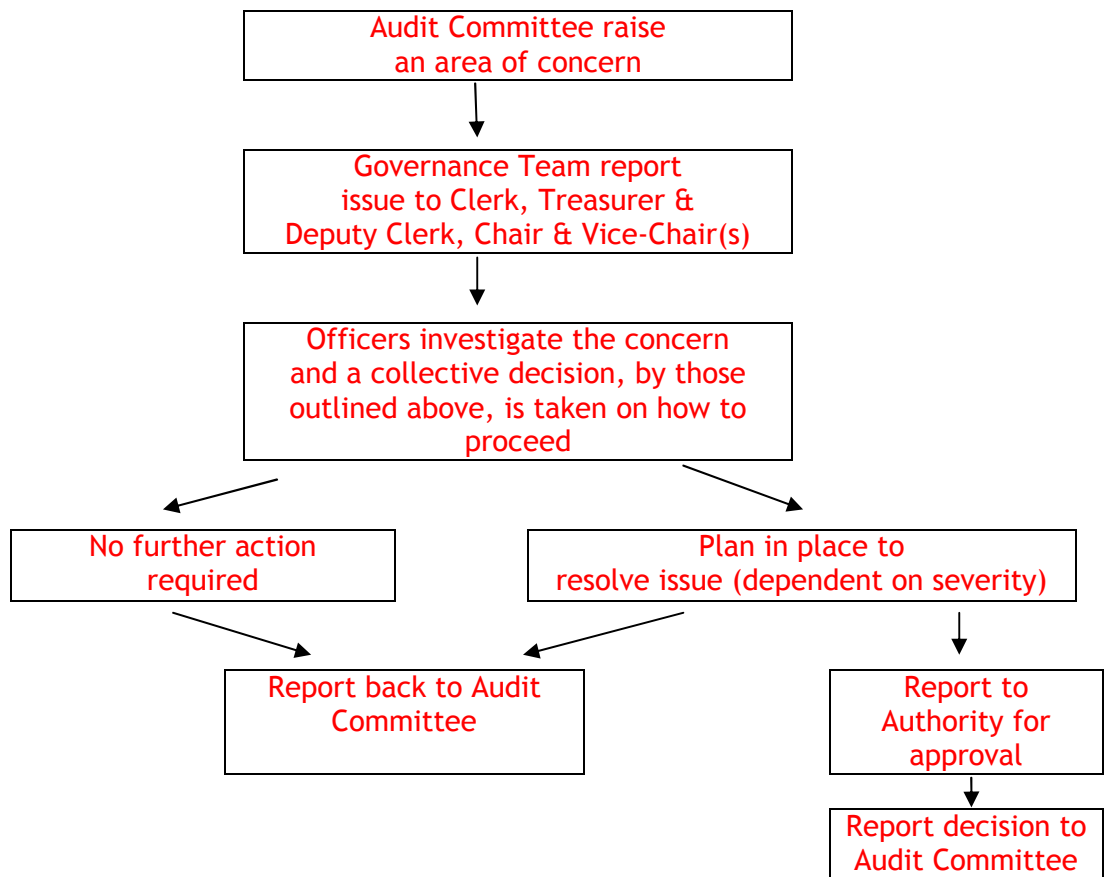
	<p>It is envisaged that each committee meeting will commence with a separate meeting of Committee Members plus Internal/External Audit Representatives to enable an appropriate independent briefing to be provided.</p> <p>Training will be provided (as required) in advance of the meetings to cover technical aspects of the proposed agenda. Ideally such training will be independent from the report authors and aimed at providing sufficient knowledge for effective challenge to take place.</p> <p>Half yearly the Chair of the Committee, supported as required by Officers, will meet with the Chair and Vice-Chair of the Authority to consider progress and any proposals to adjust/enhance the role of the Committee.</p>
Responsibilities:	<p>Outline Programme</p> <p>During the course of the year, the Committee will meet primarily to fulfil the following responsibilities:-</p>
	<p>1. Internal Audit and Counter Fraud</p>
	<ul style="list-style-type: none"> • To approve the Internal Audit Strategy, Annual Audit Plan and performance criteria for the Internal Audit Service. • To review summary findings and main issues arising from internal audit reports and seek assurance that management action has been taken where necessary. • To review and agree any improvements to the effectiveness of the anti-fraud and corruption arrangements throughout the Authority. • To assist the Authority to achieve Value for Money. • To review the effectiveness of the system of Internal Audit on an annual basis as per the 2006 2011 Accounts and Audit Regulations.
	<p>2. To review the work-plan outputs from the audit process and performance of the External Audit, including the Annual Audit letter.</p>
	<p>3. To review, and recommend to the Authority changes to Finance and Contract Procedure Rules.</p>
	<p>4. Final Statement/Financial Reporting</p>
	<ul style="list-style-type: none"> • To approve review the unaudited annual Statement of Final Accounts. • To approve the audited annual Statement of Final Accounts. • To review the Annual Governance Report and associated documents issued by the External Audit and in light of that report, to approve the annual Statement of Final Accounts. • To approve changes in accounting policy. • To assess the effectiveness of financial reporting.
	<p>5. Corporate Governance</p>
	<ul style="list-style-type: none"> • To approve the local code of corporate governance. • To assess the effectiveness of the Authority's Corporate Governance

		<p>arrangements.</p> <ul style="list-style-type: none"> To review progress on the implementation of Corporate Governance arrangements throughout the Authority. To approve the Annual Governance Statement. To review the annual Statements of Assurance provided by the Clerk to the Authority and Senior Officers of the Authority. To liaise, as necessary, with the Standards Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers.
	6.	Risk Management
		<ul style="list-style-type: none"> To assess the effectiveness of the Authority's Risk Management arrangements. To review progress on the implementation of Risk Management throughout the Authority.
	7.	To consider any other relevant matter referred to by the Authority or any other Committee.


Reporting arrangements:

In addition to the Annual Report the work of the Committee will be reported through to the Authority by the timely supply of (draft) minutes from its meetings.


In the event of the need for further direct reporting the following flowchart will be used to determine notification requirements:




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	<p>GREATER MANCHESTER WASTE DISPOSAL AUTHORITY</p> <p>TERMS OF REFERENCE</p>
<p>Name:</p>	<p>Performance, Policy and Resources Committee</p>
<p>Membership:</p>	<p>6 Elected Members to be appointed annually at the Authority's AGM. For 2011/12 Municipal Year the following Members were appointed:- Cllr. B. Alexander Cllr. Burke Cllr. Chilton Cllr. Cummings Cllr. Harkin Cllr. Salamat</p>
<p>In attendance:</p>	<p>Senior Officers of the Authority, as required</p> <p>Invitees requested by the Committee to enable wider stakeholders to either present or advise the Committee on areas within its remit.</p>
<p>Quorum:</p>	<p>4 Elected Members</p>
<p>Chair:</p>	<p>To be appointed annually. For 2011/12 the Chair is Cllr. Cummings</p>
<p>Deputy-Chair:</p>	<p>To be appointed annually. For 2011/12 the Deputy-Chair is Cllr. Harkin</p>
<p>Frequency:</p>	<p>4 times per year</p>
<p>Responsibilities:</p>	<p>On behalf of the Authority, to consider substantive matters relating to:</p>
<p></p>	<p>1) the general financial, human resources and other enabling policies required to deliver the Corporate Plan;</p>
<p></p>	<p>2) the exercise of specified delegated powers in relation to the capital and revenue budget provision for which expenditure has been approved by the full Authority;</p>
<p></p>	<p>3) monitoring the spend against the budget plan;</p>
<p></p>	<p>4) the Authority's asset portfolio and to exercise delegated powers up to the sum of £50,000;</p>
<p></p>	<p>5) strategy and policy in relation to sustainability, climate change and environmental issues;</p>
<p></p>	<p>6) monitoring and considering any alterations to the Authority's Inter-Authority Agreement (IAA);</p>
<p></p>	<p>7) the relevant aspects of the Authority's 'Zero Waste' agenda;</p>
<p></p>	<p>8) to accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold;</p>
<p></p>	<p>9) determine compensation claims up to a value of £100,000;</p>
<p></p>	<p>10) proposals from government departments and other national or regional bodies with potential implications for the Authority;</p>


	11) monitoring the implementation of the Landfill Aftercare Review;
	12) ensuring that services delivered remain value for money;
	13) to work in tandem with other committees on cross-committee issues; and
	14) To enable the work
	15) any other item referred to it by the Authority or Senior Management Team.
Budget:	To enable the Committee to carry out its role and responsibilities, the Committee holds a small budget of £2,000 and has the delegated powers to utilise this budget.
Date approved by the Authority:	

	<p>GREATER MANCHESTER WASTE DISPOSAL AUTHORITY</p> <p>TERMS OF REFERENCE</p>
<p>Name:</p>	<p>Recycling, Waste Management and Operations Committee</p>
<p>Membership:</p>	<p>6 Elected Members to be appointed annually at the Authority's AGM. For 2011/12 Municipal Year the following Members were appointed:-</p> <p>Cllr. A. Alexander Cllr. B. Alexander Cllr. Mashiter Cllr. Piddington Cllr. White Cllr. Young</p>
<p>In attendance:</p>	<p>Senior Officers of the Authority, as required</p> <p>Invitees requested by the Committee to enable wider stakeholders to either present or advise the Committee on areas within its remit.</p>
<p>Quorum:</p>	<p>4 Elected Members</p>
<p>Chair:</p>	<p>To be appointed annually. For 2011/12 the Chair is Cllr. Piddington</p>
<p>Deputy-Chair:</p>	<p>To be appointed annually. For 2011/12 the Deputy-Chair is Cllr. Young</p>
<p>Frequency:</p>	<p>4 times per year</p>
<p>Responsibilities:</p>	<p>On behalf of the Authority, to consider substantive matters relating to:</p>
	<p>1) monitoring the performance and implementation of the Recycling and Waste Management Contract (the Contract);</p>
	<p>2) monitoring the construction programme;</p>
	<p>3) any 'new projects' in relation to the contract be considered by the Committee prior to being referred to the Authority;</p>
	<p>4) reviewing and considering any improvements or changes in relation to Household Waste Recycling Centres (HWRCS);</p>
	<p>5) monitoring the decisions executed by the Project Director under his scheme of delegation, as set out within the constitution;</p>
	<p>6) potential changes to district or the Authorities' strategies and policies which could impact on the Contract and/or operations;</p>
	<p>7) to accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold;</p>
	<p>8) the relevant aspects of the Authority's 'Zero Waste' agenda;</p>
	<p>9) proposals from government department and other national or regional</p>

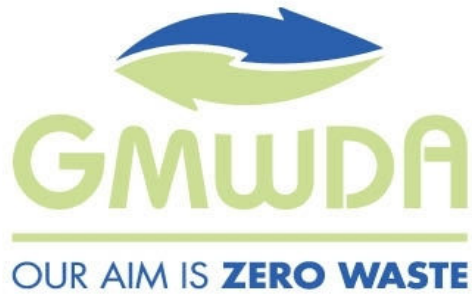
	bodies which could impact on the Contract; and
	10) to work in tandem with other committees on cross-committee issues; and
	11) any other item referred to it by the Authority or Senior Management Team.
Budget:	To enable the Committee to carry out its role and responsibilities, the Committee holds a small budget of £2,000 and has the delegated powers to utilise this budget.
Date approved by the Authority:	

	<p>GREATER MANCHESTER WASTE DISPOSAL AUTHORITY</p> <p>TERMS OF REFERENCE</p>
Name:	Strategy and Behavioural Change Committee
Membership:	<p>6 Elected Members to be appointed annually at the Authority's AGM. For 2011/12 Municipal Year the following Members were appointed:-</p> <p>Cllr. Fitzpatrick Cllr. Gordon Cllr. Murphy Cllr. Ryan Cllr. White Cllr. Young</p>
In attendance:	<p>Senior Officers of the Authority, as required</p> <p>Invitees requested by the Committee to enable wider stakeholders to either present or advise the Committee on areas within its remit.</p>
Quorum:	4 Elected Members
Chair:	To be appointed annually. For 2011/12 the Chair is Cllr. Gordon
Deputy-Chair:	To be appointed annually. For 2011/12 the Deputy-Chair is Cllr. Murphy
Frequency:	4 times per year
Responsibilities:	On behalf of the Authority, to consider substantive matters relating to:
	1) the communications objectives within the Corporate Plan;
	2) monitoring the delivery of the 5 Year Communications Plan;
	3) exercising delegated powers in order to deliver the communication objective within the Authority's allocated communications budget;
	4) exercising delegated powers in relation to assessing and allocating funding from the Authority's Community Waste Fund;
	5) proposals and initiatives from government departments and other national or regional bodies with potential implications to the Authority's strategies and communications objective;
	6) the development of the Authority's Waste Management Strategy;
	7) the relevant aspects of the Authority's 'Zero Waste' agenda;
	8) raising awareness, behavioural change, waste minimisation and hard to reach areas;
	9) the development, monitoring and review of the strategic direction of the Authority;
	10) to accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold;
	11) influencing the national, regional and sub-regional waste agenda in accordance with the Corporate Plan objectives;

	12) to work in tandem with other committees on cross-committee issues; and
	13) any other item referred to it by the Authority or Senior Management Team.
Budget:	To enable the Committee to carry out its role and responsibilities, the Committee holds a small budget of £2,000 and has the delegated powers to utilise this budget.
Date approved by the Authority:	

	GREATER MANCHESTER WASTE DISPOSAL AUTHORITY	
	TERMS OF REFERENCE	
Name:	Petitions Sub-Group	
Membership:	3 Elected Members	
	Cllr. Gordon	
	Cllr. Murphy	
	Cllr. Piddington	
	In Attendance: Senior Officer of the Authority	
Purpose of the Group:	To review and consider petitions submitted to the Authority.	
Quorum:	2 Elected Members	
Chair:	To be appointed at the meeting.	
Frequency:	As and when required.	
Responsibilities:	1.	To review and consider petitions between 50 - 1499 signatures.
	2.	To recommend to the Authority any appropriate action in response to the petition.
	3.	To review and investigate any appeals should the petition organiser feel that the process has not been dealt with appropriately and make recommendations to the Authority.
Date approved by the Authority:		

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Part C

Responsibility for Functions

The Authority's Scheme of Delegation

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SCHEME OF DELEGATION

Introduction

1. Statutory Basis

- 1.1 The basis for delegation within the Authority is contained within Section 101 of the Local Government Act 1972.
- 1.2 Section 101 of the 1972 Act allows the Authority to arrange for its functions to be carried out at a formal meeting or by an employee. Section 100G(2) requires authorities to keep a list specifying those powers which are exercisable by employees and their respective titles in each case. Section 112 requires authorities to appoint such employees as they think necessary for the proper discharge of their functions.
- 1.3 The Local Government Act 2000 (the “LGA 2000”) requires authorities to be clear within their Constitution who is responsible for functions and where decision-making lies. Although the Authority is not bound by the LGA 2000, it is appropriate to follow the spirit of these provisions and this Scheme describes the Delegations within which the Authority will operate.

