

County Council (virtual meetings from July 2020 due to Coronavirus)

Wednesday 29 July 2020

10.00 am <p>To watch the meeting live click here <a/></p>



SUPPLEMENT TO THE AGENDA

To: The Members of the County Council (virtual meetings from July 2020 due to Coronavirus)

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 8	Report of the Monitoring Officer - Appointment to Committees and deputy statutory officer posts (Pages 3 - 18) To consider the report
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Democratic Services, B3, County Hall, Taunton, TA1 4DY

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– 29 July 2020

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:

Seats held on the Council	33	13	3	2	2	2	55
Committee	Con	Lib Dem	Lab	Ind	Green	Som Ind *	Total
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	46	18	10	1	1	1	77
Overall calculation - total places	46.20	18.28	4.20	2.80	2.80	2.80	77

*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:

Political Group	January 2020	Current	Difference
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) :

Seats held on the Council	33	14	3	2	2	1	55
Committee	Con	Lib Dem	Lab	Ind	Green	Single member	Total
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	46	19	9	1	1		76
Overall calculation - total places	45.6	19.4	4.2	2.8	2.8	1.4	76

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

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APPOINTMENTS SCHEDULE

COMMITTEE APPOINTMENTS

Group / Seats

REGULATION COMMITTEE (8 members)

Chair: John Parham

Vice-Chair: Nigel Hewitt-Cooper

Membership: *(no Cabinet members. Members **must** receive training in planning, rights of way and village green issues before taking part in a committee meeting)*

John Parham
Nigel Hewitt-Cooper
Mike Caswell
Nigel Taylor
Mark Keating

Con (5)

Simon Coles
Andy Kendall

Lib Dem (2)

John Clarke

Green Party (1)

Named substitutes

Ann Bown, Terry Napper, Mike Pullin
Tony Lock and **Dean Ruddle**
Dave Loveridge

Con
Lib Dem
Labour

SCRUTINY FOR POLICIES AND PLACE COMMITTEE (8 members)

Chair: Anna Groskop

Vice-Chair: Ann Bown

Membership: *(no Cabinet members to be appointed)*

Anna Groskop
Ann Bown
Philip Ham
Mark Keating
Bob Filmer

Group / Seats

Con (5)

Tessa Munt
Liz Leyshon

Lib Dem (2)

John Hunt

Independent Group
(1)

**SCRUTINY FOR POLICIES, ADULTS AND HEALTH
COMMITTEE**

(8 members)

Chair: Hazel Prior-Sankey

Vice-Chair: Mark Healey

Group / Seats

Membership: *(no Cabinet members to be appointed)*

Mike Caswell
Peter Clayton
Gemma Verdon
Ann Bown
Mark Healey

Con (5)

Hazel Prior-Sankey
Bill Revans

Lib Dem (2)

Andrew Govier

Labour (1)

**SCRUTINY FOR POLICIES, CHILDREN & FAMILIES
(8 members)**

Chair: Leigh Redman

Vice-Chair: Rod Williams

Membership: *(no Cabinet members to be appointed)*

Rod Williams
Nigel Hewitt-Cooper
William Wallace
James Hunt
Josh Williams

Con (5)

Jane Lock
Martin Dimery

Lib Dem (2) – Lib
Dem allocating a
place to Green
Party

Leigh Redman

Lab (1)

Voting non-elected representatives for the consideration of
education matters only:

Ruth Hobbs
Vacancy

Parent Gov Reps
(2)

Mrs E Tipper

Schools Education
Partnership Board
(1)

Mr P Elliot

Schools Forum (1)

Ms H Fenn – Roman Catholic Diocesan Rep
2 vacancies

Church Rep (3)

AUDIT COMMITTEE (8 members)

Group / Seats

Chair: **Mike Lewis**

Vice-Chair: **Mike Caswell**

Membership: *(CIPFA advice is no Cabinet members and preferably no high profile scrutiny members to be appointed)*

Mike Lewis
Philip Ham
Graham Noel
Mike Caswell
Bob Filmer

Con (5)

Mike Rigby
Liz Leyshon

Lib Dem (2)

Hugh Davies

**Independent Group
(1)**

OFFICER APPEALS COMMITTEE (9 members)

Chair: **(appointment delegated to the Committee)**

Membership: *(Committee of 3 members chosen from the 6 to hear each appeal – members **must** receive appropriate training in HR issues to be allowed to participate)*

Clare Paul
Rod Williams
John Parham
Mike Pullin
Giuseppe Fraschini

Con (5)

Jane Lock
Mike Rigby

Lib Dem (2)

Neil Bloomfield

Individual member (1)

Martin Dimery

Green (1)

PENSIONS COMMITTEE (4 elected members)

Chair: **Graham Noel**

Membership:

Graham Noel
James Hunt
John Parham

Con (3)

Simon Coles

Lib Dem (1)

Non-elected Membership: (4 voting non-elected representatives)

