

MEETING:	COUNCIL
MEETING DATE:	23 MAY 2014
TITLE OF REPORT:	APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES
REPORT BY:	SOLICITOR TO THE COUNCIL

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To exercise those powers reserved to Council at its Annual Meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees;
- (b) To approve the allocation of seats to political groups for the coming year and to receive nominations from those groups;
- (c) To make appointments to the positions of Chairmen and Vice-Chairmen of committees;
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees; and
- (e) To make arrangements for such appointments to the Independent Remuneration Panel as may be necessary.

Recommendations

THAT: (a) the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in paragraph 7 below;

- (b) the seats on other bodies to which the allocation of seats to groups falls to be made by Council be as indicated in paragraph 9, and all other representation on outside bodies be decided by the Chief Executive in consultation with the Group Leaders in accordance with the provisions of the constitution;
- (c) the reappointment of the co-opted members of General Overview & Scrutiny Committee be approved in accordance with Appendix 1 (to follow);
- (d) the wishes of the political groups as to nominees to fill their respective allocations of seats be noted;
- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with Appendix 1 (to follow);
- (f) the suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved;
- (g) the respective terms of reference for each committee or board remain unchanged, with the exception of additions to the Audit & Governance Committee terms of reference as detailed at Appendix 2;
- (h) any vacancies on committees or outside bodies arising during the year be filled by the decision of the Chief Executive following consultation with the Group Leaders and in accordance with the rules of proportionality;
- (i) the Solicitor to the Council be authorised, after consultation with Group Leaders and having regard to the regulations and guidance as outlined at paragraph 14, to appoint up to 5 members of the Independent Remuneration Panel; and
- (j) that the Solicitor to the Council make any consequent amendments to the Constitution as are necessary.

Alternative Options

- 1 To draw up a different set of committees of a different size and composition with different terms of reference; this is not recommended with only 12 months of the term of this council remaining.

Reasons for Recommendations

- 2 Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the council at each Annual Meeting of Council. Similarly, the constitution requires Council to review its ordinary committees at the annual meeting and make appointments to them.
- 3 The constitution requires the annual appointment of members to outside bodies.

- 4 Membership of the Independent Remuneration Panel has fallen to such a low level that recruitment of further members is necessary.

Key Considerations

- 5 The membership of the respective political groups is shown in the table below. The two vacant seats on the Council, Ledbury Ward and Leominster South, remain allocated to the group which held them, pending the outcome of the by elections.

	Numbers in Group
Conservative	29
Herefordshire Independent	14
It's Our County!	12
Liberal Democrat	3
Total	58

- 6 Council is under a duty to ensure membership of those committees covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to the political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Council must then accept nominations made by the groups for filling the seats allocated to them
- 7 The current size of ordinary committees of council, together with the proportionate political composition is shown in the table below; there are no proposals to amend the current allocations.

Committee	Seats	Liberal Democrat	Herefordshire Independent	Conservative	It's Our County!
Audit and Governance Committee	10	1	2	5	2
Employment Panel	6	0	2	3	1
General Overview and Scrutiny Committee	14	1	3	7	3
Health and Social Care Overview and Scrutiny Committee	14	1	3	7	3
Planning Committee	20	1	5	10	4
Regulatory Committee	10	1	2	5	2
Total Seats	74	5	17	37	15

- 8 It is not proposed to vary Council's decision in May 2013 to allocate certain seats on a different basis from that of political proportion. Council must take a *nem con vote*, where no member votes against the proposal, to permit this approach in respect of: the Regulatory Sub-Committee (which is itself drawn on an ad hoc basis from members of the politically proportionate Regulatory Committee), the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee (both of which are geographically specific bodies and appointments to them are drawn from relevant ward members).
- 9 The allocation of seats to certain outside bodies to which 3 or more appointments are made, must also have regard to the rules of proportionality. This affects appointments to two outside bodies as detailed in the table below and no changes are proposed in respect of these allocations.

Body	Seats	Liberal Democrat	Herefordshire Independent	Conservative	It's Our County!
Fire & Rescue Authority	6	0	2	3	1
Standing Advisory Council For Religious Education	3	0	1	1	1

- 10 Appendix 1 (to follow) details the group's nominations in respect of their allocated seats on committees and outside bodies together with the proposals for appointment of committee chairmen and vice chairmen. The Herefordshire Health and Wellbeing Board is not subject to the rules of political proportionality. The Board is included in Appendix 1 as, although it contains members, officers and outside representatives as statutory appointments, it is treated as a Council committee by virtue of the Health and Social Care Act 2012.

Audit and Governance Committee Terms of Reference

- 11 Members will be aware that, following the decision of Cabinet on 12 December 2013 and subsequent agreement of the capital programme by Council in February 2014, the council is entering into a loan arrangement with Mercia Waste Management Ltd as the best way to fund an energy from waste plant at Hartlebury. To enable a politically proportionate committee to have oversight of the actions of the council as lender in this arrangement the additional terms of reference set out at Appendix 2 are recommended for inclusion within the Audit & Governance Committee's terms of reference. Cabinet, not Audit & Governance Committee, would remain responsible for executive decisions in respect of the operation of the waste contract or any waste disposal authority functions.

Membership of the Independent Remuneration Panel

- 12 The council is required to establish an independent remuneration panel to make recommendations to Council about the allowances to be paid to councillors. The regulations and guidance require that panels must have a minimum of three members, but not be unduly large. Panel members cannot be elected members of any authority or be disqualified from being an elected member. It is recommended that appointment of panel members is phased to ensure there is always one member who has some experience. Although the regulations do not specify how panel

members should be found, the appointment process should command public confidence and be transparent. Panel members are reimbursed any necessary expenses in carrying out their role.

- 13 The panel has most recently consisted of representatives from the voluntary sector (the chief executive of Herefordshire Voluntary Organisations Support Service), and the business sector (chairman of the Business Board and a representative of a major employer) and trade unions (branch secretary of Unison). A number of panel members have indicated they are unable to continue, or have changed role and therefore it is timely to review the recruitment process.
- 14 It is proposed that, to maintain a level of continuity in line with the guidance, the remaining panel members be re-appointed for a three year term of office. It is also proposed that a public recruitment process be undertaken, similar to that followed in recruiting independent members of the Standards Panel, and that authority be delegated to the Solicitor to the Council, in consultation with Group Leaders, to appoint further panel members to form a panel with a maximum of five members.

Community Impact

- 15 There are no implications.

Equality and Human Rights

- 16 There are no implications

Financial Implications

- 17 There are no implications.

Legal Implications

- 18 The council is required to ensure that the allocation of seats to committees is compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that Act. The proposals in this report comply with the requirements.

Risk Management

- 19 Failure to appoint to committees and outside bodies could render them inquorate or unlawful; failure to obey the rules of political proportionality could similarly render a committee or body unlawful. The recommendations in this report mitigate these risks.

Consultees

- 20 Group Leaders

Appendices

Appendix 1 – Committees (to follow)

Appendix 2 – Addition to Audit & Governance Committee Terms of Reference.

Background Papers

- None identified.