2. Framework

- 2.1 The Authority has agreed that the following principles should be applied to all decisions:
 - proportionality (the action must be proportional to the desired outcome);
 - due consultation and the taking of professional advice from employees;
 - respect for human rights;
 - a presumption in favour of openness;
 - clarity of aims and desired outcomes; and
 - the options considered and the reasons for a particular choice will be explained when appropriate.
- 2.2 All decisions will also be consistent with relevant law, Contract Procedure Rules, Financial Rules, other relevant Rules, and any other requirements set out in this Constitution.
- 2.3 Decisions taken by the Authority, a Committee or Sub-Group of the Authority, a Member or an employee acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations, or the criminal responsibility, of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

3. Purpose of the Scheme

The purpose of the scheme is:-

- (a) To define those decisions to be taken by Members of the Authority at formal Authority meetings (Section A of Part C);

- (b) To identify those decisions that have been delegated to Committees (Section B of Part C);
- (c) To identify that all other decisions will be taken by Appointed Officers (or nominated post holders as listed), either collectively or individually, and to define these accordingly (Section C of Part C);
- (d) To identify that all other decisions that can be taken by specific Appointed Officers (or nominated post holders as listed), individually, and to define these accordingly (Section D - H of Part C);
- (e) To define the process by which decisions are monitored to ensure transparency and accountability; and
- (f) To define 'Proper Officer' responsibilities.

4. Matters which cannot be delegated

Certain functions may not, by law, be delegated. As such, they must be dealt with by Members at formal Authority meetings (subject to the urgency provisions in paragraph 25 of Conduct of Meetings in Article 1, Part B). These are listed in Section A, Part C of this document.

5. Delegation to Appointed Officers

- 5.1 All matters not reserved to the Authority or relevant committee meetings are delegated to the Appointed Officers (or nominated post-holders) within the service areas assigned to them as set out in Sections E-J.
- 5.2 The Scheme does not define how each decision should be taken, nor does it attempt to list incidental matters that are a part of the Appointed Officers' everyday management functions.
- 5.3 The delegation of an authority to an Appointed Officer includes the exercise of that authority on his/her behalf by another employee under his/her supervision. Appointed Officers are responsible for maintaining a comprehensive list of nominated post-holders, which also identifies specific areas of responsibility. These lists are open to inspection by the public.
- 5.4 Delegations to Appointed Officers are split into two parts - powers that can be exercised by (i) all Appointed Officers, and (ii) individual Appointed Officers.
- 5.5 The Clerk to the Authority will clarify any delegation to officers if necessary.

6. Changes in Legislation

Any delegation or authority specified in this Scheme (including Proper Officer functions), by reference to any Act or any associated Regulations (e.g. a statutory instrument), and includes references to any related re-enactment, consolidation, modification, variation or amendment.

7. Proper Officer Function

- 7.1 The concept of "Proper Officers" to perform certain tasks or carry out various formal or administrative functions differs from that of delegated powers. Delegated powers

may involve the exercise of discretion or choice; the functions of a Proper Officer are generally prescribed by legislation.

7.2 In the case of the Authority, the Proper Officer functions are outlined in the Clerk to the Authority's scheme of delegation.

8. Monitoring of Decisions

Delegated decisions taken by Designated Officers under the following provisions of the Delegation Scheme shall be reported to the Authority.

9. Constitution

This Scheme forms part of the Authority's Constitution and should be read in conjunction with other Parts.

10. Deputising

Under each of the Officers' Scheme of Delegations, a deputy has been identified. If, however, for any reason, the nominated deputy was not available, the Officer (or Deputy) can appoint another deputy.

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SECTION A - THE AUTHORITY

Generally, the Authority may exercise all, or any, of its duties or powers, irrespective of delegation to officers.

The following powers and functions are reserved to the Authority, either by law and/or statutory guidance (and cannot be delegated) or by local choice:

1. adopting and changing the Constitution, or authorising the suspension of any of its Rules;
2. adopting and keeping under review the Waste Management Strategy;
3. approving the annual budget (capital and revenue) of the Authority;
4. determining the annual levy on the constituent Councils;
5. appointing Member representatives to outside bodies and partnerships;
6. confirming the appointment of the Clerk to the Authority;
7. appointing the Treasurer & Deputy Clerk (in our case the officer with responsibilities under Section 151 of the Local Government Act 1972) and the Monitoring Officer;
8. promoting or opposing the making of local legislation or Bills;
9. approving and adopting the Corporate Plan;
10. appointing Members to the following positions:
 - i. the Chair of the Authority;
 - ii. the Vice Chair(s) of the Authority;
 - iii. Members of Committees, Sub-Committees and Sub-Groups;
 - iv. any other lead roles as may be considered appropriate by the Authority;
 - v. Outside Bodies
11. agreeing the Programme of Meetings;
12. approving and reviewing the work programmes of the Authority and its Committees/ Sub-Groups;
13. determining all major issues affecting the Authority, particularly strategic, financial, policy related and corporate management matters;
14. agreeing procedures or arrangements relating to the way in which the Authority operates, including Financial Procedure Rules, the Scheme of Delegation, Contract Procedure Rules, the Protocol for Member-Employee Relations, the Code of Practice for Land Acquisitions and Disposals, Members' Code of Conduct, and any other Rules;
15. setting Authority borrowing limits;
16. approving attendance at meetings, visits and conferences where the total cost to the Authority is likely to exceed £5,000;
17. determining compensation claims exceeding £100,000;

18. approving the disposal of assets, write-offs and non-recurring virements above £25,000;
19. delegating functions to another local authority and accepting delegations from another local authority;
20. confirming the making of any other statutory Plans and Strategies and, where necessary, their submission to the appropriate Government Department for approval;
21. to consider and make decisions on the reports of the Authority's Officers which are presented at Authority meetings;
22. accepting tenders and authorising contracts other than those accepted and authorised by officers under the Constitution's Contract rules over the EU Thresholds;
23. receiving petitions (subject to the provisions of paragraph 24 of Part B, Article 1);
24. receiving reports and recommendations from the Authority's External Auditors (except for those delegated to the Audit Committee) , the Ombudsman and Government or other Inspectorates and determining matters where required;
25. resolving and determining any disputes of Appointed Officers in respect of any delegated authority;
26. all other matters which, by law, must be reserved to the Authority; and
27. such other matters that the Authority may from time to time reserve to itself.

SECTION B - COMMITTEES

1. SPECIAL PURPOSES COMMITTEE

The Special Purposes Committee has full delegated powers to approve any matter referred to it, with the exception of those powers which are reserved to the Authority by law and/or by statutory guidance and therefore cannot be delegated to a committee.

2. AUDIT COMMITTEE

The Audit Committee has the delegated authority to undertake the following: -

- a) To approve the Internal and Audit Strategy, Annual Audit Plan and performance criteria for the Internal Audit Service;
- b) To approve changes in accounting policy;
- c) To review and approve, when possible the unaudited annual Statement of Final Accounts;
- d) To approve the audited annual Statement of Final Accounts;
- e) To approve the local code of corporate governance; and
- f) To approve the annual Governance Statement.

3. PERFORMANCE, POLICY AND RESOURCES COMMITTEE

The Performance, Policy and Resources Committee has the delegated authority to undertake the following: -

- a) To exercise of specified delegated powers in relation to the capital and revenue budget provision for which expenditure has been approved by the full Authority;
- b) To approve the Authority's asset portfolio and to exercise delegated powers up to the sum of £50,000;
- c) To accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold;
- d) Determine compensation claims up to a value of £100,000; and
- e) To approve expenditure within the Committee's budget of £2000.

4. RECYCLING AND WASTE MANAGEMENT AND OPERATIONS COMMITTEE

The Recycling, Waste Management and Operations Committee has the delegated authority to undertake the following: -

- a) To accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold;
- b) Approve expenditure within the Committee's budget of £2000.

5. STRATEGY AND BEHAVIOURAL CHANGE COMMITTEE

The Strategy and Behavioural Change Committee has the delegated authority to undertake the following: -

- a) To exercise delegated powers in order to deliver the communication objective within the Authority's allocated communications budget;
- b) To exercise delegated powers in relation to assessing and allocating funding from the Authority's Community Waste Fund;
- c) To accept tenders and authorise contacts other than those accepted and authorised by officers under the constitution, up to the EU Threshold; and
- d) To approve expenditure within the Committee's budget of £2000.

SECTION C - ALL APPOINTED OFFICERS

All Appointed Officers are authorised to exercise the following powers and duties of the Authority in respect of the services under their control:-

1. determining insurance and compensation claims of up to £10,000;
2. agreeing, in consultation with the Solicitor to the Authority, financial settlements in Court actions where the circumstances do not allow for prior consultation with Members;
3. to enter into contracts in accordance with the Authority's Financial and Contract Procedure Rules (Part D of this Constitution) up to £30,000;
4. appointing employees (except for those appointments reserved to the Authority);
5. managing employees and determining appropriate training, development and health safety and welfare for employees;
6. collecting charges and fees;
7. full responsibility for local health and safety issues;
8. approving employees' travelling and other approved expenses;
9. maintaining and securing buildings, land and premises;
10. issuing of licences;
11. disposing of assets with an estimated realisable value not exceeding £5,000, in consultation with Treasurer & Deputy Clerk;
12. appointing or authorising employees to implement legislation as appropriate;
13. virements (non-recurring) up to £50,000 within approved budgets, in consultation with the Treasurer & Deputy Clerk;
14. full responsibility for observing the Authority's Financial Procedure Rules and monitoring financial performance;
15. spending within approved budgets including the purchase of all equipment, goods, materials and services and the commissioning of works, within the parameters of Part D of this Constitution
16. full responsibility for observing all other aspects and Rules contained within the Authority's Constitution.

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SECTION D - THE CLERK TO THE AUTHORITY

The Clerk to the Authority is responsible for all matters relating to the overall administrative and legal arrangements of the Authority, other than those reserved to Authority meetings, including:-

1. Acting as Clerk to the Authority;
2. Ensuring that there is a **Corporate** plan for the Authority;
3. Ensuring the effective governance of the Authority;
4. Ensuring that the Constitution of the Authority is effectively implemented;
5. Ensuring that effective support is provided to Members, as required;
6. Investigating disciplinary matters, with the involvement of an independent person, against the Solicitor, Monitoring Officer and Treasurer & Deputy Clerk;
7. Authorised to agree minor changes to this Constitution and any of its Parts (e.g. the correction of typographical errors, minor amendments required by new legislation and other matters of a purely administrative nature); and
8. Considering and applying, if appropriate the Authority's Retention Scheme.

Proper Officer Functions

The concept of "Proper Officers" to perform certain tasks or carry out various formal or administrative functions differs from that of delegated powers. Delegated powers may involve the exercise of discretion or choice; the functions of a Proper Officer are generally prescribed by legislation.

The Clerk is the appointed the Proper Officer in relation to:-

- (a) the following provisions in the Local Government Act 1972:-
 - Section 96(2) - The Officer who shall record particulars of any disclosure made under Section 94 and of any notice given under Section 96(1) of the Act;
 - Sections 100B(7)(c), 100C(2) and 100F(2) in relation to Access to Information;
 - Section 225(1) - The Officer with whom a document of any description is to be deposited pursuant to the standing orders of either House of Parliament or to any enactment or instrument;
 - Section 229(5) - The Officer who shall certify a photographic copy of a document in the custody of the Authority, or of a document which has been destroyed while in the custody of the Authority, or of any part of any such document;
 - Section 234(1) - The Officer who shall sign any notice, order or other document which the local authority is authorised or required to make or issue;
 - Schedule 12, Part I, para. 4(2)(b) - The Officer who shall sign a summons to attend an Authority meeting;

- Schedule 12, Part I, para. 4(3) - The Officer to whom a Member of the Authority shall give a notice in writing desiring summonses to attend meetings of the Authority to be sent to an address specified in the notice other than his/her place of residence;
 - Schedule 14, Part II, para. 25(7) - The Officer who shall certify a resolution of the Authority under this paragraph; and
 - the Local Authorities (Members' Interests) Regulations 1992;
- (b) responsible for any other Proper Officer function for which no other authorities have been given;

Deputising

For periods that he or she considers appropriate, the Clerk has appointed the Treasurer & Deputy Clerk to discharge the functions of Clerk.

SECTION E - THE TREASURER & DEPUTY CLERK

The Treasurer & Deputy Clerk is responsible for the following areas all matters relating to the overall financial arrangements of the Authority, other than those reserved to Member meetings, including:

Treasurer's scheme of delegation

1. Acting as Treasurer to the Authority
2. To be responsible to the Authority for the proper administration of its financial affairs.
3. Authorised: -
 - a. To prepare and present the accounts of the Authority;
 - b. To review and approve the unaudited annual Statement of Final Accounts
 - c. To borrow in accordance with the requirements of the capital budget and Treasury Management Strategy and Policy;
 - d. To issue levies on constituent Councils of the Authority and take action required for their collection, within the terms of Clause 7 of the Waste Regulation and Disposal (Authorities) Order 1985;
 - e. To operate the Authority's Landfill Allowance Trading Scheme, in accordance with the Accounts and Audit Regulations 2011;
 - f. To ensure that appropriate Audit services are provided to the Authority;
 - g. To provide comprehensive financial advice to the Authority; and
 - h. To write off losses up to the value of £25,000;
4. In conjunction with the Senior Management Team:
 - a. To prepare, present and monitor capital and revenue budgets; and
 - b. To commission appropriate insurances.

Statutory Functions

To be the person responsible for the proper administration of the Authority's financial officers under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985 and Section 112 of the Local Government Finance Act 1972.

Deputising for Treasurer's scheme of delegation

For periods that he or she considers appropriate, the Treasurer & Deputy Clerk has appointed the Deputy Treasurer to discharge the functions of the Treasurer.

Deputy Clerk's Scheme of Delegation

1. Providing personnel support to the core Authority team;
2. All matters relating to overall human resources functions of the Authority other than those reserved to Member meetings, including:
 - a. determining standards and requirements for the proper functioning of the Authority as an employer in accordance with legislative obligations and requirements;
 - b. instituting disciplinary, legal, civil, criminal or other proceedings in accordance with legislation and/or Authority policy and procedures;
 - c. investigating ethical matters in relation to employees having regard to the Code of Conduct for Employees and other employment related codes or requirements; and
 - d. assisting the Clerk to the Authority, when required, to discharge his/her corporate responsibility.
 - e. **In the absence of the Solicitor of the Authority, the Deputy Clerk can seal documents.**

Deputising

For periods that he or she considers appropriate, the Treasurer & Deputy Clerk has appointed the Director of Contract Services to discharge the functions of the Deputy Clerk.

