

**APPOINTMENTS AND COMMITTEES****WDA/19/13****Recommendation**

That the following be determined for the 2013/14 Municipal Year:

1. appointment of Chairperson and Deputy Chairperson as the relevant Portfolio Holders for the purposes of the Scheme of Delegation;
2. 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;
3. the appointment of Members to the Chief Executive's Appraisal Panel;
4. should Members wish to continue with the Contract Procurement Scrutiny Panel, the appointment of its members;
5. representation on the Boards of Mersey Waste Holdings Limited, Bidston Methane Limited, the North West Employers' Organisation; and
6. delegated powers 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/19/13**

### **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, portfolios and panel structures and to agree representations on other bodies for the 2013/14 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 seeks nominations for Members to be appointed to specific panels, portfolios and outside bodies at this meeting.

#### **3. Portfolio and Lead Members**

- 3.1 The Authority has appointed Lead Members each year to the following portfolios:
  - Strategy and Development
  - Operations
  - Finance
  - Procurement
- 3.2 In practice, these roles are primarily used during the initial consultation process for an Executive Decision as defined in the Authority's Scheme of Delegation (Section 3.1 (b)). For information, the last Executive Decision was taken in 2010.
- 3.3 Given the limited utilisation of these roles, Members are asked to consider rationalising these appointments. Whilst the Scheme of Delegation requires that a portfolio holder is consulted in the first stages of a proposal for an Executive Decision, this could be effected by resolving at this

meeting to appoint both the Chairperson and Deputy Chairperson as the 'relevant Portfolio Holder,' for the purposes of the Scheme of Delegation for the 2013/14 Municipal Year.

- 3.4 However, should Members be minded to retain the current set of Portfolios, then nominations are required for those identified in para 3.1 above.

#### **4. Authority Panels**

- 4.1 The Authority established two panels in 2012/13, namely the Contract Procurement Scrutiny Panel and the Chief Executive's Appraisal Panel.
- 4.2 Such panels provide an effective way to engage Members in specific areas of the Authority's business, however, it should be noted that these panels are not decision making bodies and therefore no quorum is required.
- 4.3 The Contract Procurement Scrutiny Panel was established to provide Members with the opportunity to scrutinise the procurement of the Resource Recovery Contract (RRC) and latterly, the Interim Contract.
- 4.4 Due to the complexity in nature of the key decisions being taken during 2012/13 in relation to the RRC, the panel did not meet as it was felt that all Members should have access to the RRC related briefings and workshops undertaken during this period.
- 4.5 This situation is unlikely to change as the Authority moves towards the financial close of the RRC and Members are therefore asked to consider whether they wish to appoint this panel for the forward year or wish officers to continue to present briefings to all Members.
- 4.6 For information, the Members appointed to the Contract Procurement Scrutiny Panel in 2012/13 were:
- Councillors Joe De Asha, Steve Munby, Patricia Hardy and Tony Concepcion.
- 4.7 The Chief Executive's Appraisal Panel consists of four Members and meets with the Chief Executive for his appraisal annually with a half yearly review meeting. The Chief Executive's objectives and priorities agreed during the appraisal inform the annual review of the Corporate Plan and takes place between September and October each year.
- 4.8 For information, the Members appointed to the Chief Executive's Appraisal Panel in 2012/13 were:

Councillors Joe De Asha, Graham Morgan, Patricia Hardy and Tony Concepcion.

- 4.9 Members are asked to nominate Members to each of the panels for 2013/14.

## **5. Appeals Committee**

### **5.1 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

**2012/13 Membership (for information):** Councillors Graham Morgan, Steve Munby, Tony Concepcion and Irene Williams.

- 5.2 Members are asked to approve the Terms of Reference and Delegations to the Appeals Committee and to consider its Membership.
- 5.3 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.

## **6. Audit and Governance Committee**

### **6.1 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, 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

**2012/13 Membership (for information):** Councillors Joe De Asha, Steve Munby, Graham Morgan and Patricia Hardy.

- 6.2 Members are asked to approve the Terms of Reference and Delegations to the Audit and Governance Committee and to consider its Membership.
- 6.3 As noted in para 5.3 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.

**7. Investigating and Disciplinary Committee**

- 7.1 Members approved a revised Disciplinary Procedure on 21<sup>st</sup> September 2012 which included the establishment of an Investigating and Disciplinary Committee specifically to deal with matters relating to the Chief Executive.
- 7.2 The committee was approved and a number of Members expressed an interest in serving on this committee however no appointments were agreed under delegations granted to the Clerk.
- 7.3 It is proposed that this committee be established for the forward year with the same Terms of Reference and delegations as agreed in September 2012.
- 7.4 **Terms of Reference:**

To hear and adjudicate upon:-

1. matter relating to disciplinary, grievance, capability and sickness absence matters 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 each Member to be from a different constituent council).

**Quorum:** 2 Members

- 7.5 As noted in para 5.3 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.

**8. Board of Mersey Waste Holdings Limited**

- 8.1 Mersey Waste Holdings Limited has ceased operations but remains an active company to enable the Authority to retain favourable contractual arrangements.
- 8.2 The Board of Directors includes two Members appointed for a term of two years by the Authority. Councillor Concepcion was appointed in 2012 and therefore his appointment remains in effect. Councillor De Asha is no longer a Member of this Authority and therefore this appointment requires review.
- 8.3 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 Concepcion.

**9. Board of Bidston Methane Limited**

- 9.1 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 Steve Williams, Irene Williams and one vacancy.

- 9.2 Members are asked to consider the representations 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 De Asha was appointed as the Authority's representative in 2012/13.
- 10.3 Members are asked to consider the representation to the NWEO for the coming year.

#### **11. Liverpool City Region Environment and Waste Board**

- 11.1 The Liverpool City Region Environment and Waste Board has not held meetings for some time. It is proposed that no appointment be made at this time but that the Clerk be granted delegated powers to agree such an appointment with Members should need arise.

#### **12. Risk Implications**

- 12.1 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.
- 12.2 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.
- 12.3 For ease of reference, Appendix 1 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.

#### **13. HR Implications**

- 13.1 There are no HR 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 make the determinations for appointments and representations as set out in this report for the 2013/14 Municipal Year and to grant delegated powers 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.

**APPENDIX 1****NOMINATIONS REQUIRED**

<b>Area</b>	<b>2012/13 Membership</b>	<b>No. of Members</b>
Contract Procurement Scrutiny Panel <b>(only if Members wish to continue with this panel)</b>	Cllrs De Asha, Munby, Hardy and Concepcion	Open
Chief Executive's Appraisal Panel	Cllrs De Asha, Hardy, Morgan and Concepcion	Four
Appeals Committee	Cllrs Morgan, Munby, Concepcion and I Williams	Four
Audit and Governance Committee	Cllrs De Asha, Munby, Morgan and Hardy	Four
Investigating and Disciplinary Committee	N/A	Three (reps from three separate Districts)
Mersey Waste Holdings Ltd Board	Cllrs De Asha and Concepcion	Up to Four
Bidston Methane Ltd Board	Cllr I Williams, S Williams + 1 VACANCY	Three
North West Employers' Organisation	Councillor De Asha	One