

## **Report of the Monitoring Officer – Appointments and Scrutiny review progress report**

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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 – see section 3.2**

- 1. Notes the latest position in terms of committee appointments at Appendix 1 and agrees the minor membership changes to Scrutiny Committee for Policies, Adults & Health and Scrutiny Committee for Policies, Children and Families.**
- 2. Acknowledges the work undertaken by Councillor Graham Noel as the Chair of the Pensions Committee for many years and agrees the proposed appointment of Councillor John Thorne as the Chair of the Pensions Committee.**

**Appointment of Deputy Scrutiny Officer (see section 4)**

- 3. Appoints and empowers the post and postholder of Governance Specialist-Democratic Services, currently held by Julia Jones, as a Deputy Scrutiny Officer with immediate effect.**

**Appointment of Data Protection Officer (see section 5)**

- 4. Appoints the post of Data Protection Manager, held by Lucy Wilkins, as the Council's Data Protection Officer with immediate effect.**

**Scrutiny review update (see section 6)**

- 5. Notes the progress made with the Scrutiny review recommendations**

### **3. Background**

#### **3.1 Appointments Schedule: see Appendix 1**

**3.1.1** 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, 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 2020.

**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 current position (as reported in July 2020) in terms of the calculation of committee places and outside bodies is set out below :

<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	45.6	19.4	4.2	2.8	2.8	1.4	<b>76</b>

**3.2.5** Explanation of the revised committee places table in 3.2.4 above and summary of current appointments:

- There are now **76** committee places in total to be allocated. 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 gave 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.

**3.2.6** This report acknowledges the work undertaken by Councillor Graham Noel whom has been the Chair of the Pensions Committee for several years. Councillor Noel is stepping down from the role of the Chair and consequently the Leader of the Council has proposed Councillor Thorne as the new Chair of the Pensions Committee.

- 3.2.6 Subject to Council's approval to the appointment of Councillor Thorne as the Chair of the Pensions Committee a revised Appointments Schedule is set out at Appendix A.
- 3.2.7 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.
- 3.2.8 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), Covid 19 Member Engagement Board and the Somerset Waste Board (2 members).

#### 4.0 **Appointment of a Deputy Scrutiny Officer**

- 4.1 Council needs to formally approve the appointment of any deputy statutory officer who will undertake the statutory role in the absence of the postholder. The Council's Scrutiny Officer is Jamie Jackson, Service Manager (Scrutiny) in Democratic Services.
- 4.2 Both the Monitoring Officer and the Chief Executive recommend that Council appoints a Deputy Scrutiny Officer to provide resilience, especially in view of the Covid 19 pandemic. It is therefore proposed that a Governance Specialist (Democratic Services), Julia Jones, is appointed as a Deputy Scrutiny Officer. Julia has worked in Democratic Services for several years and is the Committee Manager for Scrutiny Committee for Adults and Health.
- 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 amend the Scheme of Delegation to reflect this change.

#### 5. **Appointment of the Council's Data Protection Officer**

- 5.1 Council needs to formally approve the appointment of a Data Protection Officer in accordance with the EU-General Data Protection Regulations 2016 Section 4 Articles 37 – 39, specifically Article 37 (a) but other Articles (b) and (c) also support the appointment:

*37.1 The Controller and the processor shall designate a data protection officer in any case where:*

***The processing is carried out by a public authority, except for courts acting in their judicial capacity.....***

- 5.2 In February 2019, the Council appointed the post of Service Manager-Customer Experience and Information Governance as the Data Protection Officer whilst the Data Protection Manager was on maternity leave. The Data Protection Manager has returned from leave and this report now seeks to re-appoint that post and

its postholder Lucy Wilkins as the Council's Data Protection Officer.

- 5.3 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 amend the Scheme of Delegation to reflect this change.

## **6. Scrutiny Review progress report**

- 6.1** The Corporate Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective'. In support of the Council's organisational transformation, the Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at Somerset County Council (SCC) between March and May 2019. The Scrutiny Review findings and recommendations were considered and endorsed by the Council's three scrutiny committees, Constitution & Standards committee, the Cabinet and then by Full Council at its meeting in January 2020. The report recognised that we have a good platform from which scrutiny can successfully develop.
- 6.2 It is important to recognise that Somerset is not alone on its journey to improve its scrutiny function. The Government published new Statutory Guidance on Overview and Scrutiny in May 2019 in order to support councils with their improvement work.
- 6.3 A key question throughout the review has been "what makes good scrutiny". The following are seen as a guide for good scrutiny :
1. Provides critical friend challenge to executive policy and decision makers
    - Constructive, robust and purposeful challenge
    - Non-aggressive to create optimum conditions for investigative evidence based approach.
  2. Enables the voice and concerns of the public
    - Meetings conducted in public
    - Good communication, consultation and feedback
  3. Carried out by independent minded councillors
    - Councillors actively engage in the scrutiny function to drive improvement
    - Areas are reviewed in an a-political atmosphere.
  4. Drives improvement and better outcomes
    - Promotes community well-being and improves the quality of life
    - Strategic review of corporate policies, plans, performance and budgets.
- 6.4 An update regarding the progress made on implementing the Scrutiny Review recommendations is set out in Appendix 2. It should be highlighted that progress has been made since January 2020 even in spite of the challenges presented by the Covid-19 pandemic.

## **7. Implications**

- 7.1 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.
- 7.2** 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.
- 7.3 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.

## **8. Background papers**

- 8.1** Council's Constitution
- 8.2** Monitoring Officer committee appointments report to Council in July 2020
- 8.3** Scrutiny Review report to Council in January 2020