

Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	10 th May 2012
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL

AN OPEN PUBLIC ITEM

List of attachments to this report:

Appendix 1 - Current political proportionality and committee chairing arrangements

Appendix 2 - Terms of Reference of Panels, Committees and other bodies in the Council's Constitution

Appendix 3 – Terms of Reference for Shadow Health & Wellbeing Board

Appendix 4 – Minutes of Council September 2011 concerning the new Standards regime

1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2012 to May 2013 and associated annual business.

2 RECOMMENDATION

Council is asked to:

2.1 Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working as set out in the Constitution and identified in its current form in this report at Appendix 2;

2.2 Note the current political proportionality as set out in Appendix 1 on the basis that there has been no change to the political composition of the Council since the proportionality was last reviewed in May 2011;

2.3 Appoint the Committees, Panels and other bodies as set out in Appendix 2 with the membership, terms of reference and delegated powers as set out in the Appendix;

2.4 Approve the addition of three new powers within the Public Rights of Way delegation scheme, as set out in section 12;

- 2.5 Approve the allocation of seats on the Committees and Panels as set out in Appendix 1, such seats to be filled in accordance with the nominations made by the political groups;
- 2.6 Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated (current arrangements are as set out in Appendix 1);
- 2.7 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
- 2.8 Determine the bodies on which the independent members are to have seats as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
- 2.9 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as out lined in paragraph 6.1;
- 2.10 Approve the addition of the Crime & Disorder Reduction Strategy and the Health & Wellbeing Strategy into the Council's Policy & Budget framework, as set out in section 13;
- 2.11 Appoint Councillors to be Member Champions for the interests identified in Section 8 or such other interest areas as may be decided by the meeting;
- 2.12 Consider any recommendations arising from the Standards Committee meeting on 26th April 2012 (section 9 refers);
- 2.13 Note the calendar of meeting dates that has been prepared up to May 2015 which is available on the Council's website;
- 2.14 Authorise the Monitoring Officer, in consultation with Group Leaders, to make appointments on such outside bodies as are for the Council (rather than Cabinet) such to fill;
- 2.15 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law;
- 2.16 Note the arrangements for the conduct of Cabinet business as set out in section 14; and
- 2.17 Note the agreed Terms of Reference for the Shadow Health & Wellbeing Board as determined by the Leader at Appendix 3 and consider whether if wishes to offer any comment.

3 FINANCIAL IMPLICATIONS

3.1 None.

4 CORPORATE OBJECTIVES

4.1 Collectively, the business of the Committees, Panels and partnership bodies contributes to developing all of the Council's corporate priorities;

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

5.1 The Council's Constitution sets out the approved executive, non-executive and regulatory decision making structure and the Council's overview and scrutiny arrangements (known as Policy Development & Scrutiny). The size, terms of reference and delegated powers of those bodies are set out in the Constitution and attached as Appendix 2 to this report. Appendix 1 to this report lists the relevant Committees etc, the present allocation of seats to political groups in accordance with the agreed political proportionality and the approved nomination rights for chairing those bodies.

5.2 Nominations are invited from the political groups for the appointment by the Council of Members to the bodies listed in Appendix 1 and for the Chairs of the Policy Development and Scrutiny Panels and the regulatory, non-executive committees (excluding the Standards Committee).

6 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

6.1 The trend towards collective scrutiny by West of England Councils and participation in a wider range of scrutiny activity on a regional basis is likely to continue. For this reason, it is proposed that any Panel should be able to participate in informal joint working with other Councils when it is expedient and cost-effective for there to be a collective approach.

7 PROPORTIONALITY

7.1 The law gives detailed guidance on the principles to be applied in calculating the allocation of seats on Committees and Sub Committees but the basic principles are:-

- a) not all the seats on the body shall be allocated to one particular party;
- b) the majority of the seats on the body shall be allocated to a particular political group if the number of persons belonging to that group is a majority of the Authority's membership;
- c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of the Authority which are allocated to a political group shall bear the same proportion to the total of all the seats on the ordinary Committees of that Authority as is borne by the number of members of that group to the membership of that Authority;

- d) subject to paragraphs (a) to (c) above, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Authority.