SECTION F - THE MONITORING OFFICER/DIRECTOR OF RESOURCES

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The current Monitoring Officer role is undertaken by the Director of Resources.

The main functions of the Monitoring Officer are:-

<u>Act</u>	<u>Description</u>
<ul style="list-style-type: none">Section 5 of the Local Government and Housing Act 1989	<ol style="list-style-type: none">1. Report on contraventions or likely contraventions of any enactment or rule of law.2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.3. Appoint a Deputy Monitoring Officer4. Report on Resources.
<ul style="list-style-type: none">Section 81 of the Local Government Act 2000	Establish and maintain registers of Members interests and gifts and hospitality.

Deputising

For periods that he or she considers appropriate, the Monitoring Officer has appointed the Head of Governance to discharge the functions of the Monitoring Officer.

The Director of Resources

The Director of Resources is responsible for:

- a) Ensuring that adequate management information is available to the Authority in all aspects of the Authority's activities;
- b) In consultation with an Appointed Officer, determining any uninsured claims up to the limits specified in Part C, Section B: All Appointed Officers.
- c) **In the absence of the Solicitor of the Authority, the Director of Resources can seal documents.**

Deputising

For periods that he or she considers appropriate, the Director of Resources has appointed the Director of Contract Services to discharge the functions of the Director of Resources.

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SECTION G - PROJECT DIRECTOR/DIRECTOR OF CONTRACT SERVICES

As outlined in the Project Agreement of the Recycling and Waste Management Contract between the Authority and Viridor-Laing (Greater Manchester) Limited, the Authority are required to appoint a Project Director.

On 15th February 2008 the Authority appointed the Director of Contract Services as Project Director.

The Project Director shall:-

1. approve the appointment of the Contract Manager for Viridor Laing (Greater Manchester) Limited;
2. have full authority, in consultation with the Treasurer & Deputy Clerk with the exception of any matter expressly reserved to the Authority, to act on behalf of the Authority in connection with the Contract and the Contractor.

Deputising

For periods that he or she considers appropriate, the Project Director has appointed the Director of Resources to discharge the functions of the Project Director.

The Director of Contract Services

1. Overseeing the collection of waste movement records and other records necessary for the efficient management of the Waste Contract.;
2. Overseeing the flow of waste within the Authority and ensuring the efficient disposal of all waste which is the responsibility of the Authority;
3. In the event of an emergency, making provision for the initial deposit and disposal of waste from the Constituent Councils including reciprocal arrangements with other Waste Authorities;

Deputising

For periods that he or she considers appropriate, the Director of Contract Services has appointed the Director of Resources to discharge the functions of the Director of Contract Services.

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SECTION H - SOLICITOR TO THE AUTHORITY

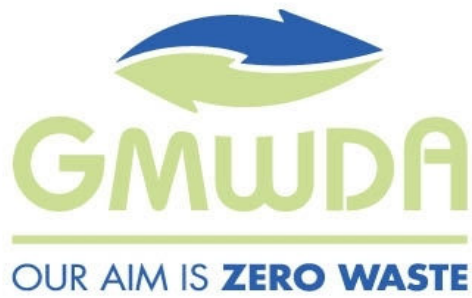
The Solicitor to the Authority is responsible for dealing with all matters relating to legal work on behalf of the Authority, including:

1. Prosecutions, contracts and civil litigations except insofar as it is arranged for such work to be dealt with elsewhere;
2. Authorisation to sign on behalf of the Authority orders, letter, licences, notices, certificates or any documents unless authority is specifically reserved to other Appointed Officers; and
3. Sealing documents

Deputising

For periods that he or she considers appropriate, the Solicitor to the Authority has appointed the Borough Solicitor within Oldham Council to discharge the functions of the Solicitor to the Authority.

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Part D

Rules

- Section A - Contract Procedure Rules**
- Section B - Financial Procedure Rules**
- Section C - Employment Rules**

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

CONTRACT PROCEDURE RULES

1. APPLICATION/COMPLIANCE WITH CONTRACT PROCEDURE

- 1.1. These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972 and apply to all Contracts for the supply of works, goods or services made in the name of the Authority.
- 1.2. A Contract is made whenever the Authority accepts an offer from a third party to provide works, goods or services and is entered into in the name of the Authority. This can be via a formal Contract, purchase order, verbally over the phone or via email/letter.
- 1.3. Every Contract entered into by the Authority shall be entered into pursuant to or in connection with the Authority's functions and shall comply with:
 - 1.3.1. all relevant statutory provisions;
 - 1.3.2. the relevant European procurement rules (the EC Treaty, the general principles of community law and the European Union's public procurement directives implemented by the UK Regulations);
 - 1.3.3. the Authority's Constitution including these Contract Procedure Rules, the Authority's Financial Procedure Rules and Scheme of Delegation; and
 - 1.3.4. the Authority's strategic objectives and policies including, amongst others, the Waste Management Strategy.
- 1.4. These Contract Procedure Rules apply to all Contracts awarded by the Authority for works, services or supplies, regardless of the source of funding for the Contract. They apply to procurement by any form of official Authority order and equally to Contracts awarded by any person, firm or body on the Authority's behalf.
- 1.5. No Contract shall be entered into unless the Procuring Director is satisfied that there is adequate budget provision and all necessary consents to the expenditure have been obtained.
- 1.6. Where a Contract involves the making of a Key Decision (as set out in paragraph 21.1.11), the Procuring Director shall ensure that the Solicitor to the Authority and the Treasurer & Deputy Clerk are consulted throughout the procurement process.
- 1.7. It shall be a condition of any Contract between the Authority and any persons (not being Officers of the Authority) who are required to supervise a Contract on the Authority's behalf, that in relation to such Contract, those persons shall comply with the requirements of these Contract Procedure Rules as if they were Officers of the Authority.
- 1.8. These Contract Procedure Rules shall not apply to:
 - 1.8.1. Contracts of employment;

- 1.8.2. Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve the procurement of works, services or supplies;
 - 1.8.3. Contracts for Goods to be bought at an auction and the Treasurer & Deputy Clerk has agreed in writing that the Authority's interests will best be served by purchase through auction and has similarly agreed an upper limit for bids.
 - 1.8.4. Contracts for the use of counsel or other legal representation where the Solicitor to the Authority considers that a procurement exercise would be impractical and would not protect the Authority's interest;
 - 1.8.5. Contracts where the Director of Resources in consultation with the Treasurer & Deputy Clerk and Solicitor to the Authority considers it appropriate to utilise an existing Purchasing Consortia which has been procured under rules broadly comparable with these Contract Procedure Rules; and
 - 1.8.6. Contracts where the Director of Resources in consultation with the Treasurer & Deputy Clerk and Solicitor to the Authority considers it appropriate to utilise existing approved nationally negotiated Contracts or framework agreements which are available to the Authority.
- 1.9. Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the Deputy Monitoring Officer and may result in disciplinary action.
 - 1.10. Failure to comply with these Contract Procedure Rules shall be reported to the Clerk to the Authority and the Solicitor to the Authority.
 - 1.11. Any dispute regarding the application of these Contract Procedure Rules shall be referred to the Treasurer & Deputy Clerk for advice.
 - 1.12. The final arbiter for resolution of disputes regarding the application or interpretation of these Contracts Procedure Rules shall be the Solicitor to the Authority whose decision shall be binding and final.
 - 1.13. Persistent breach of the Contract Procedure Rules will also be reported to Members.

2. PROCUREMENT PLANNING

- 2.1. For each financial year, the Authority shall create a Procurement Plan setting out its current contracts and contracts to be procured over £50k in value for the forthcoming financial year. This plan will be considered by the Performance, Policy and Resources Committee prior to approval by the Authority. The coordination and updating of this Plan will be the responsibility of the Director of Resources.
- 2.2. At the beginning of each financial year, the Director of Resources shall publish a Prior Information Notice in the Official Journal of the European Union listing the contracts for works, services and supplies, which it expects to procure for the coming financial year.

3. CALCULATION OF CONTRACT VALUES

- 3.1. The estimated value of a Contract shall be the total consideration payable, net of value added tax which the Authority expects to be payable under the Contract.

- 3.2. The total Contract Value shall be calculated as follows: -
- 3.2.1. where the Contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period including any permitted extension;
 - 3.2.2. where the Contract period is indefinite or uncertain, by taking the monthly price payable under the Contract multiplied by 48;
 - 3.2.3. In relation to a Framework Agreement with no guaranteed commitment the Contract Value will be the estimated value of works, services or supplies over the full duration of the Contract; and
 - 3.2.4. where the Authority has a single requirement for goods, services or works, and a number of contracts have been entered into, or are to be entered into, the total Contract Value is the aggregated value of each of these Contracts.
- 3.3. Contracts shall not be artificially under or over estimated or divided into two or more separate Contracts where the effect is to avoid the application of these Contract Procedure Rules. The Authority should make the best use of its purchasing power by aggregating purchases wherever possible.

4. PROCUREMENT PROCEDURES

- 4.1. Before selecting a procurement procedure the relevant Procuring Director shall consider all relevant procurement procedures and, where appropriate consult the Treasurer & Deputy Clerk and the Solicitor to the Authority.
- 4.2. Where an existing Contract or Framework Agreement is available to meet the procurement requirement they shall be used.
- 4.3. An e-auction process may form part of the overall tender process and be used in conjunction with the open or restricted procedures. The Treasurer & Deputy Clerk shall approve any proposal to use this process, and such approval will include consideration of all software, systems and procedures to be used. The Invitation to Tender shall state that an e-auction will form part of the tender process. Specific e-auction guidance is available and shall be followed if using an e-auction.
- 4.4. These Contract Procedure Rules define the required procedure based on the estimated value of the Contracted value of the Contract:

Contract Value	Required Procedure
Required Procedure Less than £500	1 verbal quotation
Between £500 and £2,499	3 verbal quotations
Between £2,500 and £29,999	3 written quotations
Over £30,000 to EU thresholds (see 7.4)	Tender process
EU thresholds and above (see 7.4)	EU procurement procedure

- 4.5. The rules relating to the required process and timescales shall be observed for all Contracts as shall the EC Treaty and the general principles of EC law including non-discrimination, equal treatment, and transparency.

5. QUOTATION PROCESS

- 5.1. Competition via verbal or written quotation(s) is required for all Contracts or orders with an estimated value of below £30,000.
- 5.2. Verbal/written quotation(s) shall be obtained from Contractor(s) before a formal purchase order can be issued. Officers must complete the procurement pro-forma (as set out in Annex A to Section A, Part B) and a formal purchase order shall be issued after the quotation(s) have been received and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 5.3. Where fewer than three Contractors are considered suitable to supply the required services, supplies or works, those Contractors which the Procuring Director considers suitable shall be invited to quote.
- 5.4. All quotations sought and obtained (verbal and written) shall be recorded either with a register or via the Authority's electronic decision recording system (Modern.gov).

6. TENDER PROCESS - Above £30,000 and below EU Procurement Threshold

- 6.1. Where these Contracts Procedure Rules permit, Tenders shall either follow an Open or Restricted Procedure.
- 6.2. Open Procedure
 - 6.2.1. This Contract Procedure Rule shall apply where a Procuring Director has decided that Invitations to Tender for a Contract are to be made to all of those persons or bodies who have replied to a public notice.
 - 6.2.2. Tenders shall be advertised via a public notice in a local or regional paper, or a relevant trade journal (or other equivalent appropriate placement), or both where, in the opinion of the Procuring Director, this will be to the Authority's advantage. The Procuring Director shall ensure a suitable degree of Contract advertising sufficient to ensure competition, to avoid discrimination and maintain the impartiality of the procurement procedure.
 - 6.2.3. The public notice shall: -
 - 6.2.3.1. specify details of the Contract into which the Authority wish to enter and outline the evaluation framework;
 - 6.2.3.2. invite persons or bodies to express an interest in tendering; and
 - 6.2.3.3. specify a time limit, being not less than 14 days or such period within which such expressions of interest are to be submitted.
 - 6.2.4. The Tender shall also be advertised on the Authority's website.
 - 6.2.5. After the expiry of the period specified in the public notice, Invitations to Tender for the Contract shall be sent to all those who have expressed an interest.

6.3. Restricted Procedure

- 6.3.1. This Contract Procedure Rule shall apply where a Procuring Director after consultation with the Treasurer & Deputy Clerk has decided that Invitations to Tender for a Contract are to be made to a limited number of Contractors. These Contractors can be selected via the placement of a public notice or for construction or construction related work from Contractors who are registered on the “Construction Line” initiative.
- 6.3.2. Tenders shall be advertised in a local or regional paper, or a relevant trade journal (or other equivalent appropriate placement), or both where, in the opinion of the Treasurer & Deputy Clerk, this will be to the Authority’s advantage. The overall objective is that the Procuring Director shall ensure a suitable degree of Contract advertising sufficient to ensure competition, to avoid discrimination and maintain the impartiality of the procurement procedure.
- 6.3.3. The public notice shall: -
 - 6.3.3.1. specify details of the Contract into which the Authority wish to enter and the evaluation framework;
 - 6.3.3.2. invite persons or bodies to express an interest in tendering; and
 - 6.3.3.3. specify a time limit, being not less than 14 days or such period within which such expressions of interest are to be submitted.
- 6.3.4. The Tender shall also be advertised on the Authority’s website.
- 6.3.5. After the expiry of the period specified in the public notice, and having regard for the evaluation criteria established in respect of the procurement, Invitations to Tender for the Contract shall be sent to: -
 - 6.3.5.1. not less than four of the persons or bodies who expressed an interest to tender, selected by the Procuring Director after application of an objective, recorded assessment and selection process; or
 - 6.3.5.2. where fewer than four persons or bodies have applied, and after application of an objective, recorded assessment and selection process, are considered suitable, those persons or bodies which the Treasurer & Deputy Clerk consider suitable.

7. TENDER PROCESSES - Above the EU Procurement Threshold

- 7.1. Where an estimated Contract Value exceeds the current EU thresholds, then the Contract shall be tendered in accordance with the EU Procurement Regulations. Under the EU Procurement Regulations, the Contract may be tendered under the open, restricted or, in exceptional circumstances the accelerated, competitive dialogue or negotiated procedures. A decision to use either an accelerated procedure, the competitive dialogue or the negotiated procedure shall only be taken in exceptional circumstances with the express prior approval of the Authority following consultation with the Treasurer & Deputy Clerk and the Solicitor to the Authority.

