

Standing orders

These are the Standing Orders and rules of debate and procedure for the conduct of meetings of the London Waste and Recycling Board (the “Board”) and its committees.

The Board is established under section 356A of the GLA Act 1999 (as inserted by section 38 of the GLA Act 2007) and Statutory Instrument 2008 No. 2038: The London Waste and Recycling Board Order 2008 (the “Order”).

These Standing Orders apply to the Board and any Committees it establishes and should be read in conjunction with the Order and nothing in these Standing Orders should be interpreted as being contrary to the Order.

Revised:

December 2010
November 2012
December 2013
December 2015 (IC Quorum)

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1. Definitions

Board means the London Waste and Recycling Board

The Mayor means the Mayor of London.

Chairman has the meaning given by article 3(1)(a) of the Order

Committee has the meaning given by article 8 of the Order

Designated Deputy has the meaning given in three below

The Fund means the London Waste and Recycling Fund

Greater London Authority Group means the Greater London Authority, Transport for London, London Fire and Emergency Planning Authority, Metropolitan Police Authority and London Development Agency

Mayor's Representative has the meaning given by article 4 of the Order

Members has the meaning given by article 3(1) of the Order

The Order means the London Waste and Recycling Board Order 2008 (2038)

Secretariat means the persons or body responsible for the administrative arrangements of the Board provided for under article 13 of the Order and to deliver part 5 of the Order

2. Membership

The Board comprises eight members as prescribed by the Order (Section 3). Namely: The Mayor or his/her representative (as defined in Section 4 of the Order); four elected members of any borough council or the Common Council appointed by the London councils (“Council Members”); two persons appointed by the London councils and one person appointed by the Mayor (“independent members”).

Terms of appointment and tenure are prescribed in Sections 4 and 6 of the Order. In summary:

- The term of office for any Board member (other than the chair) must not exceed 4 years.
- Council members and independent members may be appointed for at most two terms.
- Board members cease to be Board members if:
 - They are Council Members who cease to be elected members of a London borough or Common Council.
 - They are an independent member who becomes an elected member of a London borough of the Common Council.
 - They are the Mayor, on leaving office.
 - They are the Mayor’s appointee and the Mayor ceases to be Mayor (unless their appointment is confirmed by the subsequent Mayor.)
 - They are the Mayor’s representative and the Mayor leaves office.
 - They are the Mayor’s representative and they become an elected member of a London borough or the Common Council.

Section 6 of the Order includes provisions for the London Councils or the Mayor to remove their respective appointees. Section 4 of the Order includes provisions for the Mayor to remove his representative.

Membership of all committees is as agreed by the Board.

Members of the Board and its Committees are required to adhere to the Board’s Code of Conduct which includes the requirement to make a declaration of any personal interests and to register any gifts or hospitality received in relation to their work for the Board in excess of £25 – see Section 8 and Appendix SO3.

3. The Chairman

The Mayor or the Mayor's Representative will be the Chairman of the Board (as prescribed by the Order). If the Mayor or the Mayor's Representative is unable to attend a Board meeting he or she may appoint another Board member as his or her Designated Deputy, who shall act as Chairman for that Board meeting only and have all such powers and rights as Chairman, pursuant to these Standing Orders, as are delegated to him by the Mayor or the Mayor's Representative in connection with such appointment. Any such appointment shall be made by written notice which shall be delivered to the Secretariat and notified to Members prior to the meeting.

Committee Chairs will be appointed by the Board. If committee chair is unable to attend a particular meeting, he/she may appoint a deputy to chair in his/her place.

4. Committees

The Board shall establish any committees that it considers appropriate.

The membership, delegated authority and any reporting requirements will be agreed by the Board.

The Chairman of the Board may not be a member of any Committee (as prescribed by the Order); Non-Board members may be appointed as Committee members.

Each Committee will have terms of reference which will be approved by the Board.

Terms of Reference for all committees will be reviewed annually by the Audit Committee.

5. Meetings

The Board shall hold a minimum of three meetings each year. The frequency of committee meetings will be determined by committee chairs.

The Board or Committee Chairman will determine the time and place of meetings which will be notified to the membership by the Secretariat at least ten working days in advance of the meeting.

