

## WIRRAL COUNCIL

### EMPLOYMENT AND APPOINTMENTS COMMITTEE

7 JUNE 2012

<b>SUBJECT:</b>	<b>APPEALS SUB-COMMITTEE</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to request the Committee to appoint an 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 2).

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)).

#### 2.0 BACKGROUND AND KEY ISSUES

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

- (a) To consider appeals against disciplinary action, dismissal, grading and 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).

2.2 A pooled membership was introduced in September 2010 at the request of the Committee (minute 28 refers).

The pool of Members has to be politically proportionate and for 2011/12 consisted of 21 Members in the ratio 9:9:3, as follows:

### Conservative (9 Members)

Councillors Lesley Rennie, Sheila Clarke, Chris Blakeley, David Elderton, John Hale, Edwin Boulton, Gerry Ellis, Andrew Hodson and Simon Mountney.

### Labour (9 Members)

Councillors George Davies, Phil Davies, Adrian Jones, Brian Kenny, Anne McArdle, Bernie Mooney, Denise Roberts, Harry Smith and Jean Stapleton.

### Liberal Democrat (3 Members)

Councillors Ann Bridson, Dave Mitchell and Mark Johnston.

- 2.3 If the pool is to continue in 2012/13 with 21 Members, the ratio would be, 7 : 12 : 2.

For pools of lesser numbers, the following ratios would apply:

16 places – 5 : 9 : 2  
17 places – 6 : 9 : 2  
18 places – 6 : 10 : 2  
19 places – 6 : 11 : 2  
20 places – 7 : 11 : 2

- 2.4 Although the pool of Members has to be politically proportionate the actual Sub-Committee of 3 Members would not be, subject to a nem con vote at Council. This is to enable the expeditious hearing of appeals, particularly dismissal appeals, when a group of Members needs to be convened at the earliest opportunity. A proportionate Sub-Committee of three would be in the ratio, 2 : 1 : 0, which would therefore always exclude Liberal Democrat representation. The political allegiance of a member of the Appeals Sub-Committee should be irrelevant to the functions of determining appeals from staff.
- 2.5 Members should note that the Appeals Sub-Committee always meets during the daytime.

## **3.0 RELEVANT RISKS**

- 3.1 There is a requirement under the Council's Constitution that an Appeals Sub-Committee is appointed.

## **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 No other options were considered beyond those outlined in the report.

## **5.0 CONSULTATION**

- 5.1 It is for political groups to decide how they wish to allocate their Sub-Committee places.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no implications arising directly from this report

## **7.0 CONSULTATION**

7.1 It is for political groups to decide how they wish to allocate their Sub-Committee places.

## **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 There are no implications arising directly from this report.

## **9.0 LEGAL IMPLICATIONS**

9.1 There are no implications arising directly from this report.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## **11.0 CARBON REDUCTION IMPLICATIONS**

11.1 There are no implications arising directly from this report.

## **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no implications arising directly from this report.

## **13.1 RECOMMENDATION**

The Committee is requested to recommend that Council –

Appoint a pool of 21 Members from which an Appeals Sub-Committee of any three Members will be drawn as and when required, with the Chair being appointed at each meeting, for the municipal year 2012/13 and until such time as a new Appeals Sub-Committee is appointed.

## **14.1 REASON/S FOR RECOMMENDATION/S**

The Committee is required to appoint an Appeals Sub-Committee in accordance with Part 3 of the Council's Constitution.

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## **REFERENCE MATERIAL**

Previous reports on the appointment of the Appeals Sub-Committee, minutes and the Council's Constitution.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Employment and Appointments Committee</b>	<b>9 June 2011</b>
<b>Employment and Appointments Committee</b>	<b>16 September 2010</b>
<b>Employment and Appointments Committee</b>	<b>17 June 2010</b>
<b>Employment and Appointments Committee</b>	<b>15 June 2009</b>