- 7.2. A Contract Notice in the prescribed form shall be published in the Official Journal of the European Union in order to invite Tenders or expressions of interest.
- 7.3. All Official Journal of the European Union (OJEU) Notices shall be published by the Director of Resources.
- 7.4 The current EU Thresholds, prescribed by the directives are £156,442 for services and supply contract and £3,927,260 for work contracts (goods) from January 2011, and will automatically be varied by such notification.

8. TENDER DOCUMENTATION

- 8.1. Standard Authority templates for tendering shall be utilised for all procurement activity.
- 8.2. As a minimum Tender documents shall include details of the Authority's requirements for the particular Contract including:
 - 8.2.1. a description of the services, supplies or works being procured;
 - 8.2.2. the procurement timetable including the Tender return date and time, which shall allow a reasonable period (a minimum of 14 days) for the applicants to prepare their Tenders; submitted electronically); and
 - 8.2.3. a specification and instructions on whether any variants are permissible;
 - 8.2.4. the Authority's Terms and Conditions of Contract;
 - 8.2.5. the evaluation criteria including any weightings as considered appropriate;
 - 8.2.6. pricing mechanism and instructions for completion;
 - 8.2.7. whether the Authority is of the view that TUPE will apply (if applicable);
 - 8.2.8. form and content of method statements to be provided (if applicable);
 - 8.2.9. the evaluation framework;
 - 8.2.10. Seek compliance with the principles of the Authority's adopted policies on Climate Change and Sustainability;
 - 8.2.11. rules for submitting of Tenders; and
 - 8.2.12. any further information, which will inform or assist Tenderers in preparing Tenders.
- 8.3. All Invitations to Tenders shall be validated for conformance to Authority Rules and issued by the Treasurer & Deputy Clerk.

9. CONTRACT TERMS AND CONDITIONS

- 9.1. All written Contracts shall include the Authority's standard Terms and Conditions for goods and/or services (as appropriate) and the Invitation to Tender or Quotation shall

state that the Contract will be subject to the Authority's standard Terms and Conditions. In relation to Works Contracts, the Terms and Conditions shall be those considered appropriate considering the specific Contract circumstances.

9.2. Any amendments required to the Authority's standard Terms and Conditions shall be approved by the Solicitor to the Authority prior to issuing as part of the Tender process.

9.3. All written Contracts shall include the following:

9.3.1. Where an appropriate "kitemark", British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the Tender, every Contract shall, unless there is good and sufficient reason to the contrary, require that, as the case may be, all goods and materials used or supplied and all workmanship as a minimum requirement shall be in accordance with that Standard or equivalent European or International standard, without prejudice to any higher standard required by the Contract.

9.3.2. A clause empowering the Authority 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, 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 the Contractor or acting on their 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 the Contractor or acting on their behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

9.3.3. Include conditions reflecting the Authority's commitment to good race relations and shall be based on its duties under the Race Relations (Amendment) Act 2000.

9.3.4. Include conditions reflecting the Authority's commitment to good health and safety practice based on its responsibilities under any Health and Safety at Work Legislation.

9.3.5. Seek compliance with the principles of the Authority's adopted policies on Climate Change and Sustainability.

10. RECEIPT AND OPENING OF TENDERS

10.1. Hard Copy/Paper Tenders

10.1.1. All Tenders received (unless submitted electronically) shall be addressed to the Head of Governance in a sealed envelope endorsed with the word "Tender" followed by the subject matter to which it relates. It shall not bear any distinguishing matter or mark to indicate the identity of the sender.

- 10.1.2. Tenders shall be kept in a safe place and remain unopened until the time and date specified for their opening.
- 10.1.3. Where a Tender is received after the specified time then it shall be disqualified. Any such Tender shall be returned promptly to the Tenderer who should be notified accordingly.
- 10.1.4. Tenders shall all be opened at the same time by the Procuring Director or their nominated Officer and at least one other Officer nominated by the Treasurer & Deputy Clerk.
- 10.1.5. Tenders submitted in hard copy shall be opened by the same Officers and at the same time as any Tenders received electronically.
- 10.1.6. Where external agencies contribute to the overall funding of a project, representatives of the agency may also attend at the opening of Tenders, provided that such persons agree to maintain the confidentiality of all commercially sensitive information and other information which is or is to be exempted from public disclosure under the Local Government Act 1972.
- 10.1.7. On opening the Tenders, an Officer of the Governance Team shall:
 - 10.1.7.1. Number each Tender consecutively;
 - 10.1.7.2. Check that the Form of Tender is completed as required and signed and officially stamp and signs the relevant pages;
 - 10.1.7.3. If there are priced bills, schedules of rates or the like, officially stamp, date and sign each summary sheet (or overall summary sheet, as appropriate) indicating the main Contract prices.
- 10.1.8. The following information shall be recorded in the Authority's Tender Register which is maintained by the Director of Resources:
 - 10.1.8.1. the title of the Tender Invitation;
 - 10.1.8.2. the name of the Tenderer;
 - 10.1.8.3. the date & time of receipt of each Tender;
 - 10.1.8.4. the amount/value of each Tender;
 - 10.1.8.5. the date and time of the opening of the Tenders; and
 - 10.1.8.6. the names of all persons present at the opening of the Tenders.
- 10.1.9. A Tender can be amended after it has been received and before it has been accepted only in order to correct an arithmetical error or other discrepancy made in good faith, subject to the following:
 - 10.1.9.1. the Tenderer shall be given details of the error or discrepancy found during the examination of the Tender and shall be given the opportunity of confirming the Tender without amendment or withdrawing the Tender; or
 - 10.1.9.2. amending the Tender to correct genuine arithmetic errors provided that in this case, apart from these arithmetic errors, no other

adjustment, revision or qualification is permitted. In this case written confirmation should be requested from the Tenderer as to the error or discrepancy and confirming what the corrected entry should be.

- 10.1.10. The Procuring Director shall keep a record of all amendments made and a copy of the record shall be sent to the Treasurer & Deputy Clerk.

10.2. Electronic Tenders

- 10.2.1. Requests for Quotations and Invitations to Tender shall be transmitted by electronic means where possible. Quotations and Tenders shall be submitted by electronic means provided that: -

- 10.2.1.1. evidence that the transmission was successfully completed is obtained and recorded; and

- 10.2.1.2. electronic Tenders are kept in a separate secure folder under the control of the Head of Governance, which are not opened until the deadline has passed for receipt of Tenders.

- 10.2.2. At the time the Tenders are opened, the electronic Tenders are to be accessed and recorded first, followed by the conventional paper Tenders.

- 10.2.3. On opening the electronic Tenders, an Officer shall print then retain the tenders then:

- 10.2.3.1. Number each Tender consecutively within the Tender Register;

- 10.2.3.2. Check that the Form of Tender is completed as required; and

- 10.2.3.3. If there are priced bills, schedules of rates or the like, log the main Contract prices on the Tender Register.

- 10.2.4. The following information shall be recorded in the Tender Register:

- 10.2.4.1. the title of the Tender Invitation;

- 10.2.4.2. the name of the Tenderer;

- 10.2.4.3. the date & time of receipt of each Tender;

- 10.2.4.4. the amount/value of each Tender;

- 10.2.4.5. the date and time of the opening of the Tenders; and

- 10.2.4.6. the names of all persons present at the opening of the Tenders.

11. NEGOTIATION FOLLOWING RECEIPT OF TENDERS

- 11.1. Negotiations following the receipt of a Quotation or Tender submitted shall only be undertaken in accordance with these Contract Procedure Rules.

- 11.2. Negotiation following the receipt of a Tender shall not apply to any Contract that is governed by EU procurement directives, unless expressly allowed under the EU Procurement Regulations for the contract procedure chosen by the Authority.

- 11.3. For procurements under the EU thresholds, the Procuring Director may, after consulting with the Treasurer & Deputy Clerk, authorise negotiations with the two tender submissions that scored the highest from the evaluation framework. In cases where a

Procurement process is for multiple providers, the number of Tenders selected for negotiation may be increased appropriate to the number of Contracts to be let.

- 11.4. Negotiations shall be conducted on behalf of the Authority by at least two Officers. The Treasurer & Deputy Clerk shall be invited to send a representative to the negotiation meetings. A full written record shall be kept of the results of the negotiations, signed by the procuring Director and a copy sent to the Treasurer & Deputy Clerk.
- 11.5. Clarification of ambiguous Tenders does not constitute post tender negotiations.
- 11.6. At the conclusion of the post tender negotiation process, those Tenderers invited to negotiate will be invited to submit a best and final offer under the same procedure as for the receipt and opening of original Tenders or quotations.

12. TENDER EVALUATION

- 12.1. Tenders subject to the EU Procurement Regulations shall be evaluated in accordance with the relevant EU Procurement Regulations and the evaluation criteria set out in the Invitation to Tender. All other Tenders shall be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender.
- 12.2. The evaluation criteria shall be predetermined and approved, before the invitation to tender is issued, by the Treasurer & Deputy Clerk then listed in the Invitation to Tender documentation, in order of importance. In addition, the criteria shall be strictly observed (and remain unchanged) at all times throughout the Contract Award procedure.
- 12.3. Where there is a requirement for a Tender to be awarded on the basis of being “Most Economically Advantageous” and not based on lowest price, the approval of the Solicitor to the Authority and the Treasurer & Deputy Clerk shall be sought prior to the commencement of the Tender process. When appropriate these statutory officers will require approval of that to be obtained from the Authority.
- 12.4. The evaluation criteria shall be logged with the Solicitor to the Authority prior to the issuing of Tenders to Contractors.
- 12.5. Tenderers should be offered a de-brief, whether successful or not, to assist them in preparing future bids. The relevant Director shall also keep a record of all debrief requests and refer them to the Solicitor to the Authority for guidance on how to proceed.

13. AWARDING CONTRACTS

- 13.1. All Contracts shall be awarded in accordance with the evaluation criteria and accepted in accordance with the Scheme of Delegation.
- 13.2. Prior to final Contract award, the Contractor shall provide evidence of adequate insurance to cover both public and employers’ liability and professional indemnity (where appropriate) and produce such evidence before the commencement of the Contract at the reasonable request of the Director of Resources.
- 13.3. For all Tenders over £30,000, a minimum of 10 calendar days mandatory standstill period is required between the communication of the notification of the Contract award decision and entering into the Contract, with day 1 being the day after the award

decision is issued, by fax or email and in writing to all Tenderers. This is to allow Tenderers an opportunity to challenge the decision in accordance with the principles of EU law.

- 13.4. A register of all term /framework Contracts (Contracts Register) placed by the Authority shall be kept and maintained by the Director of Resources. Each Procuring Director shall be responsible for ensuring the required Contract information is provided to the Director of Resources.
- 13.5. The decision to award a Contract shall be made in accordance with the table below: -

Level of Authority for Acceptance	Contract Value				
	Less than £500	Between £500 and £2,499	Between £2,500 and £29,999	Over £30,000 to EU Threshold	Above EU Threshold
Acceptance by:	Procuring Director	Procuring Director	Procuring Director	Treasurer & Deputy Clerk in consultation with Chair and Vice Chair(s)	Authority decision unless express prior delegation is given by the Authority to a named officer to make a contract award
Decision recorded on:	within register	within register	Within register	Modern.gov	Modern.gov

- 13.6 Contracts with a value of £30,000 or more shall be executed under the Authority's common seal and shall therefore be signed by the Solicitor to the Authority or his/her's nominated deputy.
- 13.7 Contracts under £30,000 shall be signed by the Procuring Director.
- 13.8 All contracts over £30,00 shall be logged on the Modern.gov System.

14. E-PROCUREMENT

At present the Authority has no e-procurement system.

15. PERFORMANCE BONDS, GUARANTEES AND LIQUIDATED DAMAGES

In the case of all Contracts valued above £30,000 the Treasurer & Deputy Clerk shall determine the degree of security (if any) required to protect the Authority from a Contractor default. This may be a performance bond or some other form of financial or performance guarantee considered appropriate.

16. CONTRACT ADDITIONS, EXTENSIONS AND VARIATIONS

- 16.1. A Procuring Director, following consultation with the Treasurer & Deputy Clerk and Solicitor to the Authority, may extend the length of a Contract only to the extent provided for in the original agreement.
- 16.2. Any and all decisions relating to extending the length of contracts shall be recorded on the Modern.gov system.

- 16.3. If the original Contract was subject to the EU Procurement Regulations, the Contract can only be extended within the parameters identified in the original EU Contract notice, or if the notice explicitly contained provision for extension.
- 16.4. If the Contract was not subject to the EU Procurement Regulations, any extension shall not take the total value of the Contract above the EU thresholds.
- 16.5. Once a Contract has expired or has been completed it cannot be extended.
- 16.6. Where the total Variations to any Contract are estimated to exceed the permitted Variation below, a written report(s) shall be submitted by the appropriate Director to the Treasurer & Deputy Clerk, who will recommend any further action.
- 16.7. All variations to a Contract below the levels highlighted above shall be authorised in writing by the Procuring Director.
- 16.8. All additions, extensions and variations shall be in the form of written instructions to the Contractor from the Procuring Director

17. TERMINATION OF CONTRACTS

- 17.1. The Solicitor to the Authority shall be consulted with regard to any termination or proposed termination of any Contract.

18. CLAIMS ARISING FROM CONTRACTS

- 18.1. Officers shall inform the Solicitor to the Authority and the Treasurer & Deputy Clerk immediately of any claims (or anticipated claims) by or against contractors that are the subject of dispute between the Authority and the contractor.
- 18.2. Claims arising in respect of matters not clearly within the terms of any existing Contract shall be determined, in accordance with the Authority's Scheme of Delegation, as set out in Part C of the Constitution.
- 18.3. Where completion of a Contract is likely to be delayed, resulting in claims under the Contract, the appropriate Procuring Director shall inform the Solicitor to the Authority and the Treasurer & Deputy Clerk of the action proposed to be taken.

19. MONITORING CONTRACTS

- 19.1. The appropriate Director shall ensure that all Contracts are monitored throughout the period of the Contract, and the Contractors performance is reviewed regularly.
- 19.2. Where the Total Value of the Contract exceeds the EU Thresholds, the Treasurer & Deputy Clerk shall make a written report evaluating the extent to which the purchasing requirement and the Contract objectives were met by the Contract. This shall be done when the Contract is completed. Where the Contract is to be re-let, a provisional report shall also be available early enough to inform the approach to re-letting of the subsequent Contract.

