

APPOINTMENTS AND COMMITTEES

WDA/11/23

Recommendation

That the following be determined for the 2023/24 Municipal Year:

1. approval of the Terms of Reference and delegations for the Appeals Committee, Audit and Governance Committee and the Investigating & Disciplinary and Appointments Committee and the appointment of Members to those committees;
2. appointment of Chair to the Investigating & Disciplinary and Appointments Committee;
3. appointment of Members to the Forward Planning Panel;
4. representation on the Boards of Mersey Waste Holdings 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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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 2023/24 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 & Disciplinary and Appointments Committee
 - Forward Planning Panel
 - Board of Mersey Waste Holdings 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

2022/23 Membership (for information): Councillors Concepcion, Williams, Bell, and Osundeko.

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 last year.

- 3.2 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

2022/23 Membership (for information): Councillors, Williams, Bell, Page and Brown

The Audit and Governance Committee is only called where scheduling does not allow for governance issues to be considered at an Authority meeting.

- 4.2 Members are asked to approve the Terms of Reference and Delegations to the Audit and Governance Committee and to consider its Membership.

5. Investigating & Disciplinary and Appointments 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 and Chief Officers
2. matters relating to the recruitment and appointment of the Chief Executive and Chief Officers

Delegation:

To have delegated to it all the powers of the Authority 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 and Chief Officers.

To approve the recruitment and appointment process of the Chief Executive and Chief Officers.

Appointments:

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

Quorum: 2 Members

2022/23 Membership (for information): Councillors Bell, Williams, and Page.

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

The Committee would also be called in the event that a recruitment process is needed for a new appointment of a Chief Executive or Chief Officer.

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 & Disciplinary and Appointments 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 or Chief Officers, 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 & Disciplinary and Appointments 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 2022/23 were:

Councillors, Bell and Concepcion

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 2023/24.

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 Concepcion was appointed in 2021. However, his appointment is currently vacant.
- 8.4 Councillor Page was appointed in 2021 therefore her appointment requires a review.
- 8.5 Two further appointments are currently vacant.
- 8.6 Members are asked to consider the appointment to the Board.

9. North West Employers' Organisation

- 9.1 The Authority is requested each year to appoint a representative to the North Western Employers' Organisation (NWEO).
- 9.2 Councillor Robertson-Collins was appointed as the Authority's representative in 2022/23.
- 9.3 Members are asked to consider the Authority's representative for the coming year.

10. Risk Implications

- 10.1 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.

10.2 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.

10.3 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.

11. HR Implications

11.1 There are no HR implications associated with this report.

12. Legal Implications

12.1 There are no legal 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 determine the appointments and representations set out in this report for the 2023/24 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.