

APPOINTMENTS AND COMMITTEES**WDA/17/16****Recommendation**

That the following be determined for the 2016/17 Municipal Year:

1. approval of the Terms of Reference and delegations for the Appeals Committee, Audit and Governance Committee and the Investigating and Disciplinary Committee and the appointment of Members to those committees;
2. appointment of Chair to the Investigating and Disciplinary Committee;
3. appointment of Members to the Forward Planning Panel;
4. representation on the Boards of Mersey Waste Holdings Limited, Bidston Methane Limited and the North West Employers' Organisation; and
5. delegated powers of the Authority to be granted to the Clerk in consultation with all Members to finalise any outstanding appointments in relation to the above.

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APPOINTMENTS AND COMMITTEES

WDA/17/16

Report of the Chief Executive

1. Purpose of the Report

- 1.1 To make all necessary appointments and approvals in relation to the Authority's Committees; to agree the terms of reference and appointments to the Forward Planning Panel; and to consider the Authority's representation on other bodies for the 2016/17 Municipal Year.

2. Background

- 2.1 The Authority appoints its committees and determines their membership at its Annual Meeting each year in accordance with the Authority Procedural Rules.
- 2.2 The Authority also seeks nominations for Members to be appointed to specific panels and outside bodies at its Annual Meeting.
- 2.3 The following therefore need to be determined for the forward year:
 - Appeals Committee
 - Audit and Governance Committee
 - Investigating and Disciplinary Committee
 - Forward Planning Panel
 - Board of Mersey Waste Holdings Limited
 - Board of Bidston Methane Limited
 - North West Employers' Organisation

Merseyside Waste Disposal Authority

24th June 2016

3. Appeals Committee

3.1 Terms of Reference

To hear and adjudicate upon:-

1. appeals relating to disciplinary and capability matters; and
2. appeals relating to grading referrals.

Delegation:

To have delegated to it all the powers of the Authority to hear and adjudicate upon appeals relating to disciplinary and capability matters and to determine grading referrals.

Appointments: 4 Members

Quorum: 2 Members

2015/16 Membership (for information): Councillors Graham Morgan, Tony Concepcion, Alan Cunliffe and Kevin Cluskey.

3.2 It is worth noting that due to the relatively small size of the Authority, the need for a meeting of the Appeals Committee is rare and no meetings were called in 2015/16.

3.3 Members are asked to approve the Terms of Reference and Delegations to the Appeals Committee and to consider its Membership.

4. Audit and Governance Committee

4.1 Terms of Reference

To deal with:-

1. the Authority's Statement of Accounts and other statutory financial determinations with the exception of Revenue and Capital Budget approval; and
2. the consideration of audit plans (internal and external) and reviews and receipt of the Annual Audit Letter.

Delegations:

To approve, only in those instances where an Authority Meeting is not scheduled within the timeframes required, the Statement of Accounts, Prudential Indicators, the Annual Governance Assessment and Statement issued under ISA 260 (UK&I), Audit Plans, Action Plans resulting from Audit Reviews and Inspections and the Annual Audit Letter.

Appointments: 4 Members

Quorum: 2 Members

2015/16 Membership (for information): Councillors Graham Morgan, John Fairclough, Alan Cunliffe and Kevin Cluskey.

- 4.2 For information, the Audit and Governance Committee is only called where scheduling does not allow for governance issues to be considered at an Authority meeting and this need did not arise in 2015/16.
- 4.3 Members are asked to approve the Terms of Reference and Delegations to the Audit and Governance Committee and to consider its Membership.

5. Investigating and Disciplinary Committee

5.1 Terms of Reference:

To hear and adjudicate upon:-

1. matters relating to disciplinary, grievance, capability and sickness absence in relation to the Chief Executive

Delegation:

To hear and adjudicate upon matters relating to the investigation of disciplinary, grievance, capability and sickness absence, and to determine the action (if any) or range of actions, as appropriate, in relation to the Chief Executive.

Appointments:

3 Members (taking into account political balance and that each Member to be from a different constituent council).

Quorum: 2 Members

2015/16 Membership (for information): Councillors Kevin Cluskey, Laura Robertson-Collins and Steve Williams.

- 5.2 The Investigating and Disciplinary Committee would only be called in the event that an issue with the Chief Executive arose and to date no meetings have been called.

6. Committee Chairs

- 6.1 In accordance with the Authority Procedural Rules, Members may either appoint a Chair and Deputy Chair to each of its committees at its Annual Meeting or at the first meeting of the committee.
- 6.2 In practice, Members usually consider these appointments at the first meeting of the relevant committee. However, in terms of the Investigating and Disciplinary Committee, there is a specific role for the Chair under the Authority's Disciplinary Procedure. Where allegations or complaints are made involving the Chief Executive, the Monitoring Officer may be required to consult the Chair to determine if a committee meeting is warranted.
- 6.3 It would therefore be beneficial to appoint the Chair of the Investigating and Disciplinary Committee at the Annual Meeting and Members are asked to consider such an appointment.