20. EXEMPTION OF CONTRACT PROCEDURE RULES

- 20.1. Exemption from any of the provisions of these Contract Procedure Rules may be made

- 20.1.1. by the Authority, or
- 20.1.2. where the Clerk certifies that the need for goods, materials, works or services is so urgent that other procedures cannot practicably be followed.
- 20.2. The Authority shall be informed of the circumstances of every exemption made.
- 20.3. No exemption to these Contract Procedure Rules may be proposed unless the Treasurer & Deputy Clerk is satisfied that:
 - 20.3.1. there are exceptional circumstances justifying departure from these Contract Procedure Rules;
 - 20.3.2. the exemption will not contravene any legal requirement;
 - 20.3.3. the report from the Procuring Director is comprehensive and in the format required; and
 - 20.3.4. the report from the Procuring Director provides evidence that the exception is necessary to achieve the Authority's objectives and will achieve Best Value for the Authority.
- 20.4. All exemptions shall be recorded in writing and logged on the Modern.gov system and the procuring Director shall retain all associated documents. In addition, the Treasurer & Deputy Clerk shall maintain a central register of all requests for exemptions for audit purposes.

21. DEFINITIONS

- 21.1. Within both the Contract Procedure Rules the following definitions are used:
 - 21.1.1. "Contract" means an agreement in writing for consideration (money or money's worth) between the Authority and a Contractor for the provision of goods, works or services;
 - 21.1.2. "Contractor" includes any sole trader, partnership or company (limited or unlimited) or any duly incorporated trade, professional or commercial body or voluntary body;
 - 21.1.3. "Contracts Register" means a comprehensive list of all term/framework contracts that the Authority procures, detailing key attributes such as type, duration, value and contractor and procurement/Directorate contact details;
 - 21.1.4. "Contract Value" means the amount the Authority pays to the Contractor under the Contract excluding VAT;
 - 21.1.5. "E-auction" is a means of carrying out purchasing negotiations via the Internet. It is a real time event that occurs online, allowing multiple Contractors in different geographic regions to place and modify bids simultaneously;
 - 21.1.6. "EU Procurement Regulations" means the Public Contracts Regulations 2006 (SI 2006 No.5) or such amendment or replacement thereof in time to time in force;


- 21.1.7. “Evaluation Framework” means that criteria which the Tender will be evaluated against.
- 21.1.8. “Framework Agreement” means an agreement which allows the Authority to call off services, goods or works from a Contractor in accordance with the terms of the agreement;
- 21.1.9. “Goods” covers all supplies and materials that the Authority purchases or obtains;
- 21.1.10. “Invitation to Tender” means a request for Contractors to submit a Tender to supply or purchase goods, execute works or provide services at a stated price;
- 21.1.11. “Key Decision” is defined as: -
A key decision is any decision which is likely to result in the Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Authority's budget for the service or function to which any decision relates (approximately £250,000); or to be significant in terms of its effects on communities living or working in the area comprising two or more wards in the area of the Authority;


Key Decisions are those decisions which:

- 21.1.11.1. require an application to be made for planning permission, listed building, ancient monument or conservation area consent;
- 21.1.11.2. comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objection, the approval of the Secretary of State or of a Minister of the Crown;
- 21.1.11.3. require the passage of local legislation or the adoption by the Authority of national legislation;
- 21.1.11.4. propose a response on behalf of the Authority to consultation by the Secretary of State or a Minister of the Crown;
- 21.1.11.5. propose an alteration in the standard charges, which the Authority makes for any of its services;
- 21.1.11.6. require the acquisition or disposal of any land or interest in land;
- 21.1.11.7. require a virement of funding within approved virement powers of officers;
- 21.1.11.8. are of such significance to the locality, the Authority or services which it provides that the officer is of the opinion that it should be treated as a Key Decision.

- 21.1.12. "Open Procedure" means a procedure for inviting Tenders by advertisement in which Tenders are sent to all Contractors who express an interest in tendering;
- 21.1.13. "Officer" includes any employee of the Authority;
- 21.1.14. "Procurement" means the process leading to the award of a Contract;
- 21.1.15. "Procuring Director" means the Director of Contract Services; the Director of Resources and the Treasurer & Deputy Clerk;
- 21.1.16. "Purchasing Consortia" means an organised and constituted body of individuals who jointly participate in the procurement and an award of a Contract;
- 21.1.17. "Quotation" means an formal offer to supply or purchase goods, execute works or provide services at a stated price;
- 21.1.18. "Restricted Procedure" means a procedure for inviting Tenders where Contractors have been pre-qualified before being invited to submit a tender;
- 21.1.19. "Scheme of Delegation" means the document described as such within the Constitution;
- 21.1.20. "Services" includes all services, which the Authority purchases or obtains including advice, consultancy work, agency staff or as otherwise defined within the EU Procurement Regulations;
- 21.1.21. "Solicitor to the Authority" means the person fulfilling the role of Solicitor the Authority whether a whole time employee of the Authority or not;
- 21.1.22. "Supplies" means the provision of Goods or as otherwise defined within the EU Procurement Regulations;
- 21.1.23. "Tender" means a formal offer to supply or purchase goods, execute works or provide services at a stated price;
- 21.1.24. "Tenderer" shall mean any firm submitting a Tender;
- 21.1.25. "Tender Register" means a register of Tenders received in a Procurement containing the information prescribed by the Contract procedure Rules;
- 21.1.26. "Treasurer & Deputy Clerk" means the Officer designated under section 151 Local Government Act 1972 or his/her nominated representative;
- 21.1.27. "Variation" means a change in nature or scope of a Contract altering the Contract Value; and
- 21.1.28. "Works" means construction and repairs in respect of physical assets or as otherwise defined within the EU Procurement Regulations.

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	Greater Manchester Waste Disposal Authority		
	PRO-FORMA 1: PROCUREMENT AND/OR ORDERING OF GOODS (below £30,000) Section A, Part D of the Constitution- Contract Procedure Rules		
<u>Section 1 (to be completed by the Procuring Officer)</u>			
Description of goods required and why its required:			
Procuring Officer:			
Budget Holder:			
<u>Section 2 (to be completed by the Procuring Officer)</u>			
Please Tick appropriate category:			
<input type="checkbox"/>	Orders up to £500 - minimum of 1 quote required: (attach correspondence if applicable)		
<input type="checkbox"/>	Orders between £500 & £2499 - minimum of 3 quotes (attach correspondence if applicable)		
<input type="checkbox"/>	Orders between £2500 & £29999 - minimum of 3 written quotes (correspondence must be attached)		
<input type="checkbox"/>	specialised order		
1.	Date:	2.	Date:
	Value:		Value:
	Supplier:		Supplier:
3.	Date:	4.	Date:
	Value:		Value:
	Supplier:		Supplier:
Preferred Supplier:			
Date sent to budget holder:			
Reason for Specialised Order:			
(see Section 2 of guidance notes)			
Section 3 - To be completed by Budget Holder			
Date considered:			
Requested authorised or declined			
If declined state reason why			
Signature:			
Section 4 - Placing Order - To be completed by Procuring Officer			
Order Number:			
Date order placed:			
Date pro-forma/order form sent to Support Services			
Section 5 - To be completed by Support Services			
Is the Pro-forma and supporting documents correct (yes or no). If yes - dated placed on database	Yes	No	
If no, date passed to Head of Governance			

	<p>Greater Manchester Waste Disposal Authority</p> <p>Guidance Notes for Officers ordering or entering contracts below £30,000</p>
<p>Section 1</p>	
<p>A description of the goods and why they are required should be completed along with the name of the person requesting the order (procuring officer) and the budget holder (your line manager).</p>	
<p>Section 2: Obtaining Quotes - (No order should be placed at this stage)</p>	
<p>Dependent on the value of the goods/service you will be required to obtain a minimum of 1 - 3 quotes (see pro-forma). Written quotes (i.e. by email) should be obtained where possible and these should be included with the pro-forma when you submit your request to the Budget Holder.</p>	
<p>If the goods/services required are of a specialist nature then a brief outline of the reason for it being a specialist order should be placed on the pro-forma along with the supplier and value.</p>	
<p>Section 3 - Budget Holder</p>	
<p>The Budget Holder should consider the request (taking into account whether there are appropriate funds within their budget) and complete the section stating whether the request has been authorised or declined. The completed pro-forma and supporting paperwork should then be returned to the Procuring Officer to place the order.</p>	
<p>Budget Holders - Communications - Communications Manager, Contract Services - Contract Manager, Finance - Finance Manager, Governance - Head of Governance, Landfill - Landfill Manager, Strategy - Treasurer & Deputy Clerk and Support Services - Support Services Manager</p>	
<p>Section 4 - Placing Order</p>	
<p>Upon authorisation of the request the Procuring Officer will then place obtain an order form from support services and have it signed the budget holder before placing the order. The signed order form, the completed pro-forma and the supporting documents should then be submitted to Support Services.</p>	
<p>Section 5 - Support Services</p>	
<p>Upon receipt of the paperwork the order will be placed on the order register. The relevant copies of the order form will then be distributed and the pro-forma and supporting documents will be filed in order number. The Head of Governance will be notified of any pro-forma and supporting documents which have not been filled in correctly.</p>	
<p>Role of Head of Governance</p>	
<p>The Head of Governance will investigate any pro-formas and supporting documents which have not been filled in correctly. The Head of Governance will also receive a summary of invoices over £500 paid from the previous month, after each month from the Finance Team, which will then be placed on the appropriate register and published to the website where applicable.</p>	
<p>Upon receipt of the Invoice</p>	
<p>Upon the receipt of the invoice good invoice should be authorised the following way:</p>	
<ul style="list-style-type: none"> • Goods received - signed by Procuring Officer 	
<ul style="list-style-type: none"> • Price/Quantity correct - signed by Budget Holder 	
<ul style="list-style-type: none"> • Payment certified - signed by a Director 	



GREATER MANCHESTER WASTE DISPOSAL AUTHORITY
FINANCIAL PROCEDURE RULES

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1. GENERAL APPROACH

1.1 Corporate Framework

In approving the Financial Procedure Rules, the Authority has sought to provide a strong but clear and simple corporate framework for conducting the financial affairs of the Authority, incorporating appropriate controls and providing those responsible for delivering services with financial responsibility and flexibility. All financial and accounting procedures of the Authority will take place in accordance with these Financial Procedure Rules.

1.2 Rights of External Bodies

The Treasurer & Deputy Clerk will be the first contact within the Authority for the External Auditor who has rights of access to all documents and information necessary for audit purposes.

The Authority may, from time to time, be subject to audit, inspection or investigation of its financial systems by other external bodies such as HM Revenue and Customs who have statutory rights of access to financial records. The Treasurer & Deputy Clerk will be the principal contact within the Authority on such matters.

2. MAIN RESPONSIBILITIES OF THE TREASURER & DEPUTY CLERK

2.1 Proper Administration of the Authority's Financial Affairs

2.1.1 The Treasurer & Deputy Clerk is responsible for the proper administration of the Authority's financial affairs under Section 73 of the Local Government Act 1985.

2.1.2 The Treasurer & Deputy Clerk has a duty under Section 114(2) of the Local Government Finance Act 1988 to make a report if it appears that the Authority is about to or has already carried out either:-

- (a) a decision which involves or would involve the Authority in incurring expenditure which is unlawful; OR
- (b) a course of action which if pursued would be unlawful and likely to cause a loss or deficiency to the Authority.

2.1.3 The Treasurer & Deputy Clerk has a duty under Section 114(3) of the Local Government Finance Act 1988 to make a report (in consultation with the Clerk to the Authority and the Monitoring Officer) to every Member where it appears that the expenditure incurred or likely to be incurred in a financial year exceeds resources available to meet the expenditure. It is the duty of Appointed Officers to notify the Treasurer & Deputy Clerk of any situations that might be considered:-

- (a) unlawful and/or
- (b) might exceed available resources in light of the above responsibilities.

2.1.4 In discharging this responsibility, the Treasurer & Deputy Clerk will ensure that arrangements for financial and accounting matters and the security of financial assets are efficient and effective.

- 2.1.5 The Treasurer & Deputy Clerk can require the other Appointed Officers to provide any timely and relevant information that to enable him/her to carry out his/her functions and to give proper advice.
- 2.1.6 All financial systems, procedures, records and controls and changes to them must be agreed in advance with the Treasurer & Deputy Clerk, who may issue formal instructions or guidance from time to time.
- 2.2 Financial Advice
- 2.2.1 The Treasurer & Deputy Clerk will advise the Authority on any matter containing financial implications. Such advice will be included in the reports of other Officers.
- 2.2.2 Officers will ensure that the Treasurer & Deputy Clerk has the opportunity to comment on all proposals containing financial implications at the earliest practical stage before the dispatch of a report and in normal circumstances no less than three working days before the dispatch of a report.
- 2.2.3 Appointed Officers carrying out functions under delegated powers must ensure that they seek and receive such financial and legal advice as may be necessary on the consequences of a course of action before taking a decision on such action.
- 2.2.4 The Treasurer & Deputy Clerk is responsible for advising Appointed Officers where relevant on the financial implications of guidance and relevant legislation issued by appropriate bodies as it applies.
- 2.2.5 The Treasurer & Deputy Clerk is responsible for advising Appointed Officers on relevant taxation issues and liaising, negotiating and where necessary taking appropriate action to promote and protect the Authority's financial position.
- 2.3 Accounting
- 2.3.1 The Treasurer & Deputy Clerk will determine the format and maintain the Authority's principal accounting records and will be the Authority's adviser on all accounting and financial matters. Appointed Officers and other Officers of the Authority are responsible for making sure that financial records are maintained in a manner determined in advance by the Treasurer & Deputy Clerk.
- 2.3.2 The Treasurer & Deputy Clerk will ensure that the Authority's accounting records are kept in accordance with appropriate accounting standards and mandatory guidance and that the Statement of Accounts is prepared in line with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice, or equivalent document.
- 2.3.3 The Treasurer & Deputy Clerk will ensure that the Authority's Annual Statement of Accounts is prepared and made available in accordance with the statutory timetable:-
- (a) the Treasurer & Deputy Clerk shall issue procedures and a timetable for the closure of the accounts in accordance with good accounting practice;
 - (b) Appointed Officers are responsible for making sure that the timetable referred to in (a) above is complied with; and

- (c) the Authority has delegated responsibility to the Audit Committee for considering the draft Annual Statement of Accounts by the statutory date (30th June) following the end of the financial year on 31st March, and for approving the final audited accounts by the statutory date (30th September) following the end of the financial year on 31st March).

2.4.4 Providing Information and Financial Returns to Statutory External Bodies

- 2.4.5 The Treasurer & Deputy Clerk will make arrangements for completing the Authority's tax returns and other statutory financial returns and providing relevant information to external bodies and to Government on the financial activities of the Authority as a whole.

