

APPOINTMENTS AND COMMITTEES
WDA/19/11

Recommendation

That the following be determined for the 2011/12 Municipal Year:

1. the appointment of Lead Members and their portfolios;
2. the approval of the Terms of Reference and delegations for the Appeals and the Audit and Governance Committees and the appointment of its Members;
3. the appointment of Members to the Contract Procurement Scrutiny Panel and the Chief Executive's Appraisal Panel; and
4. representation on the Boards of Mersey Waste Holdings Limited, Bidston Methane Limited, the North West Local Authorities' Employers' Organisation, the Liverpool City Region Environment and Waste Board and the Sefton Borough Strategic Partnership Board.

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APPOINTMENTS AND COMMITTEES

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Report of the Chief Executive

1. Purpose of the Report

- 1.1 To seek nominations for Lead Members, the appointment of Committees and representations on other bodies for the 2011/12 Municipal Year.

2. Background

- 2.1 The Authority appoints its committees and determines their membership at its Annual Meeting each year in accordance with its Procedural Rules.
- 2.2 The Authority also identifies Members to be appointed to specific portfolios and outside bodies at this meeting.

3. Portfolios and Lead Members

- 3.1 The Authority appoints lead Members to a set of portfolios each year.
- 3.2 In practice, where a Member has specific responsibility for a portfolio, they will be consulted in the development of that area including the proposals for Executive Decisions.
- 3.3 In addition to these portfolios, there are a number of panels which require Member representation.
- 3.4 The Resource Recovery Contract Scrutiny Panel was established to provide Members with the opportunity to scrutinise the progress of the procurement and challenge where necessary. A copy of the current terms of reference are attached at Appendix 1 and Members will note that the level of membership is not fixed and there is no quorum specified as the panel is not a decision-making body.
- 3.5 It is proposed that the name of the scrutiny panel be amended to the Contract Procurement Scrutiny Panel to enable its scope to be extended to cover other procurements. In particular, should Members be minded to approve the Interim Contract Procurement detailed elsewhere on the

agenda, the Chief Executive will update the panel's terms of reference to include this procurement.

3.6 The Chief Executive's Appraisal Panel was approved at the Authority meeting held on 15th April 2011. The panel would work with the Chief Executive and an independent facilitator to appraise the Chief Executive's performance and the future priorities for the Authority on an annual basis. The panel, consisting of three Members, would meet prior to the review of the Corporate Plan in November each year.

3.7 Nominations are required as follows for 2011/12:

| Portfolio | Areas Included | Membership |
|-------------------------------------|---|----------------------------|
| Strategy and Development | Corporate Planning Waste Strategy Sustainability Communications and PR HR | Lead Member |
| Operations | WMRC Contract Landfill Contract Environmental Management Waste Facility Management | Lead Member |
| Finance | Financial Arrangements inc. Revenue and Capital Budgets. Risk Management Insurance Audit | Lead Member |
| Procurement | RRC Procurement Sites and Planning | Lead Member plus one other |
| Governance | Scrutiny Public Consultation | All Members |
| Contract Procurement Scrutiny Panel | Scrutiny of the RRC Procurement | Currently Four Members |
| Chief Executive's Appraisal Panel | Annual Appraisal | Three Members |

4. Appeals Committee

4.1 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

2010/11 Membership (for information): Councillors Morgan, Moore, Brighthouse and Tattersall.

- 4.2 Members are asked to approve the Terms of Reference and Delegations to the Appeals Committee and to consider its Membership.
- 4.3 In accordance with Procedural Rules, Members may either appoint a Chairperson and Deputy Chairperson of this committee at its Annual Meeting or at the first meeting of the committee. In practice, Members usually consider these appointments at the first meeting of the committee, however, Members may consider such appointments at this meeting if they so wish.

5. Audit and Governance Committee

5.1 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 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, Annual Governance Assessment and Statement, Prudential Indicators, SAS 610 Report, Audit Plans, Action Plans resulting from Audit Reviews and Inspections and the Annual Audit Letter.

Appointments: 4 Members

Quorum: 2 Members

2010/11 Membership (for information): Councillors Brighthouse, Moore, Morgan and one vacancy.

- 5.2 Members are asked to approve the Terms of Reference and Delegations to the Audit and Governance Committee and to consider its Membership.
- 5.3 As noted in para 4.3 in relation to Procedural Rules, Members may either appoint a Chairperson and Deputy Chairperson of this committee at this meeting or at the first meeting of the committee.

6. Board of Mersey Waste Holdings Limited

- 6.1 As Members will be aware, Mersey Waste Holdings Limited has ceased operations but remains an active company to enable the Authority to retain favourable contractual arrangements.
- 6.2 The Board of Directors includes two Members appointed for a term of two years by the Authority. Councillor Cluskey was appointed in 2010 and therefore his appointment remains in effect. Councillor Tattersall was appointed in 2009 and this position has now become vacant.
- 6.3 Members are entitled to appoint up to four Members to the Board of Mersey Waste Holdings Limited and are therefore asked to consider the appointment of up to three Members to its board in addition to Councillor Cluskey.

7. Board of Bidston Methane Limited

- 7.1 The Authority is entitled to appoint three Members to the Board of Bidston Methane Limited. Members appointed at last year's Annual Meeting were as follows:

Councillors Brighthouse and two vacancies.
- 7.2 Members are asked to consider the representations on the Board of Bidston Methane Limited for the 2011/12 year.

