

Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	16 th May 2013
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 (as agreed at May 2012 AGM) Appendix 2 – Proposed political proportionality table Appendix 3 - Terms of Reference of Panels, Committees and other bodies in the Council's Constitution	

1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2013 to May 2014 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 (set out in its current form in appendix 3) and revised political proportionality (as attached at Appendix 2);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution (with any necessary amendments arising from this meeting);
- 2.3 approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups);
- 2.4 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);

- 2.5 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;
- 2.6 Note the Terms of Reference of the Health & Wellbeing Board, approved by the Board on 30th April 2013 (and attached within Appendix 3), and formally appoint the Board, as described in section 10 of this report;
- 2.7 Note the resolution of the Licensing Committee to appoint one Sub-Committee, and their views on how this would operate, as set out in paragraphs 5.3 and 5.4 and accordingly approve, with no Member voting against, a pool of six Members in such proportions as Group Leaders may determine, from whom a Sub-Committee of three Members will be constituted;
- 2.8 Determine the bodies on which co-opted 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 Approve the appointment of the Independent Persons with responsibility for supporting the Standards Committee, as set out in section 8;
- 2.10 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 outlined in section 7;
- 2.11 Appoint Councillors to be Member Champions for the interests identified in Section 9 or such other interest areas as may be decided by the meeting;
- 2.12 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;
- 2.13 Note the arrangements for the conduct of Cabinet business and invite the Leader to update the Council in this respect, and further note the report of a special urgency decision taken by Councillor Paul Crossley as set out in section 11;
- 2.14 Note the calendar of meeting dates that has been prepared up to May 2015 which is available on the Council's website; and
- 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;

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 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 from May 2012 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.

5.3 The Licensing Committee, at its meeting on 29th January 2013, agreed to move to one Sub-Committee and, during debate, made the following points regarding its membership;

- The Sub-Committee should operate in a 'non-political' way
- Proportionality had not been observed when substitutes from the same Group had not been available
- There should be a pool of nominated Members (one substitute for each Member) who could be called upon to make it easier to arrange a meeting.

5.4 It was hoped therefore that there would be an explicit understanding from Council that this 'non-political' approach would continue.

6 PROPORTIONALITY

6.1 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.

6.2 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.

7 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

7.1 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.

8 STANDARDS INDEPENDENT PERSON

8.1 Under the provisions of the Localism Act, Councils are required to appoint at least one independent person who can assist when considering complaints against Councillors. Council is required to approve such appointments by majority vote.

8.2 The role is complementary to but distinct from the role of independent co-opted members of the Standards Committee. The co-opted members participate fully in the deliberations of the Committee both on complaints cases and policy and procedural matters. The Independent Person's role is to be a source of advice to the Committee, members against whom complaints are made and the Monitoring Officer in the effective operation of the Standards regime.

8.3 As required by law, the position of Independent Person has been advertised and a number of applications were received and considered. Council is recommended to appoint Lee O'Bryan and Ray Morrison. Brief biographical details are set out in the following two paragraphs;

8.4 Lee O'Bryan has lived in Bath since 1986, and for most of this time has worked for Royal Mail, where he has held senior Executive roles as Operations Director for the South West and South Wales Region, and also UK HR Director for the Customer Services Business, where he currently sits on the Board, with a lead role for Modernisation and Change. Lee is a Chartered Fellow of the Chartered Institute of Personnel and Development, and also an accredited mediator. He is a Non Executive Director for the Avon and Wiltshire Mental Health NHS Trust, where he is the Senior Independent Director, and is also a Non Executive Director of Selwood Housing Association. Lee is married with two sons, and is a keen jogger, having participated in the Bath Half Marathon since he moved to Bath.

8.5 After 5 years in the banking sector, Mr Morrison joined the civilian, Ministry of Defence police in March 1984. Over the next 28 years, he undertook operational, divisional and headquarters posts throughout MOD establishments in both Scotland and England. He gained the rank of Chief Superintendent in

2004. His final post, commenced in Dec 2006, before retirement in June 2012 was that of Divisional Commander, Western Division (based in Foxhill, Bath) which covered the South West of England and Wales. This post was responsible for around 730 sworn and non sworn police staff.

9 MEMBER CHAMPIONS

9.1 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.

10 HEALTH & WELLBEING BOARD APPOINTMENT

10.1 Under the provisions of the Health and Social Care Act 2012, the Council is required to formally appoint the Health & Wellbeing Board which, until this point, has operated in 'shadow' form. Within the legislation, the appointment of the Board is a Council function, but the appointment of the Councillor Members to the Board is the responsibility of the Leader.

11 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

11.1 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 and he may address the Council in respect of any changes to the arrangements.

11.2 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.

Councillor Paul Crossley made the following decision on 22nd February 2013;

E2541 Permitted Development Rights – Change of Use

The Leader of the Council agreed to apply for exemption from the relaxation of the Permitted Development Rights on change of use from office to residential in the Bath City Riverside Enterprise Area.

12 APPOINTMENTS ON OUTSIDE BODIES

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

12.2 Council is asked to approve the delegations outlined in paragraph 12.1 for Council functions and note that a full list of appointments is published on the Council's website.

13 RISK MANAGEMENT

13.1 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.

14 EQUALITIES

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

15 ADVICE SOUGHT AND CONSULTATION

15.1 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.

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

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