2.5 Internal Audit and Control

- 2.5.1 The Accounts and Audit Regulations 2011 require the Authority to maintain an adequate and effective internal audit; The Treasurer & Deputy Clerk will commission on behalf of the Authority a suitable internal audit of its accounting records and control systems. For 2011/12 this service is commissioned from Oldham Council, the Lead District.
- 2.5.2 The Treasurer & Deputy Clerk or their representative shall have access to all documents and records in the possession of the Authority and shall be afforded all facilities and co-operation by Members; Appointed Officers and members of their staff; and employees of Oldham Council as Lead District who shall provide whatever information and explanation are deemed necessary. This will include liaising with the Treasurers within the constituent Councils in respect of all documents and records in the possession of the Councils that relate to the Authority's business.

3. PLANNING AND BUDGETING

3.1 Indicative Three Year Financial Plan (Medium Term Financial Plan)

- 3.1.1 The Treasurer & Deputy Clerk, in conjunction with Appointed Officers, will produce an Indicative Three Year (minimum) Financial Plan and report to the Authority each year on the financial prospects for the current financial year and forecasts for future financial years.
- 3.1.2 The Authority, with the advice of the Clerk to the Authority and the Treasurer & Deputy Clerk will agree a Revenue and Capital Budget Strategy, including Budget priorities for the forthcoming financial year.
- 3.1.3 The Treasurer & Deputy Clerk will make arrangements to consult on the proposed Revenue and Capital Budget Strategy. This will include obtaining the views of the constituent Councils and comply with the Equality Impact Assessment regulations.

3.2 Annual Revenue and Capital Budget

- 3.2.1 The Treasurer & Deputy Clerk, in consultation with the other Appointed Officers, will prepare a detailed proposed Budget of Revenue and Capital expenditure and income for the forthcoming financial year.
- 3.2.2 The Treasurer & Deputy Clerk, in conjunction with Appointed Officers, will present to the Authority for decision:-

- a) a statement of the projected Revenue and Capital Out-turn for the current financial year compared with the approved Budget. This, if agreed by the Authority, will be the amended Budget for the rest of the current financial year; and
- b) a proposed Revenue and Capital Budget for the next financial year.

3.2.3 The Authority will:-

- a) consider the Revenue and Capital Budgets that are proposed for the Authority's services;
- b) consider the results of the consultation with the constituent Councils etc. as described in 3.1.3 above;
- c) consider funding for the constituent Councils for any services agreed to be provided by them on behalf of the Authority, the need for Central Reserves and Contingencies, the Level of Balances and the grants available from the Government
- d) consider, using the basis set out in the Inter-Authority Agreement, apportionment of the Authority's levy on the constituent Councils; and
- e) after taking the above matters into account, approve the Revenue and Capital Budget for the forthcoming financial year and confirm levy apportionment. The Authority must give its decision not later than the statutory date (15 February) preceding the financial year in which the levy is to be issued.

3.3 Capital Programme

- 3.3.1 Further to Financial Standing Order 3.1, the Authority will approve a Capital Programme taking account of guidance on the Capital Budget for the next financial year, the Three Year Indicative Financial Plan of the Authority, capital financing and expenditure authorisations available and the revenue implications involved.
- 3.3.2 Appointed Officers will implement and keep under review the Authority's agreed Capital Programme for services under their control, covering schemes in progress, schemes commencing in the current and forthcoming financial years and the revenue implications of those schemes.
- 3.3.1 The Authority may approve the inclusion of any new scheme or delete or amend any scheme in the Capital Programme providing that it accords with the Capital Budget and can be funded from resources available to the Authority, including those funded from grants.

4. SPENDING OF BUDGETS

4.1 Amendment of Approved Budgets

- 4.1.1 The approved Revenue Budget may be amended by:-

- a) the Authority authorising virements within Revenue Budgets or transfers to or from the Contingency and/or Reserves; and
 - b) the Appointed Officers in accordance with delegated powers (see Part C, Section B - Scheme of Delegation).
- 4.1.2 In making amendments to the approved Revenue Budget, the Authority and Appointed Officers must:-
- a) have regard to the Annual Revenue and Capital Budget and the current 3 year Indicative Financial Plan approved by the Authority; and
 - b) be satisfied that an amendment to the Revenue Budget can be offset by additional income, contingency funds, balances or savings elsewhere within the Budget.
- 4.1.3 Any proposed changes to Revenue Budgets under Financial Procedure Rule 4.1.2 as set out above should be subject to the advice of the Treasurer & Deputy Clerk.
- 4.2 Spending of Revenue Budgets
- 4.2.1 A Revenue Budget approved by the Authority may be spent without further reference to the Authority.
- 4.2.2 Appointed Officers may, in consultation with the Treasurer & Deputy Clerk, transfer any Revenue Budget within their control for any lawful purpose relating to the areas for which they are responsible providing that:-
- a) the transfer is within the Detailed Estimate underpinning the Budget as approved by the Authority;
 - b) the reason for the transfer accords with the policies and strategies of the Authority;
 - c) no commitment to a higher overall level of expenditure in future financial years is entered into;
 - d) the amount in question does not exceed £50,000;
 - e) unless the event in question is of pressing operational urgency and cannot be dealt with in any other way; and
 - (f) no other service or Appointed Officer is affected.
- 4.2.3 Any transfer of Budget not falling within the criteria detailed in Financial Standing Order 4.2.2 above will require the prior approval of the Authority.
- 4.2.4 Any proposed changes to Revenue Budgets should be fully discussed with the Treasurer & Deputy Clerk.

4.3 Approval to Apply the Budgets within the Capital Programme

4.3.1 Subject to 4.3.2 below, the approval of the Authority will be required before expenditure is incurred for each individual Scheme included in the Capital Programme. The Authority will be provided with:-

- a) an estimate of the cost of the Scheme;
- b) an estimate of any consequential expenditure or income, whether capital or revenue; and
- c) if the Scheme is part of a larger Scheme, an estimate of the cost and any other information as may be necessary to permit full consideration of the proposal.

4.3.2 Capital Schemes which are included in the Capital Programme may be progressed by the relevant Appointed Officer before receiving the approval of the Authority, provided that expenditure on each Scheme in any one financial year does not exceed £100,000.

4.3.3 Capital Budgets may not be transferred to other Schemes without the prior approval of the Authority.

4.4 Treatment of Unspent Budgets

4.4.1 Any unspent resources at the end of the financial year can be carried forward to the following financial year provided it is earmarked for a specified purpose.

4.4.2 The Authority may agree the use of any under spending in any one financial year to be used in the following financial year for a purpose consistent with the Authority's Indicative Three Year Financial Plan, subject to the advice of the Treasurer & Deputy Clerk as to the overall financial position of the Authority.

4.5 Action on Overspent Capital and Revenue Budgets

4.5.1 Where it appears that, in relation to the whole approved Revenue Budget an overspend of £100,000 or more may or will occur, or in relation to an approved Capital Scheme an overspend of 5% will occur, then the responsible Appointed Officer will notify the Treasurer & Deputy Clerk and the Authority and will immediately take steps to investigate the reason and to rectify the situation.

4.5.2 Where it appears that no action by Officers can prevent an overspend of the total Service Budget for the service, the Appointed Officer will make a report to the Authority to this effect within 3 months from the first notification of the overspend.

5. REVIEW AND REPORTING OF PERFORMANCE

5.1 Review of Performance

5.1.1 The Authority will ensure that the approved Budget is implemented and will receive reports, as set out in 5.2.1 below, from Appointed Officers to enable it to do so.

- 5.1.2 Appointed Officers will be responsible for the performance of services under their control against financial and non-financial performance targets including performance against the Budget, and will undertake an ongoing review of performance against these targets.
 - 5.1.3 Appointed Officers will ensure that they have access to such financial or non-financial information as they may reasonably require to undertake their service responsibilities and will consult the Treasurer & Deputy Clerk accordingly.
 - 5.1.4 The Treasurer & Deputy Clerk will support and advise Appointed Officers in ensuring that financial management information is adequate for management purposes.
 - 5.1.5 Appointed Officers, with the assistance of the Treasurer & Deputy Clerk, will be responsible for monitoring the overall spending of their service areas and reporting to the Authority on any significant variances.
- 5.2 Reporting of Performance
- 5.2.1 The Treasurer & Deputy Clerk, in conjunction with each Appointed Officer, will prepare and present to a meeting of the Performance Policy and Resources Committee each quarter, a report detailing actual and forecast performance against the targets set in Financial Standing Order 5.1.2 above.
 - 5.2.2 The Treasurer & Deputy Clerk, working with Appointed Officers, will ensure an annual forecast of spend for the year is provided as part of the quarterly report. Variances from the approved budgets will be advised along with comments upon any remedial action that may be appropriate.
 - 5.2.3 The Treasurer & Deputy Clerk will be responsible for monitoring and reporting the overall spending of the Authority.

6. OTHER FINANCIAL PROCEDURE RULES

6.1 Review of Financial Limits

- 6.1.1 The financial limits in these Financial Procedure Rules will be reviewed annually by the Treasurer & Deputy Clerk with due consultation. The prior approval of the Authority will be required for any proposed amendments.

6.2 Payment of Invoices, VAT Payments, Wages, Salaries, Pensions and Allowances

- 6.2.1 Invoices for payment will be properly completed, certified and paid in accordance with procedures and guidance issued by the Treasurer & Deputy Clerk.
- 6.2.3 The Treasurer & Deputy Clerk will make available up-to date guidance on the proper treatment and accounting for VAT which includes a timetable for preparation and submission of the claim that ensures VAT payments are fully and promptly recovered from HMRC. It is the duty of Appointed Officers to comply with these procedures and time-scales and to notify the Treasurer & Deputy Clerk if there are or may be any problems.
- 6.2.4 It is the responsibility of Appointed Officers to ensure that proper procedures in respect of financial implications has been established within their Service Area and is operating effectively. The registers of nominated postholders shall identify staff

authorised to act on an Appointed Officer's behalf in respect of payments, income collection and placing orders, together with the limits of their authority.

6.2.5 The Treasurer & Deputy Clerk will maintain records of all persons authorised to initiate financial transactions on his/her behalf.

6.2.6 It is the duty of Appointed Officers to give required details for a new authorisation to the Treasurer & Deputy Clerk and to notify promptly any changes.

6.3 Collection of Income

6.3.1 Appointed Officers will seek prompt collection of all monies due to the Authority in accordance with arrangements approved by the Treasurer & Deputy Clerk.

6.4 Review of Charges

6.4.1 Appointed Officers will review charges for goods and services no less than once a year in consultation with the Treasurer & Deputy Clerk and, except where authority has been delegated, will submit proposals to the Authority for approval. In setting charges, the base position should be that full cost recovery is achieved and that a subsidised service should only be offered where to do so would actively promote an Authority policy objective.

6.5 Custody of Assets

6.5.1 Appointed Officers will be responsible for the safe custody of all Authority assets under their control.

6.5.2 Appointed Officers will ensure that a physical check which adequately documents all assets with an estimated realisable value over £2,500 is undertaken at least annually, and will provide the Treasurer & Deputy Clerk as soon as is reasonably practicable with details of any anomalies.

6.5.3 Appointed Officers will provide such information as may be required by the Treasurer & Deputy Clerk as to the value of stock holdings at the end of the financial year.

6.5.4 Appointed Officers will be responsible for maintaining an inventory of furniture, plant, other equipment, tools and other individual items of over £2,500 and all computer equipment, in a form approved by the Treasurer & Deputy Clerk.

6.5.5 Appointed Officers, with authorisation from the Treasurer & Deputy Clerk, are authorised to dispose of surplus, damaged or scrap stocks, materials or equipment on the best possible terms provided that the estimated realisable value does not exceed £5,000.

6.5.6 The disposing of assets with an estimated realisable value up to the value between £5,000 and £50,000 shall be subject to the approval of the Performance, Policy and Resources Committee.

6.5.7 The disposing of assets with an estimated realisable value in excess of £50,000 shall be subject to the approval of the Authority.

6.6 Write-Offs

- 6.6.1 The Authority is responsible for approving procedures for writing off losses.
- 6.6.2 The Treasurer & Deputy Clerk may write off losses up to the value of £25,000 for any one item in respect of:-
 - a) losses arising when property of the Authority is lost, stolen, damaged or destroyed and the loss is not recoverable from insurance or other sources;
 - b) losses upon disposal of stock at a price less than the book value at the time of disposal; and
 - c) money due to the Authority which has become irrecoverable or is thought no longer cost effective to recover. Provided in each case that proper steps have been taken to mitigate the loss and to prevent a recurrence.
- 6.6.3 The Treasurer & Deputy Clerk will keep records of all such write-offs.
- 6.6.4 Any write-offs exceeding £25,000 must be approved in advance by the Authority.

6.7 Banking and Cash Handling

- 6.7.1 The Treasurer & Deputy Clerk will be responsible for all arrangements relating to the operation of the Authority's bank accounts.
- 6.7.2 Appointed Officers will ensure that the collection and banking of monies is undertaken in accordance with any instructions issued by the Treasurer & Deputy Clerk.
- 6.7.3 Petty Cash imprest accounts will be operated in accordance with instructions issued by the Treasurer & Deputy Clerk.

6.8 Insurance and Risk Management

- 6.8.1 The Director of Resources is responsible for preparing the Authority's Risk Management Policy, promoting it throughout the Authority and advising the Authority on appropriate insurance cover. The Authority, through the Audit Committee, is responsible for approving the Risk Management Policy. Appointed Officers are responsible for promoting and implementing this policy.
- 6.8.2 Appointed Officers will keep under review all risks within the areas under their control. They must make every effort to reduce the risks.
- 6.8.3 Appointed Officers will notify the Treasurer & Deputy Clerk annually in accordance with the Risk Management Policy and any guidelines issued by him/her, of all risks and assets as required under 6.5.4 above indicating their cost or value, and of any material changes in these risks or assets as they arise. The Treasurer & Deputy Clerk will then make appropriate arrangements for insurance cover, payments and administration.
- 6.8.4 Appointed Officers will notify the Treasurer & Deputy Clerk immediately of any event that may give rise to an insurance claim, and will provide estimates and any other information required for the settlement of the claim.

6.8.5 Appointed Officers should notify the Treasurer & Deputy Clerk immediately of any acquisitions, enhancements or disposals over £2,500.

6.8.6 The Director of Resources, acting in consultation with an Appointed Officer, can determine any uninsured claims up to the limits specified up to £10,000 in Part C, Section B: Appointed Officers.

6.9 Treasury Management

6.9.1 The Authority has adopted the key recommendations of CIPFA's Code for Treasury Management in Public Services (the Code) as described in Section 4 of that Code.

6.9.2 Accordingly, the Authority will adopt and maintain, as the cornerstones for effective treasury management:-

a) A Treasury Management Policy Statement, stating the purposes and objectives of its treasury management activities; and

b) Suitable Treasury Management Practices setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

6.9.3 All money in the hands of the Authority is aggregated for the purposes of Treasury Management and is under the control of the Treasurer & Deputy Clerk.

