

Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	19 th May 2011
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 and Committees 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 2011 to May 2012 and associated annual business. It is anticipated that a comprehensive 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, Overview & Scrutiny and the Standards Committee 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 and proposed actions by 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 Overview & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in paragraph 6.1;
- 2.9 Determine if it wishes to make an allocation of Political Assistants to eligible groups as set out in Section 8; and if so
- 2.10 Approve the allocation of Political Assistants to qualifying groups in accordance with section 8;
- 2.11 Appoint Councillors to be Member Champions for the interests identified in Section 9;
- 2.12 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;
- 2.13 Note and approve the proposed freeze on member's allowances and the recommendations of the Independent Panel;
- 2.14 Designate the Strategic Director Children's Services as the Director of Adult Services as required by Section 6 of the Local Authority Social Services Act 1970, as set out in Section 11;
- 2.15 Note the arrangements regarding Members IT as set out in Section 12;
- 2.16 Instruct the Monitoring Officer, in consultation with Group Leaders, to review existing arrangements for appointments on outside bodies and report back thereon within four months; in the meantime current appointments to continue where councillors continue in office or temporary appointments be made under existing mechanisms;
- 2.17 Appoint a representative to the Avon & Somerset Police Authority Joint Committee in accordance with paragraph 13.3;
- 2.18 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 Any financial implications will depend upon the number and nature of allowances payable under the decision making structure and the meeting will be updated as necessary..

4 CORPORATE PRIORITIES

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

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

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. 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 2011 and the approved nomination rights for chairing those bodies.

5.2 At the time of preparation and dispatch 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 notification will be received prior to the 19th 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. Section 7 sets out the legal principles governing proportionality.

5.3 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).

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.

7.3 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.

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 MEMBER CHAMPIONS

9.1 The Council currently appoints 10 Member champions to the following roles; Heritage/Historic Environment, Public Realm/Design, Energy/Climate Change, Procurement, Bio-Diversity, Cycling, Older People, Children, Vulnerable People and Regulatory Services.

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 four times a year (in May, September, November and February). The general pattern of Committee and Overview & 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-Committees meet 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 STATUTORY OFFICER RESPONSIBILITY

11.1 The Council's current Director of Adult Social Services, Janet Rowse, will no longer be able to fulfil this role with effect from the end of June. It is proposed that this role will be filled with effect from a date to be notified to the meeting by the Strategic Director – Children's Services. Appropriate managerial arrangements and support will be put in place to enable the Strategic Director to discharge the role.

12 OTHER ISSUES

12.1 As part of the Council's commitment to Carbon reduction, it is hoped to significantly reduce the number of paper copies of agendas and reports provided for Councillors that are required to a level that enables the Council to fulfil its legal responsibilities whilst limiting the number of printed copies.

12.2 Under the scheme for member's allowances, it is provided that any annual review must be consistent with the pay award for officers. This means that allowances will remain the same for 2011/12 with the exception of an outstanding item (namely the allowance for the Chair of the Development Control committee) in accordance with the advice of the Independent panel as set out in the next paragraph -

“The panel recommend that the Special Responsibility Allowance payable to the Chair of the Development Control Committee be increased to £13,330 per year on an interim basis pending the next full review of Members` Allowances in 2011.”

13 APPOINTMENTS ON OUTSIDE BODIES

13.1 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.

13.2 It is considered that arrangements for such appointments could with advantage be looked at with particular attention to the costs and benefits associated with appointment.

13.3 The Council must appoint one Member to the Avon and Somerset Police Authority Joint Committee which agrees the Councillor representation on the Police Authority. The traditional membership of the Joint Committee has been 13, split between the relevant local authorities based on population. The required representation is set out below:

2011 calculation		
Percentage of Police Authority Area Population*		JC Seat Entitlement (13)
*based on 2009 population mid-year estimates as follows:		
	'000 % of pop	
Somerset	- 523.5 = 32.60%	= 4.24 = 4
Bristol	- 433.1 = 26.97%	= 3.51 = 4
South Gloucestershire	- 262.2 = 16.33%	= 2.12 = 2
North Somerset	- 209.1 = 13.02%	= 1.69 = 2
Bath & North East Somerset	- 177.7 = 11.06%	= 1.43 = 1
	1605.6 = 100%	

The Joint Committee meeting will be held on 31st May 2011 at Portishead HQ. At that meeting, the relevant local authorities' representatives will agree the number of Councillor members of the Police Authority from each relevant local authority and also the representative political balance across the Avon and Somerset area based on the results in the elections.

14 RISK MANAGEMENT

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

15 EQUALITIES

15.1 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.

16 ADVICE SOUGHT AND CONSULTATION

16.1 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.

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

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