8. North West Local Authorities' Employers' Organisation

- 8.1 The Authority is requested each year to appoint a representative to the North Western Local Authorities' Employers' Organisation (NWLAEO).

- 8.2 Councillor Cluskey was appointed as the Authority's representative in 2010/11.
- 8.3 Members are asked to consider the representation to the NWLAEO for the coming year.

9. Liverpool City Region Environment and Waste Board

- 9.1 Councillor Cluskey was appointed to represent the Authority on the Liverpool City Region Environment and Waste Board at the Annual Meeting last year.
- 9.2 Members are asked to consider whether or not they wish to review this appointment.

10. Sefton Borough Partnership Strategic Board

- 10.1 Sefton Council invited the Authority to appoint a representative on the Sefton Borough Partnership Strategic Board, specifically to appoint one of its two Sefton councillors.
- 10.2 Councillor Cluskey was subsequently appointed and Members are asked to consider whether or not they wish to review this appointment.

11. Risk Implications

- 11.1 The appointment of committees and representation on other bodies is a requirement of the Authority's Procedural Rules and therefore failure to do so would be in breach of those rules.
- 11.2 At last year's Annual Meeting, Members were unable to identify nominees for all of the appointments requested and therefore delegated powers of the Authority were granted to the Clerk to complete the process.
- 11.3 It is worth noting, however, that subsequent to that meeting, the Clerk was unable to secure nominations to all vacant positions.
- 11.4 It would therefore reduce the risk of positions remaining vacant if Members were to agree all appointments at this meeting. However, if necessary, Members may wish to consider granting delegated powers of the Authority to the Clerk this year if the process cannot be concluded.
- 11.5 For ease of reference, Appendix 2 lists all nominations identified in this report. Members can contact the Clerk for further details regarding each appointment prior to the meeting should they require more information.

12. HR Implications

12.1 There are no HR implications associated with this report

13. Environmental Implications

13.1 There are no environmental implications associated with this report.

14. Financial Implications

14.1 There are no financial implications associated with this report.

15. Conclusion

15.1 The Authority is asked to make the determinations for appointments and representations as set out in this report for the 2010/11 Municipal Year.

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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.



RESOURCE RECOVERY CONTRACT (RRC) PROCUREMENT SCRUTINY PANEL

TERMS OF REFERENCE

The Procurement Scrutiny Panel is seen as one of the most significant ways in which Authority Members can influence the decision-making processes inherent in the RRC Procurement and be more fully informed as to the contract terms and risks. Officers conducting the RRC procurement are keen to seek the views of as many Members as possible, and as early as possible, to improve the quality of understanding, debate and outcomes in these final critical stages of dialogue with the two remaining participants (COVANTA and SITA).

MEMBERSHIP

The panel will comprise Members of the Authority and will be facilitated by MWDA officers. The panel is not a decision-making body and therefore no fixed membership or quorum is specified.

PURPOSE

The role of the Scrutiny Panel is to review all areas of RRC procurement activity to make sure that decision-making is effective, transparent and accountable.

Members of the Procurement Scrutiny Panel, acting to assist the Executive, will:

- Act as a critical friend to scrutinise and challenge the officers and advisors thinking, risk management approaches and policy formulation
- Monitor and review the delivery of the RRC procurement project objectives
- Support the achievement of Value for Money throughout the process
- Enable the voice of the District Councils and citizens to be taken into account
- Drive improvement in the RRC procurement outcomes

LIMITATIONS

The Scrutiny Panel cannot make decisions but they can make recommendations to the full Authority when RRC decisions are being considered and thereby influence decision-making.

PROCEEDINGS

The panel will hold an initial meeting to agree how Members wish to engage with the RRC Procurement Process. The Scrutiny Panel can adopt a variety of mechanisms during their enquiries into the RRC procurement project, including, receiving presentations, site visits, meeting with bidders, interviewing officers and advisors and talking to District Partners about their involvement and the operational interfaces with the RRC contractor.

The Scrutiny Panel may make a report setting out any findings and recommendations for improvement to the Authority for approval as necessary.

APPENDIX 2

NOMINATIONS REQUIRED

| Area | 2010/11 Membership | No. of Members |
|---|---|--------------------------|
| Strategy and Development Portfolio | Cllr Turner | One |
| Operations Portfolio | VACANT | One |
| Finance Portfolio | Cllr Hargreaves | One |
| Procurement Portfolio | Cllrs Cluskey and Hargreaves | One Lead plus one other. |
| Contract Procurement Scrutiny Panel | Cllrs Cluskey, Brighthouse, Concepcion and Hargreaves | Open |
| Chief Executive's Appraisal Panel | New | Three |
| Appeals Committee | Cllrs Morgan, Moore, Brighthouse and Tattersall | Four |
| Audit and Governance Committee | Cllrs Brighthouse, Moore, Morgan + 1 VACANCY | Four |
| Mersey Waste Holdings Ltd Board | Cllrs Cluskey and Tattersall | Up to Four |
| Bidston Methane Ltd Board | Cllr Brighthouse + 2 VACANCIES | Three |
| North West Local Authorities' Employers' Organisation | Councillor Cluskey | One |
| Liverpool City Region Environment and Waste Board | Councillor Cluskey | One |
| Sefton Borough Partnership Strategic Board | Councillor Cluskey | One |