Details of all meetings including agendas and any non-confidential reports will be published on the LWARB website not less than five working days before the meeting.

The Board or Committee Chairman will set the agendas for all meetings. All agenda items and reports for circulation should be received from

Board/Committee Members and/or officers by the Secretariat for the Chairman's approval not less than ten working days prior to the meeting.

The secretariat will endeavour to despatch all Board and Committee papers to members at least five working days in advance of any meeting.

Board and Committee meetings will automatically adjourn after two and a half hours from the start of the meeting unless the Board/Committee agrees to the contrary.

Meeting agendas will include the following as standing items:

- Approval of the minutes of the previous meeting, which shall be signed by the Chairman once approved
- Declarations of interest;
- Update report from the Chief Operating Officer (Board Meetings only).
- Matters arising from the previous meeting.

The Board or Committee Chairman may at his/her discretion alter the order in which business is taken.

In addition to formal meetings the Board and its committees may carry out its business by email and telephone.

Quorum

The quorum of the Board is four Members, to include at least the Chairman, or the Designated Deputy Chairman, and in addition one London borough Councillor and one independent Member.

The quorum of any committee is one third of the members or four, whichever is the greater, unless specified differently in the Committee's Terms of Reference.

The Audit Committee's Terms of Reference (as revised November 2012) define a quorum of 3 members.

The Investment Committee's Terms of reference (as revised December 2015) state that the quorum for the Committee varies depending on the number of voting members currently appointed. If there are six or more voting members, the quorum shall be one third of the voting members, or four, whichever is greater. If there are less than six voting members, the quorum shall be three voting members

If within half an hour of the time appointed for the meeting to commence, a quorum is not present, the meeting shall be dissolved.

A quorum may be convened by way of a conference call.

Minutes of meetings

The secretariat will draft minutes and a list of actions arising of each Board and Committee meeting. The minutes will include a list of attendees, a summary of discussions and any decisions made. The minutes and actions list will be for approval at the next meeting. The Chairman of the Board or relevant Committee will sign the minutes once approved. The only part of the minutes that can be discussed is their accuracy and any matters arising.

Public access to meetings

Meetings of the Board and its Committees are required by the Order to be held in public.

Members of the public may be excluded from meetings when confidential, or commercially sensitive information is to be discussed (as defined in Section 18 of the Order).

Non-members of the Board may, at the discretion of the Board or Committee Chairman be invited to attend and participate the Board or Committee discussions, but may not vote on any matters.

Disturbance of meetings

If there is a general disturbance making orderly business impossible, the Board or Committee Chairman may adjourn the meeting for as long as he/she thinks necessary.

If a member of the public interrupts proceedings, the Board or Committee Chairman will warn the person concerned. If they continue to interrupt, the Board or Committee Chairman will order their removal from the meeting room.

Points of order

A Board or Committee Member may raise a point of order at any time. The Board or Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The ruling of the Board or Committee Chairman on the matter will be final.

Voting

The closing of the debate and move to vote will be at the Board or Committee Chairman's discretion.

With the exception of amendments to these standing orders, decisions will be made by a simple majority vote. The Chairman shall have an extra, casting, vote if no majority is reached.

Where a Board or Committee member requests it and is supported by two other members, the secretariat shall record each member's vote (including abstentions).

A member may request that their individual vote be recorded in the minutes.
For significant decisions, all votes are recorded.

Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

6. Board decisions between meetings

The Board and Committees may make decisions other than at formal meetings via one or other of the two procedures below (Urgency or Written Resolutions procedure).

Urgency procedure

If at any time the Chairman of the Board or a Committee considers that any matter is urgent and should be decided prior to the next meeting of the Board or Committee, then he/she shall consult all Members. If at least three of the Members, of whom one will be the Chairman, and (for Board decisions) one will be a London Borough Councillor and one will be an independent Member agree on the recommendation, then the decision shall be taken by the Chairman.

In the event that this urgency procedure is inoperable following, for example, Mayoral or local government elections and there is a need for urgent action, the Board Chairman is authorised to take executive action, subject to an independent member agreeing to that action, such action to be reported to the next meeting of the Board.

