

APPOINTMENTS AND COMMITTEES**WDA/14/19****Recommendation**

That the following be determined for the 2019/20 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/14/19

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 2019/20 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

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

2018/19 Membership (for information): Councillors Louise Harbour, Tony Concepcion, Steve Williams and Yvonne Sayers.

- 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 only one meeting was called in 2018/19.
- 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. The Auditors Report to those charged with Governance issued under ISA 260 (UK&I), Audit Plans, and Action Plans resulting from Audit Reviews and Inspections and the Annual Audit Letter.

Appointments: 4 Members

Quorum: 2 Members

2018/19 Membership (for information): Councillors Louise Harbour, Steve Williams, Joe Hanson and Diane Roscoe.

- 4.2 The Audit and Governance Committee is only called where scheduling does not allow for governance issues to be considered at an Authority meeting.
- 4.3 For information, there will be an Audit and Governance Committee called for the end of July 2019 as the timings for the approval of the Authority's accounts under the Accounts and Audit Regulations do not fit in with the Authority's current schedule of meetings.
- 4.4 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

2018/19 Membership (for information): Councillors Laura Robertson-Collins, Diane Roscoe 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 For information, the Members appointed to the Forward Planning Panel in 2018/19 were:

Councillors Louise Harbour, Yvonne Sayers, Charlie Preston and Tony Concepcion.

- 7.3 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 2019/20.

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 Councillor Tony Concepcion was appointed in 2018 and therefore his appointment remains in effect.
- 8.4 Councillor Diane Roscoe was also appointed in 2018 therefore her appointment remains in effect.
- 8.5 Councillor Charlie Preston was appointed in 2017 and therefore this appointment requires a review.
- 8.6 Members are asked to consider appointments to the Board in addition to Councillors Concepcion and Roscoe.

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, Charlie Preston, and Tony Norbury.
- 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 Tony Norbury was appointed as the Authority's representative in 2018/19.
- 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 2019/20 Municipal Year and to grant delegated powers of the Authority to the Clerk to complete any outstanding appointments.

The contact officer for this report is: Paula Pocock
7th Floor
No 1 Mann Island
Liverpool L3 1BP

Email: paula.pocock@merseysidewda.gov.uk
Tel: 0151 255 2573
Fax: 0151 227 1848

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