6.9.4 The Authority has responsibility for the implementation and amendment of its treasury management policies. The Audit Committee had the responsibility for monitoring the policies. The Treasurer & Deputy Clerk has delegated responsibility for the implementation, amendment and monitoring of the Treasury Management Practices and the execution and administration of treasury management decisions and will act in accordance with the Authority's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

6.9.5 The Treasurer & Deputy Clerk shall report to the Authority on its Treasury Management Policies, practices and activities, including as a minimum, an Annual Strategy and Plan, and an annual report after its close, in the form prescribed in the Treasury Management Practices.

6.10 Landfill Allowance Trading Scheme (LATS)

6.10.1 From 1st April 2005 the LATS arrangement applied and the Authority was free to trade in Landfill Allowance and has adopted the scheme of self-regulation promulgated by CIPFA.

6.10.2 The Authority has adopted and maintains, as the cornerstones for effective and prudent LATS trading:-

(a) A LATS trading strategy, stating the purposes and objectives of its LATS trading activity. The Deputy Treasurer will regularly review the trading position and opportunities in the LATS market in accordance with the Strategy; and

- (b) Suitable LATS trading practices setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

6.10.3 All allowances awarded to the Authority are aggregated for the purposes of LATS and under the control of the Treasurer & Deputy Clerk.

6.10.4 The Treasurer & Deputy Clerk shall report to the Authority on its LATS Management Policies, practices and activities, including as a minimum activity as part of the annual accounts.

6.11 Financial Irregularities

6.11.1 The Director of Resources is responsible for the development and maintenance of a Promoting Probity - The Authority's Policy and Strategy to Combat Fraud and Corruption, which will be approved by the Authority. Appointed Officers are responsible for promoting and implementing the Policy.

6.11.2 The Treasurer & Deputy Clerk shall be notified immediately of any suspected irregularity relating to both private and Authority funds, including cash, stores, property and any material weakness which has been identified in any system or control. In all cases involving an Authority employee, the Clerk shall also be notified immediately.

6.11.3 The relevant Appointed Officer, in consultation with the Treasurer & Deputy Clerk and, where relevant, the Clerk, will take such action as deemed appropriate.

6.11.4 The relevant Appointed Officer shall consult with the Clerk to the Authority and the Treasurer & Deputy Clerk in advance for all cases that are going to be or may be formally reported to the Police. The Chair and Vice-Chair(s) of the Authority shall also be advised in such cases.

6.11.5 Any reference to the Police and consequent action taken will not override the Authority's disciplinary procedures or the Authority's Whistle-Blowing Policy that are in place.

6.12 Senior Lender to the Contract

6.12.1 The Audit Committee will be regularly appraised of the current position in relation to its senior "bank" lending into the Contract. Reports will cover, as a minimal, current level of lending and any risks to the investment caused by performance/variance from the base-case.

6.12.2 At least annually the Treasurer & Deputy Clerk will present a report that sets out the operation of the separate accounting arrangement for the Senior Lending, including detailing potential risks/adequacy of the level of reserve funding.

7. EXTERNAL ARRANGEMENTS

7.1 Partnerships and External Funding

7.1.1 The Authority is responsible for approving the frameworks when entering partnership arrangements. The Clerk to the Authority shall act as lead officer for the Authority in respect of any proposed partnership arrangements.

- 7.1.2 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to administration in partnerships that apply throughout the Authority. He/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- 7.1.3 The Treasurer & Deputy Clerk must ensure that the accounting arrangements that are to be adopted relating to partnerships and joint ventures are satisfactory, and must ensure that the financial risks have been fully appraised before contracts and other relationships are entered into with external bodies.
- 7.1.4 Appointed Officers are responsible for ensuring that any negotiations are in accordance with the Contract Standing Orders in relation to contracts with external bodies.

8. EXEMPTION TO THE FINANCIAL PROCEDURE RULES

- 8.1 Exemption from any of the provisions of these Financial Procedure Rules may be made
 - 8.1.1 by the Authority, or
 - 8.1.2 where the Clerk or Treasurer & Deputy Clerk certifies that the need for goods, materials, works or services is so urgent that other procedures cannot practicably be followed.
- 8.2 The Authority shall be informed of the circumstances of every exemption made.
- 8.3 No exemption to these Financial Procedure Rules may be proposed unless the Treasurer & Deputy Clerk is satisfied that:
 - 8.3.1 there are exceptional circumstances justifying departure from these Finance Procedure Rules;
 - 8.3.2 the exemption will not contravene any legal requirement;
 - 8.3.3 the report from the appropriate Director is comprehensive and in the format required; and
 - 8.3.4 the report from the appropriate Director provides evidence that the exception is necessary to achieve the Authority's objectives and will achieve Best Value for the Authority.
- 8.4 All exemptions shall be recorded in writing and logged on the Modern.gov system and the Director shall retain all associated documents. In addition, the Treasurer & Deputy Clerk shall maintain a central register of all requests for exemptions for audit purposes.



GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

EMPLOYMENT RULES

1. Appointment of the Clerk, Monitoring Officer and the Treasurer & Deputy Clerk

The Authority shall make appointments to the positions of Clerk, Monitoring Officer, and the Treasurer & Deputy Clerk.

2. Recruitment, Selection and Appointment of Other Officers

The Treasurer & Deputy Clerk will be responsible for all appointments to dedicated and secondment positions including making any necessary arrangements in respect of job evaluations and specifications, the placing of advertisements etc.

3. Disciplinary Action and Dismissal

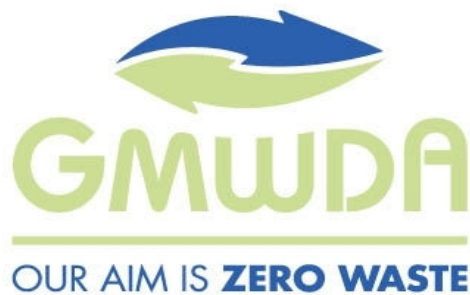
3.1 The Authority will not be involved in the disciplinary action against or dismissal of any employee except where the Clerk considers such involvement is necessary for any investigation or inquiry into alleged misconduct.

3.2 The Monitoring Officer and the Treasurer & Deputy Clerk are legally protected due to their statutory position. They may be suspended whilst an investigation takes place into alleged misconduct pertinent to their statutory role. That suspension will be on full pay and last no longer than two months.

3.3 No other disciplinary action may be taken in respect of any of those statutory officers except in accordance with a recommendation in a report made by a designated independent person.

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY



Part E

Code of Conducts

- A: Members' Code of Conduct
- B: Protocol on Member/ Officer Working Arrangements
- C: Officers' Code of Conduct

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GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

CODE OF CONDUCT

This Preamble is for guidance only and does not form part of the Code.

The Ten Principles of Public Life

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and integrity** - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - Members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's Statutory Officers and its other employees.
8. **Duty to uphold the law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

The Code

Part 1 (General Provisions)

1. Introductions and interpretations

- (1) This code applies to you as a Member of an Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code 'meeting' means any meeting of:
 - a) the Authority
 - b) any of the Authority's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Area Committees.

'Member' includes a Co-opted Member as an appointed Member.

2. Scope

- (1) Subject to sub-paragraphs (2) and (5), you must comply with this Code whenever you:
 - a) conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - b) act, claim to act or give the impression you are acting as a representative of your Authority;

And references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority:
 - (a) on another relevant Authority, you must, when acting for that other Authority, comply with that other Authority's Code of Conduct; or

- (b) on any other body, you must, when acting for that other body, comply with your Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006).
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her Authority's Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, or the purposes of sub-paragraph (2) (d) those who work for, or on behalf of, an authority are deemed to include a Police Officer.

4. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) The disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with reasonable requirements of the Authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
6. You:
- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your Authority:
 - (i) act in accordance with your Authority's reasonable requirements;
 - (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (a) your Authority's Chief Finance Officer; or
 - (b) your Authority's Monitoring Officer, Where that Officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decision in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority

Part 2 (Interests)

Personal Interests

8. (1) You have a personal interest in any business of your Authority where either:
- (a) it 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 to your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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;

- (iii) any employment or business carried out by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your Authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract or goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (e);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your Authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your Authority and you are, or a firm in which you are a partner, a company of which you are remunerated director, or a person or body of the description specified above is, the tenant;
 - (xi) any land in the Authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- (i) (in the case of Authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your Authority's area.
- (2) In sub-paragraph (1)b), a relevant person is:
- a) a member of your family or any person with whom you have a close association:
or
 - b) any person or body who employs or has appointed such persons, any firm in

which they are a partner, or any company of which they are directors;

- c) any person or body in whom such persons have a beneficial interest in a class or securities exceeding the nominal value of £25,000; or
- d) any body or a type described above.

Disclosure of Personal Interests

- 9.
- (1) Subject to the paragraphs (2) to (7), where you have a personal interest in any business of your Authority and you attend a meeting of your Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
 - (2) Where you have a personal interest in any business of your Authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (3) Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
 - (5) Where you have a personal interest, but by virtue of paragraph 14, sensitive information relating to it is not registered in your Authority's register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
 - (6) Subject to the paragraph 12(1)(b), where you have a personal interest in any business of your Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
 - (7) In this paragraph, 'executive decision' is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

Prejudicial Interest Generally

- 10.
- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your Authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
 - (2) You do not have a prejudicial interest in any business of the Authority where that business:

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your Authority in respect of:
 - (i) housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests arising in relation to Overview and Scrutiny Committees

11. You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your Authority (or of a sub-committee of such a committee) where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by your Authority's executive or another of your
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in the paragraph above and you were present when that decision was made or action was taken.

Effect of Prejudicial Interests on Participation

12. (1) Subject to the paragraph (2), where you have a prejudicial interest in any business of your Authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your Authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your Authority or a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 Registration of Members' Interests

Registration of Members' Interests

13. (1) Subject to paragraph 14, you must, within 28 days of:
- (a) this Code being adopted by or applied to your Authority; or
 - (b) your election or appointment to office (where that is later), register in your Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in the paragraph 8(1)(a), by providing written notification to your Authority's Monitoring Officer.
- (2) Subject to the paragraphs above, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your Authority's Monitoring Officer.

Sensitive Information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your Authority's Monitoring Officer asking that the information be included in your Authority's register of Members' Interests.
- (3) In this Code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

Protocol on Member/Officer Working Arrangements

1. Introduction

- 1.1 This protocol reflects the provisions of the Local Government Act 2000 and Regulations made in respect of the Act. A Model Code of Conduct for all Members will be adopted by the Authority, which will reflect the Model Code of Local Government Conduct.
- 1.2 This Protocol should be read and applied in conjunction with the Member and Officer Codes of Conduct. The principles and procedures set out in this Protocol are already, to a large extent, established and form the basis of the Authority's working arrangements. The purpose of this Protocol is to provide guidance on Member/Officer working arrangements, particularly in the case of doubt or difficulty.
- 1.3 In particular, this Protocol aims to support the enhancement of local democracy by:
 - Facilitating the participation of Members and Officers in the Authority's policy development and decision-making processes;
 - Assisting Members and those Officers who support them in their role as representatives of the community within the Authority and externally; and
 - Clarifying arrangements for the provision of the information and support for Members and their party groups.
- 1.4 The Protocol is intended to assist Members and Officers in maintaining the highest standards of integrity and propriety and ensuring that all they do is seen by others to be done properly, fairly and, where possible, openly.
- 1.5 It is important, therefore, that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect and that neither should seek to take unfair advantage of their position in any circumstances.

2. Member/Officer Communications

- 2.1 Members should communicate with Officers at the appropriate level. Routine service related enquiries should be initiated through normal departmental enquiry/contact points. Other matters will normally involve the Treasurer & Deputy Clerk or the Directors.
- 2.2 In communicating with Members, Officers should have regard to the Authority's Code of Conduct for Employees, the requirements of this Protocol, and any instructions issued by the Authority.

3. Office Advice to Party Group

- 3.1 There is no statutory recognition for party groups, but it is common practice for such

groups to give preliminary consideration to matters of the Authority's business in advance of such matters being considered by the Authority. Officers may properly be called upon to support and contribute to such deliberations by party groups.

- 3.2 The support provided by Officers can take many forms ranging from a briefing meeting with a Chair or Spokesperson prior to an Authority meeting, to a presentation to a full party group meeting. Such support is available to all party groups.
- 3.3 Certain points must, however, be clearly understood by all those participating in this process, Members and Officers alike. In particular:
 - (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of Party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings when matters of Party business are to be discussed;
 - (b) Party Group meetings, whilst they form part of the preliminaries to Authority decision making, are not empowered to make decision on behalf of the Authority. Conclusions reached at such meetings do not, therefore, rank as Authority decisions, and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status;
 - (c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Authority business, this cannot act as substitute for providing all necessary information and advice to an Authority meeting or relevant Committee when the matter in question is considered.
- 3.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Authority. Such persons will not be bound by the Model Code of Conduct, in particular the provisions concerning the Members' Declaration of Interests and Confidentiality, and for this and other reasons, Officers may not be able to provide the same level of information and advice as they would to a meeting of Members only.
- 3.5 Officers must respect the confidentiality of any party group discussions at which they are present and should not, in particular, relay the content of any such discussion to another party group.
- 3.6 Any request for an Officer to attend a meeting arranged by a party or party group for the purpose of presenting information to the meeting (in relation to an issue or proposal or involving the Authority) must be made to the relevant Director, who will consult with the Clerk to the Authority. Where it is agreed that an Officer will attend for this purpose, the same facility will be offered or made available to other party groups. Any Officer who so attends will do so in his/her official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response.
- 3.7 Attendance at public meetings will generally be avoided during the period between the announcement and conclusion of a new local or parliamentary election affecting the area involved, and will only occur during such a period if representatives of all parties supporting candidates in the election have been invited to take part in the meeting.
- 3.8 At any public meeting organise for any party group, or by any individual Member (rather

than by the Authority), Officers will attend only to provide information which is publicly available. No such Officer attendance will take place during the 'pre-election' period referred to in paragraph 3.7.

- 3.9 Any particular difficulty or uncertainty concerning Officer advice to party groups should be raised with the Clerk to the Authority who will, where appropriate, discuss it with the relevant group leaders.

4. Support Services and Facilities for Members and Party Group

- 4.1 Secretarial and other support services and facilities (for example stationery, typing, etc) can be provided to Members to assist them in discharging their roles as Members of the Authority. They should never be used in connection with party political or campaigning activities or for private business purposes.
- 4.2 Support services for Members will normally be providing by the Authority's Governance Team.