7.2 Notwithstanding (a) to (d) above the Act does not restrict the ability of the Council, or Committees where they are authorised by the Council, to decide on the size and number of seats on Committees and Sub Committees, and to make the actual appointments. A Committee or Sub Committee must, however comprise at least two voting members.

The law also deals with the allocation of committee places to members who do not belong to any political group. It indicates that, where there are members of the Council who do not belong to a political group, a proportion of seats on each body to which appointments are made, equal to the proportion of authority members who do not belong to a political group, will be allocated to the Member(s) concerned. Thus, if there were sixty five seats on Committee/Panels and two independent members, two seats would be available to them. Council will decide which of the available seats will be so allocated and to whom and a provisional allocation is included in Appendix 1.

8 MEMBER CHAMPIONS

8.1 The Council currently appoints 9 Member champions to the following roles; Heritage/Historic Environment, Member Development, Energy/Climate Change, Human Rights, The River, Cycling, Small Businesses, Graduate Retention & Apprenticeships, Vulnerable People, and Regulatory Services.

9 STANDARDS REGIME/NEW CODE OF CONDUCT

9.1 Appendix 4 (attached) contains the view taken by Council at its September meeting.

9.2 The Standards Committee met on the 26th April and their views will be included in an update report. The matters that will require the decision of Council are the establishment of Committee arrangements (including terms of reference and membership) and, in due course, the content of a Code of Conduct.

9.3 It is not possible at this stage to adopt a Code as the Code must contain provisions that will be specified in Regulations that have not, at the time of writing the report, been issued by Government.

10 HEALTH & WELLBEING BOARD GOVERNANCE ARRANGEMENTS

10.1 Under the provisions of the Health and Social Care Act 2012, the Council is required to establish a Health & Wellbeing Board by April 2013. Interim 'shadow' arrangements have been devised and the Council is invited to comment on the interim arrangement as set out in Appendix 4.

11 AVAILABLE METHODS OF GOVERNANCE

11.1 The Localism Act 2011 offers Councils such as Bath and North East Somerset the opportunity to adopt a committee system of government rather than its current arrangements. Any such change can only be made at an annual meeting of the Council and takes effect from either that date or the next

AGM. Practice elsewhere has been for an 'in principle' decision to be taken followed by a detailed report on the steps necessary to implement such a change if a Council is minded to proceed thus.

12 PUBLIC RIGHTS OF WAY DELEGATION SCHEME

12.1 An amendment is sought to the Regulatory Access Committee's Terms of Reference and Public Rights of Way delegation scheme to include three new powers as set out below;

- a) The power to discharge, and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972)
- b) The power to enter into agreements relating to compensation and the execution of works on a public right of way (sections 119(5) and 278 of the Highways Act 1980)
- c) The power to enter into Parish Agency Agreements for the clearance of vegetation on public rights of way within specific parishes

12.2 These powers would be delegated to the Team Leader, Highway Maintenance and the Senior Rights of Way Officer in line with the remainder of the scheme.

13 POLICY & BUDGET FRAMEWORK

13.1 The Crime and Disorder Reduction strategy and the Health & Wellbeing Strategy need to be included in the list of plans and strategies that form the Council's Policy & Budget framework. This framework specifies which major policies require the approval of full Council before their implementation is passed to Cabinet.

14 CABINET WORKING

14.1 Council is reminded that the arrangements for the discharge of executive (Cabinet) functions are the sole responsibility of the Leader of Council. The arrangements he has approved are incorporated within the Council's Constitution.

15 APPOINTMENTS ON OUTSIDE BODIES

15.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with nominated members) for Council functions and the Leader for Cabinet ones.

15.2 Council is asked to approve the delegations outlined in paragraph 15.1 for Council functions and note that a full list of appointments is published on the Council's website.

16 RISK MANAGEMENT

16.1 No risk assessment related to the issue and recommendations has been undertaken as the Council needs to put in place the arrangements contained in this report.

17 EQUALITIES

17.1 Equalities Impact Assessments have been carried out on the Access to the Democratic process and the Scrutiny function and are available for public inspection.

18 ADVICE SOUGHT AND CONSULTATION

18.1 The Council's Chief Executive, Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

18.2 Group Leaders have been consulted on relevant aspects of this report.

Contact person	Jo Morrison, Democratic Services Manager
Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	