

## **Report of the Monitoring Officer – Appointments to Committees and empowerment of deputy statutory officer posts**

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### **1. Summary**

- 1.1** This report sets out proposed changes to appointments to committees, internal / external bodies and panels as a result of changes to political groups.

### **2. Recommendations**

- 2.1 It is recommended that the Council:**

#### **Committee appointments**

- 1. approves the revised committee place allocations and appointments set out in this report and the Appointments Schedule at Appendix 1 (to follow) – see section 3.2**

#### **Appointment of additional Deputy Section 151 Officer**

- 2. appoints and empowers the post and postholder of Strategic Manager Finance Corporate, currently held by Donna Parham, as an additional Deputy Section 151 Officer (see section 4 of this report) with immediate effect.**

#### **Appointment of Deputy Directors of Adult Social Services**

- 3. appoints and empowers the post and postholder of Deputy Director Adults & Health Operations, currently held by Anna Littlewood, and the Deputy Director Adults & Health Commissioning, currently held by Tim Baverstock, as Deputy Directors of Adult Social Services (see section 5 of this report) with immediate effect.**

### **3. Background**

### **3.1. Revised appointments to committees, internal/external bodies and panels**

**3.1.1** Appointments are reviewed and agreed at the Council's Annual General Meeting in May each year and immediately following county council elections. In addition, changes to appointments can arise as a result of changes to the form and function of committees and / or the membership or creation of political groups.

### **3.2 Appointments Schedule: see Appendix 1 to follow**

**3.2.1** Following the 2017 elections, the Council in May 2017 appointed committees and made all related appointments in accordance with the requirements of the Local Government and Housing Act 1989. Revisions to these appointments have been agreed subsequently as part of the Annual General Meetings in 2018 and 2019, along with revisions at other Council meetings where there have been multiple changes requiring approval.

The last report on committee appointments was considered at the Council meeting in July 2019 where appointments were agreed for the Heart of the South West LEP Joint Scrutiny Committee.

**3.2.2** The 1989 Act sets out the principles to be used in agreeing the size of and allocation of places to committees (and sub-committees) of the Council and also requires this process to be repeated annually at the Council's AGM. The principles must be followed so far as is reasonably practicable.

**3.2.3** The following principles from the 1989 Act, together with a commentary where appropriate, must be applied to the allocation of seats on committees.

1. All the seats should not be allocated to the same political group.
2. A majority group is required to have a majority on all committees unless the Council agrees otherwise. *The proposal in the table in 3.2.4 below satisfies this principle. Local arrangements apply to the Constitution and Standards Committee membership where all political groups are represented and the Scrutiny Committee for Children & Families where the membership includes 5 co-opted members with a vote on education matters only.*
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 below reflects 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 below.*

**3.2.4** The position at the Council Meeting in January 2020 in terms of entitlement to places was:

<b>Seats held on the Council</b>	<b>33</b>	<b>13</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>55</b>
<b>Committee</b>	<b>Con</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Ind</b>	<b>Green</b>	<b>Som Ind *</b>	<b>Total</b>
Regulation	5	2	1				8
Scrutiny (Place)	5	2	1				8
Scrutiny (Adults & H)	5	2	1				8
Scrutiny (Child's S)	5	2	1				8
HR Policy	4	1	1				6
Audit	5	2	1				8
Officer App	5	2	2				9
Pensions	3	1					4
Fire Authority	5	2	1				8
Exmoor NPA	3	1					4
Con & Standards	1	1	1	1	1	1	6
Individual cttee totals	<b>46</b>	<b>18</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>77</b>
Overall calculation - total places	46.20	18.28	4.20	2.80	2.80	2.80	<b>77</b>

\*formation of new Somerset Independent Group

**3.2.5** Some of the political groups have previously decided to allocate some of their entitled places to another political group to bring the allocation of seats closer in line with the overall allocation in the table above. By way of example in January 2020 :

- Labour Group allocated their place on Officer Appeals Committee to Cllr Dean Ruddle
- Labour group allocated their place on Regulation Committee to the Green group
- Labour group allocated their place on the Scrutiny Committee for Policies and Place to the Independent group
- Labour group allocated their place on Audit Committee to the Independent group
- Liberal Democrat group allocated one of their places on Scrutiny Committee for Children and Families to the Green group.

**3.2.6** Since the Council's meeting in January 2020 there have been further changes to the composition and number of the political groups:

<b>Political Group</b>	<b>January 2020</b>	<b>Current</b>	<b>Difference</b>
Conservative	33	33	0

Liberal Democrat	14	14	+1
Labour	3	3	0
Independent	2	2	0
Green	2	2	0
Somerset Independent Group	N/A	0	+2
Individual member	0	1	+1
Totals	55	55	

These changes to the membership of some of the political groups require the Council to make changes to the allocation of seats held by the Council in accordance with the principles set out in 3.2.3 above.

