

Appointments Schedule

Cabinet Member: All

Division and Local Member: N/A

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1. Summary

1.1 This Schedule sets out proposed appointments to committees, includes some changes to the terms of reference and operational arrangements of some of those committees. It also includes:

- proposed dates for Full Council meetings through to 2019
- proposed appointments to internal groups, partnerships and outside bodies that are the responsibility of the County Council.

2. Recommendation(s)

2.1 Council is recommended to:-

1. **Approve the committee appointments set out in the report including the appointment of Chairmen and Vice-Chairmen where appropriate – see Annex A attached**
2. **Approve the proposal for the establishment of a Constitution and Standards Committee with the terms of reference and operational arrangements proposed in this report – see Annex B attached**
3. **Approve the revised ‘hearing panel’ arrangements for the hearing of complaints against members and co-opted members – see section 3.3 of this report**
4. **Agree that aside from the changes to the committee structure outlined above that the Council’s existing committee structure and operational arrangements should continue unchanged including the Scheme of Delegation contained in the Constitution – see section 3.4 of the report.**
5. **Approve the Full Council meeting dates set out in section 3.5 of the report.**
6. **Approve the appointments to internal groups, partnerships and outside bodies as set out in Annex A attached.**
7. **Note that any further amendments to the Constitution required as a result of the approval of the above recommendations will be brought to the Council for approval in July following consideration by the Constitution and Standards Committee.**

3. **Background**

3.1 **Committee Appointments**

3.1.1 The Council is required to meet the requirements of the Local Government and Housing Act 1989 which requires the application of certain rules to the appointment of council committees.

3.1.2 This appendix provides for:

- (a) The apportionment of places to the political groups across the Council's qualifying committees under the Local Government and Housing Act 1989 in accordance with the size of the groups.
- (b) The appointment of chairmen and vice-chairmen of the committees, where appropriate.
- (c) Liberal Democrat group appointments as the main opposition group together with other Group Leader appointments for information.

3.1.3 Under the Local Government and Housing Act 1989 the allocation of places on committees of the Council is required to be made on the basis of the number of places that each group has on the Council. The Act sets out a series of principles which must be used to allocate places on committees of the Council. The principles must be followed so far as is reasonably practicable.

3.1.4 All of the committees in the table below are classified as decision making committees under the 1989 Act and therefore fall within the proportionality calculation.

PROPOSAL						
Seats held on the Council	35	12	3	3	2	55
Committee	Con	Lib Dem	Ind	Lab	Green	Total
Regulation	6	2	1 or	1		9
P&P (Place)	6	2	1 or	1		9
P&P (Adults & H)	6	2	1 or	1		9
P&P (Child's S)	6	2	1 or	1		9
HR Policy	4	1	1 or	1		6
Audit	6	2	1 or	1		9
Officer App	4	1	1 or	1		6
Pensions	3	1				4
Fire Authority	5	2	1 or	1		8
Exmoor NPA	3	1				4
Con & Standards	1	1	1	1	1	5
Individual cttee totals	50	17	5	5	1	78
Overall calculation - total places	49.64	17.02	4.25	4.25	2.84	78

Notes

- The overall calculation takes priority over individual committee allocations
- The Conservative Group must have a majority on each committee unless a 'local arrangement' is agreed

- On the larger committees (8/9 members) 1 seat needs to be filled either by the Independent or Labour Groups by agreement
- The proposal is to create a single Constitution and Standards Committee as 5 member committee without political proportionality being applied to the elected membership so that each political group has one place on the committee as of right. It is proposed that the membership of this Committee should also include the 5 co-opted members (non-voting) of the Standards Committee for a further 4 year term of office.
- The Green group are not entitled to any places on individual committees but will have a place on the Constitution and Standards Committee as of right under a proposed 'local arrangement'.

3.1.5 Application of the four principles set out in the 1989 Act to the allocation of seats to political groups' results in the following position. The principles (*together with a commentary in italics on the application of the principles to the above table*) are:

1. All the seats should not be allocated to the same political group. *Not applicable given the split of places on the Council between the political groups.*
2. A majority group is required to have a majority on all committees. *The table above satisfies this principle except where the Conservative Group decides to waive this right, eg, the Constitution and Standards Committee.*
3. Subject to principles (1) and (2), the total number of seats on all the committees of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *The table above reflects this calculation and the proposed allocation of seats to the groups gets as close as possible to this calculation.*
4. Subject to principles (1), (2) and (3), the number of seats on each committee of the Council allocated to each political group should reflect the number of seats held by that group on the Council. *This calculation is also reflected in the table above. The result is a requirement for the Independent and Labour Groups to agree to give up a single seat of their choice to the Green Group.*

The detailed Appointments section of this Appendix – Annex A - applies these principles and is recommended to the Council for adoption.

3.1.6 The proposals for the allocation of committee seats include the application of the 'local arrangements' provision in the legislation in relation to the Constitution & Standards Committee where it is proposed to waive the political proportionality requirements to the elected member representation on the Committee. The same applies to the membership of the Scrutiny Committee for Children's Services with the inclusion of statutory and other co-opted voting

members. These local arrangements only apply if there are no votes against the recommendations for appointments in front of the Council at today's meeting. If there is a single vote against the recommendations then strict political proportionality will have to be applied requiring a recalculation of places across the system.