A copy of the record of a decision taken under procedure shall be kept by the Secretariat and reported to the next meeting of the Board along with an explanation of why the decision was required to be taken via the Urgency Procedure.

Written Resolutions

If at any time the Chairman of the Board or a Committee considers that any matter should be decided between meetings but is not considered to be urgent the Board/Committee Chairman will seek a Written Resolution. The Chairman will consult all members of the Board or Committee via email, and the decision will be put to a vote, with deadline for votes to be received by the Secretariat stipulated. Other than for the amendment of these standing orders, decisions will be taken on a simple majority vote, with the Chairman

having a casting vote if necessary. A valid decision requires that the number of votes cast must be greater than or equal to the quorum for the body making the decision.

A copy of the record of a decision taken under this procedure shall be kept by the Secretariat and reported to the next meeting of the Board or Committee.

7. Delegation

The Board or a Committee may authorise any of the following to exercise on its behalf any of its functions as it may determine: The Chair or member of the Board or Committee; a Committee of the Board or an employee of the Board.

8. Code of Conduct, Declarations of Interest, and Hospitality Register

Members of the Board and its Committees are required to adhere to the Board's Code of Conduct which includes a requirement that members declare any interests in the matters being considered by the Board or its Committees, and to register any gifts or hospitality received as a result of being a member of the Board or its Committees above a value of £25. Full details of the code of conduct may be found in "G5 Code of Conduct and Declarations of Interest".

9. Amendment of Standing Orders

The Standing Orders may only be amended by majority decision of the Board that includes the Chairman.

Appendix SO1

Section 356A and 356B of the GLA Act 1999, as amended by the GLA Act 2007 section 38(1)

38 London Waste and Recycling Board

(1) After section 356 of the GLA Act 1999 (directions by the Mayor) insert—

“356A London Waste and Recycling Board

(1) There shall be a body known as the London Waste and Recycling Board (referred to in this section and section 356B as “the Board”).

(2) The objectives of the Board are to promote and encourage, so far as relating to Greater London,—

- (a) the production of less waste;
- (b) an increase in the proportion of waste that is re-used or recycled;
- (c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment.

(3) For the purpose of achieving its objectives, the Board may provide financial assistance to any person towards or for the purposes of—

- (a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
- (b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
- (c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.

(4) For the purpose of achieving its objectives, the Board may provide advice on such matters as it thinks fit to any of the following—

- (a) the Mayor;
- (b) any London borough council;
- (c) the Common Council;
- (d) such other persons as the Board thinks fit.

(5) In carrying out its functions under this section, the Board must—

- (a) act in accordance with the municipal waste management strategy;
- (b) act in general conformity with the spatial development strategy so far as relating to the collection, treatment and disposal of waste.

(6) The Board may do anything that it thinks will facilitate, or is incidental or conducive to, the carrying out of its functions under subsections (2) to (4) above.

(7) The Board does not have the power to borrow money.

(8) The Secretary of State may issue to the Board guidance as to the exercise of its functions.

(9) The Board shall have regard to any guidance issued under subsection (8) above.

(10) Any reference in this section to the collection, treatment or disposal of waste includes a reference to the transport of waste for or in connection with that purpose.

356B Supplemental provision concerning the Board

(1) The Secretary of State may by Order make provision as to—

- (a) the constitution of the Board;
- (b) the appointment of its members (who must not be fewer than 7 nor more than 13 in number);
- (c) the payment of allowances and expenses to its members; and such other matters in connection with its establishment and administration as the Secretary of State thinks fit.

(2) The Board shall not be regarded—

- (a) as the servant or agent of the Crown, or
- (b) as enjoying any status, privilege or immunity of the Crown, and the property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.

(3) The Secretary of State may make payments by way of grant to the Board towards expenditure incurred or to be incurred by it.

(4) The amount of any grant and the manner of its payment are to be such as the Secretary of State may determine.

(5) Any grant may be paid on such conditions as the Secretary of State may determine.

(6) Conditions under subsection (5) above may, in particular, include—

- (a) provision as to the use of the grant;
- (b) provision as to circumstances in which the whole or part of the grant must be repaid.”.

