

## WIRRAL COUNCIL

### EMPLOYMENT AND APPOINTMENTS COMMITTEE – 16 SEPTEMBER 2010

#### REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

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#### APPEALS SUB-COMMITTEE

##### 1. Executive Summary

At the request of the Committee on 17 June, 2010 (minute 10 refers) this report has been prepared for the Committee to consider the possibility of having a pooled membership of the Appeals Sub-Committee.

The law requires that Committees appoint their own Sub-Committees. It is for the Committee to decide how many Members should be appointed to the Sub-Committee subject to the statutory rules on proportionality (see Para 3). The Committee may also appoint a Chair and Vice-Chair of the Sub-Committee.

Unless appointed as full Members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all Sub-Committees, with the right to speak at the invitation of the Chair (Standing Order 25(5)).

##### 2. Functions

The Sub-Committee's terms of reference, as set out in the Council's constitution, are:

- (a) To consider appeals against dismissal and final stage grievances by employees of the Council.
- (b) To receive and consider reports from a designated independent person investigating allegations of misconduct against the Council's Head of Paid Service, the Monitoring Officer or Chief Finance Officer.
- (c) To investigate and take disciplinary action in respect of allegations of misconduct against Chief Officers and Deputies (subject to a right of appeal to the Employment and Appointments Committee).

##### 3. Membership

In order to progress current appeals, the Committee on 17 June, agreed to appoint the following Members in advance of this report on a possible pooled membership:

	<u>Members</u>	<u>Deputies</u>
1 Conservative Councillor	Mrs L Rennie	S L Clarke G J Ellis C Blakeley A Pritchard J Hale T Anderson E Boulton

1 Labour  
Councillor

G Davies

M McLaughlin  
P L Davies  
H Smith  
A E R Jones  
B Kenny  
D Roberts

1 Liberal  
Democrat  
Councillor

A Bridson (Chair)

M Johnston  
T Harney  
S A M Niblock  
G D Mitchell  
S Holbrook

In appointing to this Sub-Committee, Members should be aware that meetings are generally held during the day.

#### 4. Pooled Membership

If the Committee wished to appoint a pool of Members, the Committee should be aware that, as with the Licensing Act 2003 Committee, which appoints itself as the pool for the Licensing Act 2003 Sub-Committee, a pool of Members would need to be politically proportionate, thus a pool of 15 would be in the ratio 6:6:3 (Conservative: Labour: Liberal Democrat).

For pools of Members from 16 – 21 (21 being the current membership total of members and deputies) the following ratios would apply:

- 16 places – 7 : 6 : 3
- 17 places – 7 : 6 : 4
- 18 places – 7 : 7 : 4
- 19 places – 8 : 7 : 4
- 20 places – 8 : 7 : 5
- 21 places – 8 : 8 : 5

A Chair could be appointed at each meeting, although it would be helpful if a spokesperson for each political group was appointed.

If the Committee is minded to appoint a pooled membership there could be occasions when the Sub-Committee is not politically proportionate, therefore the appointment of a pool of Members would need to be approved by Council with no Members voting against.

#### 5. Training for Elected Members

To ensure a consistency of approach from the membership pool, it is recommended that all Members of the pool undertake training. Whilst it is recognised that some Members have considerable experience of hearing appeals, it is timely to undertake further development to share skills and knowledge and update Members on recent employment case law.

6. Financial and Staffing Implications

None arising directly from this report.

7. Other Implications

There are no implications arising out of this report in terms of equal opportunities, planning, community safety, human rights, Local Agenda 21, anti-poverty, social inclusion and local member support.

8. Background Papers

The only background papers used in the preparation of this report were committee minutes and internal departmental records.

9. Decision required:

The Committee is requested to –

(a) Either confirm the arrangements for the currently appointed Appeals Sub-Committee for 2010/11 in the ratio 1:1:1 with named deputies and Councillor A Bridson as Chair, or,

(b) Appoint a pool of Members from which an Appeals Sub-Committee of 3 Members will be drawn as and when required, with the Chair being appointed at each meeting, for the current municipal year 2010/11 and that this be referred to Council for approval.

(c) Training for Elected Members undertaking appeals takes place, as a matter of good practice to support Committee's decision.

Bill Norman  
Director of Law, HR and Asset Management