5. Officer/Chair Relationships

- 5.1 It is clearly important that there should be a close working relationship between the Chair of the Authority and the Clerk and Senior Officers of the Authority. However, such relationships should never be allowed to become too close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups, or with any other individual or organisation.
- 5.2 The Chair will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. It must, however, be recognised that, in some circumstances, the proper conduct of business may require a particular matter to be included on the agenda and that the Chair is not entitled to require the removal of such an item from the agenda. Senior Officers will always be fully responsible for the content of any report submitted in their name. Any issue concerning the inclusion of any item on an agenda and the submission of any particular report which cannot be agreed between the Chair and the Senior Officer, should be referred to the Clerk of the Authority. There may also be circumstances in which the Clerk to the Authority and the Monitoring Officer or the Treasurer and Deputy Clerk will be under a duty to submit a report.
- 5.3 It must be remembered that Officers within a team are accountable to their Director and that, whilst Officers could seek to assist the Chair or indeed any member, they must not, in doing so, go beyond the bounds of whatever authority they have been given by the Treasurer & Deputy Clerk. It should be noted that the Clerk to the Authority has a statutory responsibility, as Head of Paid Service, for ensuring the proper organisation and management of the Authority's staff and has, therefore, an overall responsibility for the direction and management of all Officers.

6. Correspondence

- 6.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member, except at the discretion of the Clerk to the Authority or Treasurer & Deputy Clerk, where necessary for the proper conduct of business. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, 'blind' copies of such correspondence should not be circulated.

- 6.2 Official letters on behalf of the Authority should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances, for example, representations to a Government Minister, for a letter to be issued in the name of the Chair of the Authority. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Authority should always be sent out by the Clerk to the Authority, or the Treasurer & Deputy Clerk or other Senior Officer.

7. Publicity and the Media

- 7.1 Contact with the media on issues relating to the Authority or to Authority business is handled through or with advice/support from the Communications Team.
- 7.2 Any Member who approaches the media on any item involving or affecting the Authority without first approaching or consulting the Authority will be responsible for such action. Any member who does so should make it clear that he/she is speaking on his/her own behalf, or on behalf of his/her political party, and not representing or speaking for the Authority.
- 7.3 The Code of Conduct for Employees will require Officers to obtain the approval from the Communications Team before issuing any information to the media.
- 7.4 Members and Officers should be mindful of the prohibition on the publication by the Authority of any information intending to promote or canvass support for any political party or candidate for elections. In case of doubt, advice should first be obtained from the Solicitor to the Authority.

8. Personal Relationships

- 8.1 No Member or Officer should allow any personal connection or relationship with any other Member or Officer to affect the performance of his or her official responsibilities, or the taking of any action or decision by or on behalf of the Authority. This includes, for example, any family relationship, Membership of the same household or any business connection. Members and Officers should always consider how such a relationship or connection would likely to be regarded by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of bias or unfairness.
- 8.2 An Officer who is personally connected or related to any Member should notify the Treasurer & Deputy Clerk in writing.
- 8.3 Members should take into account any personal relationship or connection with any other Member or Officer, in considering the need to register or declare a personal or personal and prejudicial interest, whenever appropriate.

9. Members' Access to Information and to Authority Documents

- 9.1 Members are free to request from the Authority such information as they may reasonably need in order to assist them in discharging their role as Members of the Authority, having regard to any special responsibility. Such requests should normally be directed to the appropriate Senior Officer within the Authority.
- 9.2 The legal rights of members to inspect Authority documents arise partly from statute and

partly from the common law (judicial decisions).

- 9.3 Members have a statutory right to inspect any document which contains material relating to any business which is to be transacted at an Authority meeting. This right extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents which are exempt from publication unless the Member is a member of the relevant Committee.

Certain documents are (by statute) exempt from publication because, for example, they relate or refer to employees.

- 9.4 The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Authority documents, so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is common and commonly referred to as the 'need to know'.

- 9.5 Whether a Member is, in any particular case, entitled to exercise this common law right depends, therefore, on the Member's ability to demonstrate that he/she has the necessary 'need to know'. In this respect, a Member has no right to 'roving commission' to examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know' for a purpose necessary to enable the Member to carry out his or her public duties. In any case of doubt or difficulty, Members should refer to the Clerk of the Authority or the Solicitor to the Authority.

- 9.6 In some circumstances, for example a Member of a Committee wishing to inspect documents relating to the functions of that Committee, a Member's need to know will normally be presumed. In other circumstances, for example, a Member wishing to inspect documents which contain personal information about third parties, a member will normally be expected to justify the request in specific terms.

- 9.7 Further and more detailed advice regarding Members' right to inspect Authority documents may be obtained from the Solicitor to the Authority.

- 9.8 Any Authority information provided to a Member must only be used by the Member for the purpose of which it was provided, that is, only to enable the proper performance of the functions of the Authority. The point is emphasised in the revised Model Code of Local Conduct (2007) in the following terms:

"4. A Member must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) The disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

10. Further Guidance

- 10.1 Any Member of the Authority who needs further guidance on any of the matters referred to in the Code, or on any similar or related issues, is advised to contact the Clerk to the Authority, the Solicitor to the Authority or the Head of Governance. Any Officer needing such guidance should refer initially to his/her manager, who will consult Senior Management and obtain advice as necessary.



GREATER MANCHESTER WASTE DISPOSAL AUTHORITY

OFFICERS' CODE OF CONDUCT

1. Standards

Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
- 2.2 Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Solicitor to the Authority or the GMWDA's Governance Team. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence.
- 2.3 The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee shall communicate to the public the content of such proceedings or any document relating to the Authority, unless required by law or expressly authorised by the Clerk to the Authority to do so. Employees making unauthorised communications may render themselves liable to disciplinary action.
- 2.4 Employees should exercise caution and care not to disclose commercially sensitive information. Guidance should be sought from the appropriate Officer.
- 2.5 Employees should not use any information obtained in the course of their employment for personal gain, nor should they pass it on to others who might use it in such a way.
- 2.6 Any particular information received by an employee from a Councillor which is personal to the Councillor and does not belong to the Authority such as details of her/his marital/domestic arrangement, should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. They must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Should the Authority decide to appoint political assistants in accordance with the Local Government and Housing Act 1989, these employees would be exempt from the standards set in paragraphs 3.1 to 3.3.
- 3.5 Where the Authority employee holds a politically restricted post such restrictions are deemed to be incorporated in their contract of employment.

4. Relationships

4.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, your role may involve providing advice to Councillors. If so it is essential that mutual respect between you is maintained. As personal familiarity between employees and Councillors can damage relationship, it should be avoided. In respect of private work for a Councillor this should be refused and discussed with the Treasurer & Deputy Clerk.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policy statements of the authority.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor who is engaged or who is proposed to be engaged by the Authority, should declare that relationship to the appropriate manager as soon as practicable.

4.4 The Press and the Media

Employees must not deal with the press or the media unless required to do so in the course of their work or they have been expressly authorised by an appropriate manager.

All enquiries for information or comment on issues affecting the work of the GMWDA must be referred to the Communications Department within the GMWDA.

Any article, publication, or interview given on aspects of GMWDA policy or activity must be properly authorised.

5. Appointments and other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.
- 5.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. (Candidates for any appointment with the Authority when making an application must disclose on the job application form whether he/she is related to any member of the GMWDA or to a holder of any senior officer). Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after appointment, he/she shall be liable to dismissal.
- 5.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.
- 5.4 Elected Members and Senior Officers need to disclose to the Authority any relationship known to exist between themselves and a candidate for an appointment of which they are aware.

6. Outside Commitments

- 6.1 Employees graded above SCP28 are required to obtain written consent to take any outside employment. The written consent must be given either by the Treasurer & Deputy Clerk.
- 6.2 All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests, or in any way undermines public confidence in the conduct of the Authority's business and thereby damaging its reputation.
- 6.3 No employee of the Authority, irrespective of their grade, should undertake work outside their employment with the Authority if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, unless the consent of the GMWDA has been granted. It is irrelevant whether or not the work is paid.
- 6.4 Employees' off-duty hours are their personal concern but they should not subordinate their duty to private interests to put themselves in a position where duty and private interests conflict. The GMWDA will not preclude employees from undertaking additional employment, but any such employment must not, in the view of the Authority, conflict with or react detrimentally to the Authority's interests, or in any way weaken public confidence in the conduct of the GMWDA's business.
- 6.5 No outside work of any sort should be undertaken in the office, and use of facilities, e.g. telephones, or access to typing facilities for outside work is forbidden. All the resources of the GMWDA including equipment, stationery etc are to be used to further

the GMWDA's business and are not for personal use.

- 6.6 No employee shall undertake outside work if it makes use of material to which the employee has access by virtue of his or her position.

6.7 Intellectual Property

Employees should follow the GMWDA's rules on the ownership of intellectual property or copyright created during their employment.

Intellectual property is a generic term that includes inventions and patents, creative writings and drawings. If these are created by the employee during the course of employment then as a general rule they belong to GWMDA.

6.8 Information Technology and Data Security

Employees must ensure that they follow the Authority's procedures in relation to the use and storage of computers and the proper management of computer held information in relation to the Data Protection Act.

7. Personal Interests

- 7.1 Employees must declare to an appropriate manager, any non-financial interests that they consider could bring about conflict with the Authority's interests.
- 7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the Authority's interests.
- 7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules and/or membership and/or conduct.
- 7.4 On no account must employees be directly involved in the processing of any matter or application in which they or any close relative had a personal interest.
- 7.5 Employees must declare to an appropriate manager (preferably in writing), any non-financial interests that they consider could bring about conflict with the GMWDA's interest. This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the GWMDA.
- 7.6 As part of their official duties an employee may be required to serve on an outside body. In such cases employees will be expected to represent and promote the Authority's interests and policies as the circumstances dictate.

8. Equality Issues

All local government employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of local community, customers and other employees have a right to be treated with fairness and equity.

9. Behaviour during the Tendering Process

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.
- 9.5 Employees should 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.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 10.2 Employees who are in receipt of or affect the receipt of Housing Benefit and/or other related benefits (i.e., Income Support, Unemployment Benefit, Incapacity Benefit, etc) must be aware that the obtaining of such benefits by deception would be considered as theft against the Authority as the employer and would therefore constitute Gross Misconduct under the GMWDA's Disciplinary Code of Practice.
- 10.3 In relation to 10.2 above, employees must provide details of their home address or in cases where more than one address is frequented the address that they normally class as their home. This does not include c/o addresses unless there are special circumstances which management have been made aware of and are satisfied with. Similarly, changes of name should also be notified to the employing department.

11. Use of Financial Resources

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.
- 11.2 Employees should be aware of and adhere to the Authority's Standing Orders and Financial Regulations.

11.3 Where employees have concerns over the lawfulness of certain action they should express such concerns to the appropriate Officer or Clerk to the Authority.

12. Hospitality and Gifts

12.1 There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with the Authority would be viewed by the public with grave suspicion and would make the employee concerned and the GMWDA extremely vulnerable to criticism.

12.2 An employee should tactfully refuse any personal gift which is offered to him/her or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the GMWDA or, who has applied, or may apply, to the GMWDA for any kind of decision.

12.3 The only exceptions to this rule are:

- a) Small gifts of only token value often given by way of trade advertisement to a wide range of people for example, calendars, diaries, tape measures and similar articles of use in the workplace; or
- b) Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory, trade fair or other premises.

12.4 If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.

12.5 Employees are reminded that under provisions of Section 117 of the Local Government Act 1972, they are forbidden under the colour of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable to Court Proceedings.

12.6 In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to the Director of Resources who will be responsible for deciding whether the gift should be returned.

12.7 If any employee becomes aware that he/she has been included as the beneficiary in a Will of a client, for whom the GMWDA offers or used to offer a service where there is a connection with the employee's work, the above rules apply. However, this does not apply in the case of parents passing on an inheritance to their off-spring, or relatives naming a family member as a beneficiary in their Will.

12.8 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should only be accepted when these are part of the life of the community or where the Authority should be seen to be represented. It should be properly authorised and recorded.

12.9 When hospitality has to be declined the offer should be courteously but firmly informed of the procedures and standards operating within the Authority. In this event, the Principal Governance Officer should be informed.

- 12.10 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 12.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.12 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from the Authority, particularly where the offer is to an individual employee.
- 12.13 There should be no cause for concern if the offer of hospitality is made by another non-commercial public body but all cases of hospitality must be treated with caution.
- 12.14 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.

13. Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Customer Care

14.1 Standard of Dress and Appearance

There is a general expectation that dress will be appropriate from time to time the Authority may introduce an appropriate dress code to suit the services undertaken and to meet the expectations of the public.

15. Interpretation

Any interpretation of this Code should be determined by the Clerk to the Authority.

16. Disciplinary Action

Any serious contravention of this Code may result in disciplinary proceedings.

17. Grievance Procedure

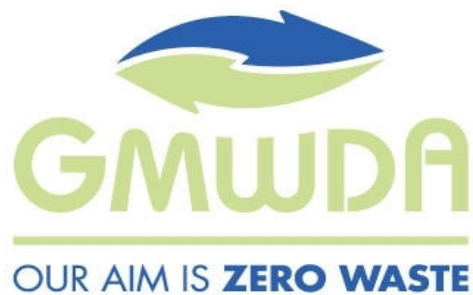
17.1 An employee who has a grievance arising from the interpretation of the Code shall have access to the Authority's Grievance Procedure.

17.2 Any Officer who has been involved in an interpretation of the Code which results in a grievance should not be involved in the consideration of that grievance.

18. Grievance Procedure

The Code embodies general guidance for all employees of the GMWDA. It is recognised, however, that specific arrangements may be made to address circumstances/situations encountered by certain employees.

GREATER MANCHESTER WASTE DISPOSAL AUTHORITY



Part F

Members' Allowances Scheme

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MEMBERS' ALLOWANCES SCHEME

1. Members' Allowance Scheme

1.1 It is hoped that during the 2011/12 Municipal year the Authority will be granted powers which will allow it, on recommendation of an Joint Independent Remuneration Panel, to consider and if appropriate set allowances. This section will be expanded if that becomes the case.

1.2 In preparation for these powers, the Association of Greater Manchester Authorities' (AGMA) Joint Independent Remuneration Panel reviewed the Authority's current recommended Members' allowance and made the following recommendations for the 2011/12, through AGMA, to the constituent Districts:-

Chair of the Authority (including basic allowance)	£12,000
Vice-Chairs of the Authority (including basic allowance)	£ 5,400
Deputy-Chairs of Committees (including basic allowance)	£ 2,600
Basic Allowance	£ 2,100

1.3 It is envisaged, until powers are granted. Most constituent Districts will payment of special responsibility to Members of the Authority at these levels from within their own scheme.

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