(2) In section 420(3) of that Act (orders subject to affirmative procedure)—

- (a) after “an order under” insert “any of the following provisions”;
- (b) for the word “or” at the end of paragraph (c) substitute—
“(cc) section 356B(1) above,”.

2008 No. 2038

LONDON GOVERNMENT

The London Waste and Recycling Board Order 2008

Made - - - - *23rd July 2008*

Coming into force in accordance with article 1

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The Secretary of State makes the following Order in exercise of the powers conferred by sections 60A(5), 356B(1) and 405(1) of the Greater London Authority Act 1999(a).

In accordance with section 420(3) of that Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

PART 1 Introduction

Title and commencement

1. This Order—
 - (a) may be cited as the London Waste and Recycling Board Order 2008; and
 - (b) comes into force the day after this Order is made.

Interpretation

2. In this Order—
 - “the Board” means the London Waste and Recycling Board;
 - “the London councils” means the London borough councils and the Common Council, acting jointly;
 - “council members” has the meaning given by article 3(1)(b);
 - “independent members” has the meaning given by article 3(1)(c);
 - “Mayor’s representative” has the meaning given by article 4(1).

PART 2 Membership of the Board

Members of the Board

- 3.—(1) The Board shall comprise the following members—
 - (a) the Mayor who shall be the chair of the Board;
 - (b) four elected members of any London borough council or the Common Council appointed by the London councils (“council members”);

(a) 1999 c. 29. Section 60A(5) was inserted by section 4(1) of the Greater London Authority Act 2007 (c. 24) and section 356B was inserted by section 38(1) of that Act.

- (c) two persons appointed by the London councils and one person appointed by the Mayor (“independent members”).

This is subject to paragraphs (2) and (3) and article 4.

(2) The London councils must ensure that, at any given time, no two or more council members are from the same London borough council or the Common Council.

(3) The London councils or the Mayor may not appoint any person as an independent member if that person is an elected member of any London borough council or the Common Council.

Mayor’s representative

4.—(1) The Mayor may appoint a person (“Mayor’s representative”) to be the chair of the Board on the Mayor’s behalf.

(2) But the Mayor may not appoint any person as the Mayor’s representative who is—

- (a) an existing member of the Board; or
- (b) an elected member of any London borough council or the Common Council.

(3) Where the Mayor appoints a representative under paragraph (1) that person shall replace the Mayor as a member of the Board.

(4) The Mayor’s representative shall hold and vacate office in accordance with such terms and conditions as are determined by the Mayor.

This is subject to paragraphs (5), (6) and (7).

(5) Where the Mayor’s representative becomes an elected member of a London borough council or the Common Council, that person ceases to be the Mayor’s representative.

(6) Where a person ceases to hold office as Mayor any person appointed as the Mayor’s representative ceases to hold that position unless their appointment is confirmed by the subsequent Mayor.

(7) The Mayor may remove any person appointed under paragraph (1) where that person—

- (a) has been absent from the meetings of the Board for more than 6 months without the permission of the Mayor;
- (b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that person’s estate has been sequestrated; or
- (c) in the opinion of the Mayor, has become unable, unfit or unsuitable to carry out that person’s duties.

(8) Article 6 does not apply in relation to the Mayor’s representative.

Relevant experience and knowledge

5. The Mayor and the London councils must, in appointing members of the Board (including the Mayor’s representative), have regard to the desirability of securing that they have, between them, experience in or knowledge of—

- (a) the prevention, minimization, recycling, treatment, disposal and transportation of waste;
- (b) the provision of waste collection and disposal services;
- (c) the town and country planning system;
- (d) quality assurance;
- (e) the requirements of different waste producers in respect of the treatment, collection and disposal of waste;
- (f) service and capital project procurement and delivery in the public and the private sector;
- (g) environmental protection.

Terms of appointment and tenure

6.—(1) The Board members shall hold and vacate office in accordance with such terms and conditions as are determined by the Mayor with the consent of the London councils (subject to this Order).

(2) The term of office of any Board member, other than the chair, must not exceed 4 years.

(3) A person who has held office as a council member or independent member may be re-appointed once only for a further period (whether consecutive or not) not exceeding 4 years.