– representing the district councils

Mr M Simmonds – representing the Avon & Somerset Police & Crime Commissioner

Mr G Bryant – representing other employers
Sarah Payne – representative of pension scheme members
Mr R Parrish

SOMERSET PENSIONS BOARD (6 – 3 Employer reps, 3 Member reps) Group / Seats
Chair: (appointment delegated to the Board)

Membership: *(one elected member to be included as an ‘employer’ rep)*

3 ‘Employer’ reps:

Mark Healey
Mr P Deal
Vacancy

Con (1)

3 ‘Member’ reps

Mr N Behan
Vacancy
Vacancy

Group / Seats

HR POLICY COMMITTEE (6 elected members)

Chair: Mandy Chilcott *(This Committee is chaired by the Cabinet member with responsibility for HR issues)*

Membership:

Mandy Chilcott
William Wallace
Anna Groskop
Philip Ham

Con (4)

Liz Leyshon

Lib Dem (1)

Leigh Redman

Labour Group (1)

CONSTITUTION AND STANDARDS COMMITTEE (5 elected members and 5 co-opted members)

Chair: William Wallace

Membership – elected members: *(political proportionality requirements waved by the Council – all political groups represented – 1 member each)*

William Wallace
Tessa Munt
Dave Loveridge
Hugh Davies
Martin Dimery

Con (1)
Lib Dem (1)
Lab (1)
Ind (1)
Green (1)

Membership – co-opted non-voting members:

Robin Horton
Jan Middleton
Wesley Wooding
Vacancy
Vacancy

DEVON AND SOMERSET COMBINED FIRE AUTHORITY

(8 members)

Chair's appointment is made by the Fire Authority itself

SCC's Membership:

Ann Bown	Con (5)
Mark Healey	
Linda Vijeh	
Terry Napper	
Peter Clayton	
Simon Coles	Lib Dem (2)
Mike Best	
Leigh Redman	Lab (1)

EXMOOR NATIONAL PARK AUTHORITY (4 members)

Chair's appointment is made by the Park Authority itself

SCC's Membership:

Frances Nicholson	Con (3)
Christine Lawrence	
James Hunt	
Bill Revans	Lib Dem (1)

SOMERSET HEALTH AND WELLBEING BOARD

Membership *(overall membership agreed by the Council):*

Proposed County Council membership – subject to the approval of the Leader *(5 members appointed by the Leader – currently includes relevant Cabinet Members for Children's Services, HR and Adult Social Care)*

Clare Paul (Chair)

Frances Nicholson (Vice-Chair)	Con (4)
David Huxtable	
Linda Vijeh	
Amanda Broom	Lib Dem (1)

District Council Elected Representatives (1 elected member per Council)

Chris Booth – Somerset West and Taunton Council
Ros Wyke – Mendip District Council
Brian Hamilton – South Somerset District Council
Janet Keen – Sedgemoor District Council

Officers and Independent Members

Ms T Grant (SCC)
Ms M Lock (SCC)
Mr J Wooster (SCC)
Dr A Murray (CCG)
Mr J Rimmer (CCG)
Dr Ed Ford (CCG)
Mark Cooke (NHS England)
Judith Goodchild (HealthWatch)
Superintendent Mike Prior, Avon and Somerset Police

FOR INFORMATION

CABINET

The Leader has appointed the following members to his Cabinet by way of a Leader's decision.

- Leader of the Council and Cabinet Member for Strategy and Customers & Communities – David Fothergill
- Deputy Leader and Cabinet Member for Resources – Mandy Chilcott
- Cabinet Member for Economic Development, Planning and Community Infrastructure – David Hall
- Cabinet Member for Adult Social Care – David Huxtable
- Cabinet Member for Children and Families – Frances Nicholson
- Cabinet Member for Education and Council Transformation – Faye Purbrick
- Cabinet Member for Highways and Transport – John Woodman
- Cabinet Member for Health, Wellbeing & Climate Change – Clare Paul
- Cabinet Member for Customers and Communities – Christine Lawrence

Junior Cabinet Member Appointments

- Economic Development, Planning and Community Infrastructure – Mike Pullin
- Adult Social Care – Giuseppe Fraschini

OPPOSITION APPOINTMENTS – FOR INFORMATION

LIBERAL DEMOCRAT GROUP

Leader: Jane Lock
Deputy Leader: Liz Leyshon

Cabinet Member	Opposition Group Spokesperson
David Fothergill (Leader of the Council)	Jane Lock (Opposition Group Leader)
Mandy Chilcott (Deputy Leader)	Liz Leyshon
David Hall	Dean Ruddle
Clare Paul	Amanda Broom
Christine Lawrence	Simon Coles
John Woodman	Mike Rigby
David Huxtable	Bill Revans
Frances Nicholson	Jane Lock
Faye Purbrick	Jane Lock (Education) and Tessa Munt (Transformation)

LABOUR GROUP

Leader: Leigh Redman

INDEPENDENT GROUP

Leader: John Hunt

GREEN GROUP

Leader: Martin Dimery