7. Forward Planning Panel

- 7.1 The Authority uses Member panels as an effective way to engage Members in specific areas of the Authority's business. It should be noted however that these panels are not decision making bodies and therefore have no delegated powers and no quorum is required.
- 7.2 In 2015/16, the Forward Planning Panel met twice and contributed to the development of budget options, the development of the Service Delivery Plan for 2016/17, and was recently involved in considering options under the Authority's Services Review which will feed into the wider Strategic Review.
- 7.3 For information, the Members appointed to the Forward Planning Panel in 2015/16 were:
- Councillors Graham Morgan, John Fairclough, Alan Cunliffe and Tony Concepcion.
- 7.4 The Terms of Reference for the panel is attached at Appendix 1 for reference and Members are asked to nominate Members to this panel for 2016/17.

8. Board of Mersey Waste Holdings Limited

- 8.1 Mersey Waste Holdings Limited remains an active company to enable the Authority to retain favourable contractual arrangements.
- 8.2 The Board of Directors includes three Members appointed by the Authority as Shareholder for a term of two years. It should be noted that there is no fixed number of Members required to sit on the Board under the Company's Articles of Association.
- 8.3 Councillors Laura Robertson-Collins and Kevin Cluskey were appointed in 2015 and therefore their appointments remain in effect. Councillor Tony Concepcion was appointed in 2014 and his appointment requires review.
- 8.4 Members are asked to consider appointments to the Board in addition to Councillors Robertson-Collins and Cluskey.

9. Board of Bidston Methane Limited

- 9.1 Bidston Methane Limited is a joint venture established to manage gas production and electricity generation from two of the Authority's closed landfill sites at Bidston Moss and Billinge.
- 9.2 The Authority is entitled to appoint three Members to its Board and the Members appointed at last year's Annual Meeting were as follows:

Councillors Steve Williams and Irene Williams, leaving one vacancy.
- 9.3 For information, there is normally just one meeting in the year to approve the annual accounts.
- 9.4 Members are asked to consider the Authority's representation on the Board of Bidston Methane Limited for the coming year.

10. North West Employers' Organisation

- 10.1 The Authority is requested each year to appoint a representative to the North Western Employers' Organisation (NWEO).
- 10.2 Councillor Kevin Cluskey was appointed as the Authority's representative in 2015/16.
- 10.3 Members are asked to consider the Authority's representative for the coming year.

11. Risk Implications

- 11.1 The appointment of committees and representation on other bodies is a requirement of the Authority Procedural Rules and therefore failure to do so would be in breach of those rules.
- 11.2 In previous years, Members have granted delegated powers of the Authority to the Clerk to finalise any appointments which have not been agreed at the meeting and thereby mitigating the risk that positions remain vacant. Members are therefore asked to consider granting delegated powers of the Authority to the Clerk to agree outstanding appointments.
- 11.3 For ease of reference, Appendix 2 lists all nominations identified in this report. Members can contact the Clerk for further details regarding each appointment should they require it.

12. HR Implications

- 12.1 There are no HR implications associated with this report.

13. Legal Implications

- 13.1 There are no legal implications associated with this report

14. Environmental Implications

- 14.1 There are no environmental implications associated with this report.

15. Financial Implications

- 15.1 There are no financial implications associated with this report.

16. Conclusion

- 16.1 The Authority is asked to determine the appointments and representations set out in this report for the 2016/17 Municipal Year and to grant delegated powers of the Authority to the Clerk to complete any outstanding appointments.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.



FORWARD PLANNING PANEL

TERMS OF REFERENCE

PURPOSE

The purpose of the Forward Planning Panel is to:-

- Review the Authority's performance compared to the existing Authority's corporate plans, strategies and budget.
- Identify current and future priorities taking into account corporate risks and opportunities.
- Consider areas for improvement and future aspirations which can be taken into account during the review of the Corporate Plan.

MEMBERSHIP

The group will consist of four Members to be appointed at the Authority's Annual Meeting.

LIMITATIONS

The panel does not have delegated powers and therefore cannot make decisions on behalf of the Authority although it can make recommendations to be considered by the Authority.

FREQUENCY

The group will meet at least annually prior to the Corporate Plan being considered by the Authority.

Appendix 2

NOMINATIONS REQUIRED

Area	2015/16 Membership	No. of Members
Forward Planning Panel	Cllrs John Fairclough, Graham Morgan, Alan Cunliffe and Tony Concepcion	Four
Appeals Committee	Cllrs Graham Morgan, Tony Concepcion, Kevin Cluskey and Irene Williams	Four
Audit and Governance Committee	Cllrs Graham Morgan, John Fairclough, Alan Cunliffe and Kevin Cluskey	Four
Investigating and Disciplinary Committee	Cllrs Kevin Cluskey, Laura Robertson-Collins and Steve Williams	Three (reps from three separate Districts) Nomination of Chair also required.
Mersey Waste Holdings Ltd Board	Cllrs Laura Robertson-Collins, Kevin Cluskey and Tony Concepcion	Up to Four
Bidston Methane Ltd Board	Cllrs Irene Williams and Steve Williams	Three
North West Employers' Organisation	Cllr Kevin Cluskey	One