(4) The London councils may remove any council member or independent member appointed by them from the Board if that member—

- (a) has been absent from the meetings of the Board for more than 6 months without the permission of the Board;
- (b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that member's estate has been sequestrated; or
- (c) in their opinion, has become unable, unfit or unsuitable to carry out that member's duties.

(5) The Mayor may remove any independent member appointed by the Mayor from the Board if that member—

- (a) has been absent from the meetings of the Board for more than 6 months without the permission of the Board;
- (b) becomes bankrupt or makes an arrangement with creditors or (in Scotland) that member's estate has been sequestrated; or
- (c) in the opinion of the Mayor, has become unable, unfit or unsuitable to carry out that member's duties.

(6) Where a council member ceases to be an elected member of a London borough council or the Common Council, that person ceases to be a member of the Board.

(7) Where an independent member becomes an elected member of a London borough council or the Common Council, that person ceases to be a member of the Board.

(8) Where a person ceases to hold office as Mayor—

- (a) that person ceases to be a member of the Board; and
- (b) any independent member appointed by that person ceases to be a member of the Board unless their appointment is confirmed by the subsequent Mayor.

Allowances and expenses

7. The Board may pay to its members and committee members—

- (a) such allowances as are determined by the Mayor with the consent of the London councils; and
- (b) any expenses properly incurred by them in carrying out the Board's business.

PART 3

Proceedings of the Board etc.

Committees

8.—(1) The Board may establish committees.

(2) Any such committee—

- (a) must not include the chair of the Board;
- (b) may include members who are not members of the Board.

Procedure of the Board

- 9.—(1) Subject to paragraph (2), the Board may—
- (a) determine its own procedure (including quorum); and
 - (b) determine the procedure (including quorum) of any of its committees.
- (2) On any vote by the Board the chair has an additional, casting vote in the event of a tie.

Validity of proceedings

- 10.—(1) The validity of any proceedings of the Board shall not be affected—
- (a) by a vacancy amongst the council members or independent members; or
 - (b) by a defect in the appointment or any disqualification of a person as a council member or independent member.
- (2) The validity of any proceedings of the Board shall not be affected—
- (a) by a vacancy in the office of chair, or
 - (b) by a defect in the appointment or any disqualification of a person as chair,
- if those proceedings are conducted with the consent of the Secretary of State.
- (3) The Secretary of State may, before granting such consent, require a chair to be appointed for the purposes of those proceedings from amongst either the council members or the independent members as the Secretary of State shall determine.

Registration and disclosure of members' interests

- 11.—(1) The Board must establish and maintain a system for the declaration and registration of private interests of its members.
- (2) A member of the Board must immediately disclose any direct or indirect interest in any matter proposed or discussed by the Board.
- (3) The disclosure must be recorded in the minutes of the Board.
- (4) A member who is directly interested in any matter may not take part in any discussions or decisions of the Board.
- (5) But if the Mayor and the London councils consider that the number of members directly interested in any matter is such as to impede the transaction of business, the Mayor and the London councils may agree to direct the Board that the restriction imposed by paragraph (4) does not apply; and the direction must be in writing and may be subject to such conditions as the Mayor and the London councils consider necessary.
- (6) Nothing in this article precludes a member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Mayor and the London councils for the exercise of the power conferred by paragraph (5).
- (7) Any reference in this article to the Board includes any committee of the Board.

Delegation

12. The Board may authorise any of the following to exercise, on its behalf, such of its functions, in such circumstances, as it may determine—
- (a) the chair or any other member of the Board;
 - (b) a committee of the Board; or
 - (c) an employee appointed under article 13.

Staffing

13. The Board may appoint such employees as it determines, and may pay to them such remuneration and other allowances, and make such provision for pensions, as it determines.

PART 4

Provision of information etc.

Annual report

14.—(1) For each financial year, the Board must—

- (a) prepare an annual report on how it has discharged its functions during the year; and
- (b) send a copy of the report to the London borough councils, the Common Council and the Secretary of State.

(2) In this article, “financial year” means—

- (a) the period beginning with the day on which the Board is established and ending with the next 31st March; and
- (b) each subsequent period of 12 months ending with 31st March.

