

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	18 th May 2017
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Previous political proportionality, committee and panel membership and charring arrangements.</p> <p>Appendix 2 – Revised political proportionality, committee and panel membership and charring arrangements - (an updated table will be circulated before the meeting.)</p> <p>Appendix 3 – Terms of Reference of Panels, Committees and other bodies in the Council's Constitution</p>	

1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and regulatory Committee arrangements for the Council Year May 2017 to May 2018 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 current form in appendix 3);
- 2.2 Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution, noting the revisions outlined in paragraphs 5.3 (and 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;

- 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 Determine the bodies on which co-opted and 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);
- 2.7 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;
- 2.8 Note the arrangements for the conduct of Cabinet business and the urgent decisions that have been taken in the last municipal year, as set out in section 8;
- 2.9 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, where such vacancies arise, and note the future intentions regarding reporting annually to Council as outlined in section 9;
- 2.10 Approve the amendment to the non-executive procedure rules in the Constitution as outlined in section 10;
- 2.11 Note the calendar of meeting dates that has been prepared up to May 2019 which is available on the Council's website;
- 2.12 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;
 - *A strong economy and growth*
 - *A focus on prevention*
 - *A new relationship with customers and communities*
 - *An efficient business*

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 3 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 – following consultation with Group Leaders, a revised table will be circulated.

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 Parishes Liaison Meeting Terms of Reference are currently under review as part of the Parish Charter work; any amendments will be picked up when this is brought to Council later this year.

5.4 The Health & Wellbeing Board Terms of Reference have been amended to include a wider representation, as set out in the updated version included in Appendix 3.

6 PROPORTIONALITY REVIEW

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.

6.3 Council is asked to note that the membership of the Restructuring Implementation Committee as currently constituted is not subject to the proportionality rules, as one representative from each political group attends. Council is therefore asked to confirm that this arrangement should continue.

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.
- 7.2 The arrangements for the WECA governance are currently under negotiation and not yet formally approved.

8 CABINET WORKING & REPORT OF SPECIAL URGENT DECISIONS

- 8.1 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 if he so wishes in respect of any implemented or proposed changes to the arrangements.
- 8.2 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.
- 8.3 The following such decisions were made and published;

Decision E2854 Keynsham Land Assembly – Leisure

Date of decision: 26/05/2016

Decision Makers: Cabinet Member - Community Services, Cabinet Member - Finance and Efficiency

The Cabinet Members agreed that £2.5M funding provisionally approved by Council in February 2016 for land assembly in Keynsham be fully approved.

Decision E2916 Property Acquisition Bath

Date of decision: 26/10/2016

Decision Maker: Cabinet Member - Finance and Efficiency

The Cabinet Member agreed that £1,861,650 of the £5million funding provisionally approved by Council in February 2016 for property acquisition be fully approved.

Decision E2964 Acquisition of an income generating office investment to incorporate within the Commercial Estate

Date of decision: 05/04/2017

Decision Maker: Cabinet Member - Finance and Efficiency, Leader of the Council

The Cabinet Members approved:

- 1) The acquisition of an investment property; and
- 2) Capital expenditure on the acquisition of the property and any necessary adjustments to the 2017/2018 capital budget to reflect this approval.

9 APPOINTMENTS ON OUTSIDE BODIES

- 9.1 Currently, appointments are made by full Council (through delegation to the Monitoring Officer in consultation with Group Leaders) for Council functions, and by the Leader for Cabinet ones.
- 9.2 A review of Outside body appointments is being conducted and will be brought to Council in July 2017, and thereafter reported annually.

10 CHANGES TO THE CONSTITUTION

- 10.1 An amendment to the Constitution is proposed to amend the non-executive procedure rules regarding a second/casting vote (Part 4F, rule 46) to address the fact that the 'convention' to which the rule refers no longer reflects current practice. The current section reads;

"While by convention in this Authority, the Chair does not exercise a second or casting vote to resolve issues where there is an equality of votes, the decision on whether or not to exercise a second or casting vote is that of the Chair alone. S/he retains the legal right to proceed as s/he sees fit."

The following wording is proposed;

"Chairman's Casting Vote

If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote."

11 RISK MANAGEMENT

- 11.1 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.

12 EQUALITIES

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

13 ADVICE SOUGHT AND CONSULTATION

- 13.1 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.
- 13.2 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	