

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

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 Cabinet Members and chairmen and vice-chairmanships of committees, the appointment to which is reserved to Council;
 - (b) to establish the allocation of seats to political groups based on proportionality and to agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole; and
 - (c) to make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. Provision is made within existing budgets for the expenditure that will be incurred on special responsibility allowances.

Appointment of Cabinet Members, Chairmen of Committees, etc.

3. Council is required to make appointments to the offices set out in Standing Order 4.3. S.O. 4.3.9 allows for those Committees that 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 Social Care Appeals Panel, Appointments and Contract Review Panel and the Employee Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members. Consideration is to be given to the individual Cabinet portfolios as part of the improvement planning process following the Corporate Assessment. The Constitutional Review Working Group has been unable to complete its consideration in time to report to the Annual Council meeting and the Leader will therefore propose extending the existing appointments of Cabinet Members, Chairmen of Committees, etc. as set out in Appendix 1 until the meeting of Council on 28th July, 2006 when the report of the Constitutional Review Working Group will be available.

Allocation of Seats to Political Groups and Appointments to Committees

4. The Local Government and Housing Act 1989 and Regulations require the allocation of committee seats to political groups to be in proportion 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.
5. The membership of the political groups has changed as a result of the Tupsley By-election in December 2005 and the current vacancy in the Kerne Bridge ward. However, this report assumes that:
 - the Conservative and Independent Groups will continue to form the administration and hold between them all the seats on Cabinet;
 - that the Liberal Democrats and the Labour Group will wish to continue in an opposition role holding the majority of Scrutiny Chairmanships and Vice-Chairmanships.
6. It has also been assumed that Members of Council will continue in their declared political groups. The political balance is currently: Conservatives: 21; Independents: 15; Liberal Democrats: 17; Labour: 4, with one vacancy.
7. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all standing committees and the Scrutiny Committees only. The strict calculation does not include the seats on Cabinet. However, it is assumed that Council will wish to continue with the arrangement whereby the opposition continue to hold the majority of the seats on the Strategic Monitoring Committee, by virtue of holding the majority of Chairmanships and Vice Chairmanships of the Scrutiny Committees, balancing those held by the administration on Cabinet.
8. 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. If the nem con vote is not approved it would not be possible to maintain the convention of allocating the majority of Scrutiny Chairmanships and Vice-Chairmanships to the opposition Group as this would mean that the Strategic Monitoring was not politically proportionate. If the 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 Committees, Etc.

10. 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. These adjustments will be dealt with by Group Leaders following the annual meeting and the new appointments will be made by the Chief Executive giving effect to the notification given by Group Leaders using his delegated powers. Council is also asked to authorise the Chief Executive, in consultation with the Group Leaders, to make any adjustments to Committee memberships once the result of the By-Election for Kerne Bridge is known. It is also proposed that in accordance with past practice the newly appointed Chairman of the Southern Area Planning Committee be formally appointed to serve on the Planning Committee.

11. It is helpful for the Chief Executive, in consultation with the group leaders, to have delegated authority to adjust the size of committees and/or bodies as this can be important in ironing out inequalities in the application of the rules on proportionality.

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. Those groups and their membership are set out at Appendix 2 for information.

RECOMMENDATIONS

- THAT**
- (a) the arrangements for appointments to committees and other bodies be agreed;**
 - (b) that existing office holders of the offices described in Appendix 1 be confirmed until the Council meeting on 28th July 2006 when it is anticipated that the report of the Constitutional Review Working Group will be available.**
 - (c) the Chief Executive be requested to exercise his delegated powers to make, 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, including any changes that will be necessary following the by-election for the Kerne Bridge ward.**

BACKGROUND PAPERS

None identified