Board priorities and provision of financial assistance

15.—(1) The Board must, by 31st March each year, prepare and publish a document setting out how it will meet its objectives in the following 12 month period, including—

- (a) its priorities for that period; and
- (b) its strategy for the provision of financial assistance to any person during that period for the purposes of—
 - (i) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
 - (ii) conducting research into new technologies or techniques for the collection, treatment or disposal of waste; or
 - (iii) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.

(2) If the Board wishes to provide financial assistance to any person for any of the purposes in paragraph (1)(b) before 1st April 2009, it must, before doing so, prepare and publish a document containing the information in paragraph (1) for the period to 1st April 2009.

Provision of information to the Secretary of State

16. The Board must provide the Secretary of State with such information as the Secretary of State requires relating to the discharge or proposed discharge of the Board’s functions.

Provision of information to the public

17.—(1) The Board must make the following available for inspection by the public, free of charge, at all reasonable times—

- (a) the document referred to in article 15;
- (b) annual reports of the Board;
- (c) approved minutes of Board and committee meetings;
- (d) details of the remuneration of Board members;
- (e) a list of Board and committee members;

- (f) the register of Board and committee members' interests;
- (g) the dates of Board meetings and the agendas for those meetings.

(2) Any person who requests it must be provided with a copy of, or extract from, any document in paragraph (1) on payment of a reasonable charge.

Public access to meetings

18.—(1) A meeting of the Board must be open to the public.

This is subject to paragraphs (2) and (3).

(2) The Board must exclude the public from a meeting during an item of business if, during that item, confidential information may be disclosed to the public in breach of the obligation of confidence.

(3) The Board may exclude the public from a meeting during an item of business if, during that item, any of the following information may be disclosed to the public and the Board considers that in all the circumstances of the case the public interest in preventing disclosure of the information outweighs the public interest in disclosure of the information—

- (a) information relating to any individual;
- (b) information which is likely to reveal the identity of an individual;
- (c) information relating to the financial or business affairs of any particular person;
- (d) commercially sensitive information;
- (e) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any employment matter arising between the Board and any employee; or
- (f) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(4) In this article, “confidential information” means—

- (a) information provided to the Board by a Government department upon terms that prohibit the disclosure of the information to the public, and
- (b) information that may not be disclosed to the public by virtue of any enactment, rule of law or order of the court,

and, in each case, the reference to the obligation of confidence is to be construed accordingly.

(5) This article is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

(6) Any reference in this article to the Board includes any committee of the Board.

PART 5

Funds and auditing

Fund

19. The Board must—

- (a) keep a fund (to be known as the general fund) to which all income of the Board must be carried, and from which all expenditure discharging liabilities must be met; and
- (b) keep accounts of income and expenditure of the general fund.

Financial administration

20. The Board must make arrangements for the proper administration of its financial affairs and appoint a person to be responsible for the administration of those affairs and keeping the accounts of the Board.

Amendment to the Audit Commission Act 1998 and the Greater London Authority Act 1999

21.—(1) In Schedule 2 to the Audit Commission Act 1998(a) (accounts subject to audit), in paragraph 1, after sub-paragraph (bd) add—

“(be) the London Waste and Recycling Board;”.

(2) In section 60A(3) of the Greater London Authority Act 1999 (confirmation hearings etc for certain appointments by the Mayor), immediately after the entry relating to the chairman of the London Fire and Emergency Planning Authority, add—

“Mayor’s representative as chair of the London Waste and Recycling Board (see section 356A below and article 4 of the London Waste and Recycling Board Order 2008);”.

23rd July 2008

Joan Ruddock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) 1998 c. 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision as to the constitution and procedures of the London Waste and Recycling Board established under section 356A of the Greater London Authority Act 1999 (c. 29).

Articles 3 to 7 set out provisions relating to the members of the Board, including the Mayor's power to appoint a representative to take the Mayor's place as chair of the Board (article 4), the relevant experience and knowledge of Board members (article 5), terms of appointment and tenure of office (article 6) and the payment of allowances and expenses to Board members (article 7).

