

APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES

Report By: Chief Executive

Wards Affected

County-wide

Purpose

1. To exercise those powers reserved to Council at its Annual Meeting:
 - (a) To make appointments to the positions of Chairmen and Vice-Chairmanships of committees and other offices.
 - (b) To note the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5) b of the Act which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
 - (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. The financial implications are dependent on the number of Cabinet Member posts determined by the Leader.

Appointment of Chairmen of Committees and other bodies

3. Appointment of the Leader of the Council will already have been dealt with under item 7 and the Leader will appoint the remaining Cabinet portfolio holders. Subject to the Council's decision at item 7, the Leader of the Conservative Group will table his proposals. The first purpose of this item is, therefore, to make appointments to the other offices. Details of the proposed appointments to Chairmen and Vice Chairmen positions are contained in Appendix 1 which will be available to members at the meeting. Standing Order 4.3.6 allows for those Committees which do not have a Chairman elected at the annual meeting of Council to elect their own Chairmen at the first meeting following the annual meeting. This will apply to the Compensation (Enhanced Payments) Panel and also to the Social Care Appeals Panel, Appointments and Contracts Review Panel and the Employee

Further information on the subject of this report is available from
Sián Clark, Democratic Services Manager on (01432) 260222

Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members.

4. The Standards Committee of the Council must comprise at least two Councillors and it has been the practice for the Chairman and Vice-Chairman of the Council to serve on this Committee. This is currently Chaired by an independent member, Robert Rogers.

Allocation of Seats to Political Groups and Appointments to Committees

5. The Local Government (Committees and Political Group) Regulations 1990 require the allocation of committee seats to political groups to be in proportion, as far as is reasonably practicable to the size of those groups on the Council and that the Council reviews that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each committee and across the relevant committees taken as a whole subject to Section 15 (5) b of the Local Government and Housing Act, 1989, which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
6. Under Standing Order 4.4.1.1 Members appointed to Committees retain their seats until the annual meeting after the next ordinary election. It is only necessary therefore to make new appointments to give effect to any changes in proportionality or where Members wish to resign their current appointments. However, account will need to be taken of the need to allocate seats to any Chairman and Vice-Chairman already appointed by Council. As there has been no adjustment to the political proportionality of the authority since the last by-election consideration has been given to the proposed membership of Committees, which will be available as Appendix 2 alongside Appendix 1 at the meeting (which takes account of the proposed appointments to Chairmen and Vice Chairmen position as outlined in Appendix 1). Should further adjustments be required during the year, these adjustments will be dealt with by Group Leaders and the new appointments will be made by the Chief Executive giving effect to the notification given by Group Leaders using his delegated powers. It is also proposed that in accordance with past practice the Chairman of the Southern Area Planning Committee be formally appointed to serve on the Planning Committee.
7. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all the traditional Committees and the Scrutiny Committees. The strict calculation does not include the seats on Cabinet or the Standards Committee.
8. If Council wishes to allocate seats on a different basis than political proportion, such alternative arrangements can only be made where they are approved by Council without any Member voting against. This is known as a nem con vote by the Council. Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.

9. The Strategic Monitoring Committee currently comprises the Chairmen and Vice-Chairmen of the Scrutiny Committees and such other councillors as the Council may appoint to it. The operation of the Strategic Monitoring Committee on this basis has depended on Council agreeing to suspend the rules of proportionality in relation to Strategic Monitoring Committee compensating for that suspension of proportionality when calculating proportionality across the Council as a whole.
10. The importance of the suspension of proportionality is that unless proportionality is so suspended then the right to nominate to seats on Strategic Monitoring Committee lies with the respective political Group Leaders and appointments cannot be made by Council.
11. If alternative arrangements are not approved, the Chief Executive, in consultation with the Group Leaders, will have to exercise his delegated powers to make any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments in accordance with the nominations of the political group leaders.

Appointment to Bodies by Reference to Area

12. Membership of the Planning Area Sub-Committees is determined in accordance with Ward membership. There is an exception in the Local Government (Committees and Political Groups) Regulations 1990 which enables appointments to be made to groups composed of all the Councillors for an area without the rules on proportionality being applied.

RECOMMENDATIONS

- THAT (a) the arrangements for proportionality and the notice given in paragraph 9 of the need to partially suspend the rules of proportionality be noted. Council will be invited to move a resolution to that effect which, as advised, will have to be nem con if it is to be effective;**
- (b) Councillors be appointed to the offices contained in the papers (as Apendix 1) which will be for the term of office which will expire at the next Annual Meeting of Council;**
- (c) the Chief Executive be requested to exercise his delegated powers to make, (if required) following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders;**

BACKGROUND PAPERS

None identified.