

# Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	21 <sup>st</sup> May 2015
TITLE:	<b>Appointment of Committees and Panels and other Annual Business</b>
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>  Appendix 1 <u>Current</u> political proportionality and committee chairing arrangements  Appendix 2 <u>Current</u> Terms of Reference of Panels and Committees in the Council's Constitution  Appendix 3 Revised Planning Code of Conduct	

## 1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and Regulatory Committee arrangements for the Council Year May 2015 to May 2016 and associated annual business. It is anticipated that an update report will be issued prior to the meeting in the light of discussions underway between political groups.

## 2 RECOMMENDATION

Council is asked to:

- 2.1 Approve a structure for non-executive and regulatory decision making, and the Scrutiny function 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 and any update following the formation of political groups;
- 2.3 Approve the terms of reference for Committees and Panels etc as set out in Appendix 2 to the report and constitute those bodies accordingly;
- 2.4 Approve the appointment of Members to the Committees and Panels in accordance with the requirements of political proportionality and the nominations made by the political groups;

- 2.5 Appoint as Chairs of such bodies, 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);
- 2.6 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 and the allocation of chairing entitlements made at this meeting;
- 2.7 Determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
- 2.8 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;
- 2.9 Appoint members to Avon Fire Authority on a proportionality basis to be determined;
- 2.10 Determine if it wishes to make an allocation of Political Assistants to eligible groups as set out in Section 8; and if so
- 2.11 Approve the allocation of Political Assistants to qualifying groups in accordance with section 8;
- 2.12 Approve the attached Planning Code of Conduct for inclusion in the Council's Constitution as set out in paragraph 9;
- 2.13 Note, in light of the decision taken earlier on the agenda to appoint a Leader, that the Leader will publish in due course, a scheme of delegation of executive functions;
- 2.14 Note the position regarding the frequency of meetings (as set out in Section 10) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis;
- 2.15 Note that an Independent Panel to consider members' allowances is being convened and will report its recommendations in due course
- 2.16 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies;
- 2.17 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.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Any financial implications will depend upon the number and nature of allowances payable under the decision making structure, and number of meetings to support, and the meeting will be updated as necessary.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 The Council is required to put in place arrangements for the effective discharge of its business.

## **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 policy development and scrutiny arrangements. 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 political proportionality pre May 2015 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 2 and for the Chairs of the Overview and Scrutiny Panels and the Regulatory and Non-Executive Committees (excluding the Standards Committee).

### **5.3 Avon Pension Fund Pension Board**

Following the approval of the Terms of Reference at the meeting on 15 January 2015 the regulations were amended as follows:

1. Elected members of the administering authority can only be appointed as employer or employee members;
2. No officer or councillor of the administering authority who is responsible for the discharge of any function under the LGPS regulations can be a member of the Board.
3. Voting rights restricted to employer and employee members; therefore an independent chairperson who is not an employer or employee representative will not be permitted to vote.

As a result the Terms of reference have been amended to reflect the change in the regulations by expanding the Board membership to three employer members, three employee members and an independent chairperson.

### **5.4 Avon Pension Fund Committee**

The Avon Pension Fund Committee Terms of Reference are amended to reflect changes in the regulations with regard to Administering Authority discretions which were approved by the Committee at its meeting on 27 March 2015.

### **5.5 Development Management Committee**

The Divisional Director for Development has proposed the Development Control Committee is renamed as the Development Management Committee to reflect the name of the department in line with central Government advice and publicity. Government decided that the continued use of the word "control" was not helpful when the emphasis across the country is to increase the level of

development - houses and jobs. As such, the department is tasked with managing development rather than controlling it.