- 3.1.7 The Appointments section of this report also sets out nominations for the appointment of chairmen and vice-chairmen of committees, as appropriate, and where these appointments are in the gift of the Council or have not been delegated.

3.2 Establishment of a Constitution and Standards Committee

- 3.2.1 The previous Council considered recommendations from the Constitution and Standards Committee for the amalgamation of these committees into a single Committee. The recommendations which are detailed below were referred to this, the first meeting of the new Council for consideration.

- 3.2.2 The recommendations provided for the establishment of a Governance & Standards Committee with responsibility for standards of conduct by members, including the hearing panel arrangements to deal with complaints against members, and the Council's Constitutional arrangements.

- 3.2.3 It was recommended that:

- Political proportionality requirements should not be applied to the elected membership of the new Committee so enabling all political groups to have equal representation as per the current Standards Committee
- The current non-voting co-opted members of the Standards Committee should be included within the membership of the new Committee;
- That the Chairman should be appointed by the Committee rather than the Council as was the case with the existing Standards Committee

- 3.2.4 It was felt that the single Committee would:

- Ensure sufficient business for 3 to 4 times meetings a year and with the ability to be supported effectively by the Monitoring Officer, the County Solicitor and the Community Governance Team.
- Bring together all key governance arrangements and conduct provisions within a single committee.
- Give scope to involving co-opted members in a wider role offering independent advice on all relevant aspects of the Council's constitutional arrangements. This would bring an independent voice to support the aim to maximise the transparency of the Council's arrangements and support the wider public understanding of how the Council works.
- Be cost effective – with a reduction in costs.

- 3.2.5 Having considered these recommendations, the new Administration is proposing the establishment of a Constitution and Standards Committee as set out in Annex B to this report and based on many (but not all) of the principles recommended above. The main difference is the proposed separation of complaint hearing panel arrangements which it is proposed will

be dealt with under separate provisions in the Constitution – see 3.3 below for details of the proposal. In addition it is proposed that the Committee Chairman will be appointed by the Council rather than the Committee in line with the majority of chairmanship appointments.

3.3 Hearing Panel Arrangements

3.3.1 It is proposed that the provisions set out in 3.3.2 and 3.3.3 below are included within the Constitution for dealing with member complaints where the Monitoring Officer, following consultation with the Council's Independent Person, considers that a complaint against a member or a co-opted member requires determination by a panel of elected members. Given the wider provisions in place for determining such complaints, it is expected that these arrangements will only be required to be used in exceptional circumstances where the alleged breach of the Code of Conduct is particularly serious and it has not been able to reach a satisfactory outcome through the other stages of the process.

3.3.2 It is proposed that the Council should make provision for a Hearing Panel to be appointed by the Leader on the advice of the Monitoring Officer as and when required to determine a complaint that requires decision by members. The Panel will comprise of 3 members:

- (a) The Leader of the Council (or his/her nominated representative)
- (b) The Leader of the largest opposition group (or his/her nominated representative)
- (c) 1 other member from the opposition groups nominated by their Group Leader

Appointments to the Panel will be made by the Leader of Council on the basis of the nominations made by Group Leaders. If a Group Leader is the subject of the complaint to be considered, they will take no part in the selection of the members for the Panel. In these circumstances the nominations will be made by the Deputy Group Leader or the other members of a political group where there is no Deputy Group Leader.

The Panel will be chaired by the Administration's appointed representative.

3.3.3 The Panel will have authority to determine complaints and apply sanctions under the Council's procedure as required except where the decisions are not unanimous. In these circumstances the Panel's decision will require to be referred as a recommendation to Full Council for confirmation.

3.4 Other Committees of the Council

3.4.1 Aside from the changes outlined in this paper, the Council's committee arrangements remain unchanged in the Constitution including their terms of reference, memberships and operational arrangements. The full detail of these will be brought before the Council in July 2017 as part of the annual review of the constitution. The relevant section in the Constitution is Part 1 -

section 6 (and including 6A, 6B and 6C – see below and follow the link on the webpage

<http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

3.5 Programme of ordinary meetings of Full Council:

3.5.1 The full list of dates for Full Council meetings through to July 2019 is as follows, all meetings to be at 10.00am.

19th July 2017

29th November 2017

21st Feb 2018

28th Feb 2018 (reserve date)

16th May 2018

18th July 2018

28th November 2018

13th February 2019

27th February 2019 (reserve date)

15th May 2019

17th July 2019

Please note that the reserve dates identified in each year in February will only be used if the annual budget is unable to be approved by the Council on the earlier February date.

3.6 Appointments to internal groups, partnerships and outside bodies

3.6.1 Annex A includes a list of proposed appointments to internal groups, partnerships and outside bodies for approval. These appointments are within the gift of the Council to agree. A separate list of similar appointments that are the responsibility of the Leader will be subject to a separate decision of the Leader.