Articles 8 to 13 provide for proceedings of the Board and staffing, including the establishment of committees (article 8), validity of proceedings (article 10), disclosure of members' interests (article 11) and delegation of Board functions (article 12).

Articles 14 to 18 provide for the provision of information, including a requirement for the Board to prepare an annual report (article 14) and to publish a document each year setting out how it will meet its objectives (article 15). Article 18 requires Board meetings normally to be open to the public.

Article 19 requires the Board to keep a general fund and article 21 inserts the Board into Schedule 2 to the Audit Commission Act 1998 (c. 18) so that it becomes a body subject to audit under that Act. Article 21 also inserts the appointment by the Mayor of a person to chair the Board into section 60A(3) of the Greater London Authority Act 1999 so that the Mayor must undertake the confirmation process set out in Schedule 4A to that Act before making the appointment.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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LONDON GOVERNMENT

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Appendix SO3

Code of Conduct of the London Waste and Recycling Board

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. —(1) This Code applies to you as a member of the London Waste and Recycling Board (the “Board”), or one of its committees.

"Member" means the Mayor of London, and independent members appointed by London Councils and the Mayor, the elected members of any London borough council appointed by London Councils and where applicable the Representative of the Mayor and a co-opted member of a committee or forum of the Board.

(2) You should read this Code together with the general principles prescribed by the Secretary of State and the Committee on Standards in Public Life, which are as follows:

Selflessness

You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness

You should be as open as possible about your actions and those of your Board, and should be prepared to give reasons for those actions.

Personal Judgement

You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Respect for Others

You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Board's statutory officers, and its other employees.

Duty to Uphold the Law

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

Stewardship

You should do whatever you are able to do to ensure that your Board uses its resources prudently and in accordance with the law.

Leadership

You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means

(a) any meeting of the Board;

(b) any meeting of any of the Board's committees or forums,

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

- (a) conduct the business of the Board (which, in this Code, includes the business of the office to which you are appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of the Board, 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 the Board—

(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 the Board's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(6) In this Code “relevant authority” has the meaning given to it by section 49 of the Local Government Act 2000.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause the Board 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;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Board; or
- (e) provide or offer to provide a reference for any candidate for employment or promotion with the Board.

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—
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Board; 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 the Board 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 the Board—

(i) act in accordance with the Board's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Board's finance advisor; or

(b) the Board's legal advisor.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Board.

PART 2

INTERESTS

Personal interests

8. —(1) You have a personal interest in any business of the Board 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 by the Board;

(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 on 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 the Board'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 for goods, services or works made between the Board 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 (vi);

(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 the Board's area in which you have a beneficial interest;
- (x) any land where the landlord is the Board and you are, 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 (vi) is, the tenant;
- (xi) any land in the Board'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 other council tax payers, ratepayers or inhabitants of Greater London.

(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 of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of the Board and you attend a meeting of the Board 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 the Board 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 Board 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 the Board'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) Where the Chairman makes any decision which affects a matter in which he or she has a personal interest (within the meaning of paragraph 8 above) that must be disclosed in accordance with paragraph 9(1) and in accordance with any relevant procedure of the Board.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of the Board 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 Board 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 the Board in respect of—

(i) housing, where you are a tenant of the 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.

11 (1) You also have a prejudicial interest in any business before a committee of the Board where:

- (a) that business relates to a decision made, or action taken, by another of the Board's committees of which you are a member; and
- (b) At the time the decision was made or action was taken, you were a member of the committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

(2) However sub-paragraph (1) does not apply where you attend the meeting of a committee of the Board for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the Board—

- (a) you must withdraw from the room 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; and
- (b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of the Board, you may attend a meeting (including a meeting of a committee of the Board) 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 the Board; or

(b) your appointment to office (where that is later), register in the Board's register of members' interests details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the Board's head administrative officer.

(2) Subject to paragraph 14, 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 the Board's Secretariat officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, 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 Board's monitoring officer asking that the information be included in your Board'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

Part 4 Hospitality Register

Board and Committee Members are required to register all hospitality or gifts received by virtue of being a member of the Board or its Committees in writing to the Board's Secretariat detailing the nature of the gift or hospitality, the date on which it was received, the estimated value and the identity of the donor.