**3.2.7** As a result of the changes shown in 3.2.6 a revised calculation of committee places and outside bodies has been undertaken and this is set out below (changes shown in red) :

<b>Seats held on the Council</b>	<b>33</b>	<b>14</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>55</b>
<b>Committee</b>	<b>Con</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Ind</b>	<b>Green</b>	<b>Single member</b>	<b>Total</b>
Regulation	5	2	1				8
Scrutiny (Place)	5	2	1				8
Scrutiny (Adults & Health)	5	2	1				8
Scrutiny (Children)	5	2	1				8
HR Policy	4	2					6
Audit	5	2	1				8
Officer Appeals	5	2	2				9
Pensions	3	1					4
Fire Authority	5	2	1				8
Exmoor NPA	3	1					4
Con & Standards	1	1	1	1	1		5
Individual cttee totals	<b>46</b>	<b>19</b>	<b>9</b>	<b>1</b>	<b>1</b>		<b>76</b>
Overall calculation - total places	<b>45.6</b>	<b>19.4</b>	<b>4.2</b>	<b>2.8</b>	<b>2.8</b>	<b>1.4</b>	<b>76</b>

**3.2.8** Explanation of the revised committee places table in 3.2.7 above and summary of current appointments:

- There are now **76** committee places in total to be allocated (Constitution & Standards reduced to 5 following the demise of the Somerset Independent Group). These do not divide neatly across the 5

political groups within the overall calculation hence the inclusion of decimal points. This is the second most important calculation after ensuring that the Conservative Group has a majority on each committee where it wants it.

- The Labour group is over-provided for in terms of places on individual committees and need to consider giving up places of their choice under a 'local arrangement' to the Independent group, Green Party and the individual member to achieve a closer match with the overall calculation (see 3.2.7 above).

Specific actions for each of the groups are:

- **Conservative Group:** no change.
- **Lib Dem Group:** have gained an additional place on HR Policy Committee and have the choice of whether to nominate to a member of their group or if to allocate this additional place to another member (currently Cllr Leigh Redman (Labour group) is a member of this committee). The Liberal Democrat group have allocated for several years one of their places on Scrutiny Committee Children to the Green Group (Cllr Martin Dimery).
- **Labour Group:** As the largest of the smaller groups, this Group is entitled to 1 seat on each of the 4, 6, 8 and 9 member committees. However the group is overprovided for in terms of places on individual committees and therefore needs to allocate places to the Independent Group, Green Group and the single member (Cllr Bloomfield) in order to ensure their allocated places are as close as possible to the overall calculation.
- **Independent Group:** To negotiate with the Labour and Green Groups on the continued allocation of two committee places for Scrutiny Place (Cllr John Hunt) and Audit Committee (Cllr Hugh Davies)
- **Green Group:** To negotiate with the Labour and Independent Groups on the continued allocation of two committee places for Regulation Committee (Cllr John Clarke) and Officer Appeals (Cllr Martin Dimery). Also to discuss with the Liberal Democrat group whether they still wish to allocate one of their places on Scrutiny Children and Families to the Green group (Martin Dimery) which would aid continuity of membership.

- 3.2.9** All political group leaders have been advised of the revised calculations and their proposed nominations and changes to committee places will be set out in a revised Appointments Schedule (Appendix A) which is expected to be published ahead of the Council meeting for approval.
- 3.2.10** No changes are proposed within this report to the terms of reference of Committees of the Council as agreed by Council and set out within the Constitution.
- 3.2.11** It should be noted that some appointments to Boards / Committees are for the Leader of the Council to approve such as the Cabinet (8 members), Health

and Well-Being Board (5 members) and the Somerset Waste Board (2 members). Since the last Council meeting, as part of the Somerset Outbreak Management Plan, a Covid 19 Member Engagement Board (2 members) has been established and its first meeting is on 31 July 2020.

#### **4.0 Appointment of an additional Deputy Section 151 Officer**

- 4.1 Council needs to formally approve the appointment of any deputy Section 151 Officers who will undertake the statutory role in the absence of the Section 151 Officer. The Council appointed a Deputy Section 151 Officer in February 2020 (Sian Kenny).
- 4.2 Both the Director of Finance and the Chief Executive recommend that Council appoints an additional Deputy S151 Officer to provide resilience. It is therefore proposed that the Strategic Manager Finance Corporate, Donna Parham is appointed as a Deputy Section 151 Officer.
- 4.3 The Officer Scheme of Delegation refers to officers authorised to substitute for a Director and key statutory posts. Subject to the Council's approval to the proposed appointment, the Monitoring Officer will need to be amend the Scheme of Delegation to reflect this change.

#### **5. Appointment of Deputy Directors of Adult Social Services**

- 5.1 Council needs to formally approve the appointment of any deputy Director of Adult Social Services.
- 5.2 In June, following a recruitment exercise and with the support of an Appointments Committee, the Chief Executive appointed Anna Littlewood as Deputy Director Adults & Health Operations, and Tim Baverstock as Deputy Director Adults & Health Commissioning.
- 5.3 Both the Director of Adult Social Services and the Chief Executive recommend that Council appoints these two postholders as Deputy Directors for Adult Social Services to provide resilience.
- 5.4 The Officer Scheme of Delegation refers to officers authorised to substitute for a Director and key statutory posts. Subject to the Council's approval to the proposed appointment, the Monitoring Officer will need to be amend the Scheme of Delegation to reflect this change.

#### **6. Implications**

- 6.1 Legal & Risk:** This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations as set out in the report through any decisions taken or not taken at this meeting.

- 6.2** The Council's Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.
- 6.3** **Financial, equalities, sustainability and community safety implications:** There are no direct equalities implications arising from any of the proposals in this report. There are also no direct financial, sustainability or community safety implications.

## **7. Background papers**

- 7.1** Council's Constitution
- 7.2** Monitoring Officer committee appointments report to Council in January 2020
- 7.3** Monitoring Officer deputy S151 appointments report to Council in February 2020
- 7.4** Chief Executive appointments decision on 19th June 2020 for Deputy Directors in Adults Social Care