#### 5.6 Working Group - Options to strengthen community representation and civic governance within Bath

Council in May 2014 established this cross-party working group. It met 7 times from May to July 2014, and published an Interim report for consultation which can be found here;

[http://www.bathnes.gov.uk/sites/default/files/interim\\_report\\_july\\_2014\\_5.docx](http://www.bathnes.gov.uk/sites/default/files/interim_report_july_2014_5.docx)

This, and the consultation findings along with recommendations were reported to September Council which resolved:

1. To note the interim report of the working group to strengthen community representation and civic governance within Bath and thank its members for their work so far;
2. To agree that the working group continue its work, based on the next steps set out in the report, to provide an evidence base for the newly-elected Council in May 2015 to determine this issue; and
3. To agree to extend the life of the working group, as currently comprised, to deliver the remit set out in 2 above.”

Subsequent to this, the working group has met 5 further times and at its last meeting agreed to meet again after the election, but prior to the Bath City Conference, which it wishes to see used as an engagement process on this matter.

## **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 At the time of preparation and despatch of this report, no notification had been received of the formation of political groups such as to trigger the requirement to review. It is anticipated that notification will be received prior to the 21st in which case an update report will be prepared for Council incorporating revised proportionality figures and consequent allocation of seats based on the existing number of seats on each committee.

7.2 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.

7.3 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.

7.4 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.

7.5 Discussions are in hand between political groups as to the number and remit of decision making bodies and the consequent allocation of nomination rights to groups.

7.6 A revised political proportionality table will be issued as soon as practicable.

7.7 The allocation of seats will be based on the rules set out in paragraphs 7.2 and 7.3 above, with Conservatives having 57%, Liberal Democrats 23%, Labour 9% and the remaining percentage of places according to whether further political groups are formed. This is currently under discussion.

## **8 POLITICAL ASSISTANTS**

8.1 Since its inception, this Council has offered to each of the Political Groups which qualify, the support of a Political Assistant. These are Officers who are specifically recruited to give political support and advice directly to members of the group. They hold fixed term contracts and their terms of office expire on the day of the annual general meeting of the Council in a year of ordinary election (ie the date of this meeting).

8.2 The Local Government and Housing Act, 1989 is the legislation governing such appointments. That legislation sets down eligibility criteria for a Political Assistant, on the basis that the Council first agrees to allocate such posts to all eligible political groups. The criteria are:

- the political group must have at least 10% of the total Council membership;
- no more than 3 x Political Groups with 10% or more seats to qualify;
- where there is only one Political Group with 10% or more seats, then that group and one other only shall qualify.

8.3 The Council will need to determine therefore (a) whether it wishes to make an allocation of Political Assistants to eligible groups and (b) if it does, then to which groups will such an allocation be made.

## **9 PLANNING CODE OF CONDUCT**

9.1 The attached revised Planning Code of Conduct was considered by the Standards Committee and Development Control Committee, whose comments are incorporated.

## **10 COUNCIL MEETING SCHEDULE**

10.1 The frequency of Full Council, Committee and Panel meetings is decided by the Council. The pattern of meetings previously approved was based on the Full Council meeting six times a year (in May, July, September, November, January and February) and it is now recommended that the January meeting is moved to March. The general pattern of Committee and Policy Development & Scrutiny Panel meetings was based on a meeting cycle of once every two months. The Development Control Committee meets on a monthly cycle. The Licensing Sub-Committee meets as required to deal with the applications. Committees and Panels have discretion to vary their schedule of meetings according to workload, but Members need to be aware that there are resource and workload implications if there are significant changes made to the overall frequency of meetings.

10.2 Once meeting dates are arranged, they will be available online and can be downloaded by Members.

## **11 OTHER ISSUES**

11.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution part 4b, rule 16 refers). This Council has decided that will happen on an annual basis.

11.2 No such decisions were taken in the previous year.

## **12 RISK MANAGEMENT**

12.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **13 EQUALITIES**

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

#### **14 ADVICE SOUGHT AND CONSULTATION**

14.1 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.

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

<b>Contact person</b>	Jo Morrison, Democratic Services Manager, ext 4358
<b>Background papers</b>	The Council's Constitution
<b>Please contact the report author if you need to access this report in an alternative format</b>	