

ANNUAL COUNCIL

Wednesday, 17 May 2017

APPOINTMENTS OF COMMITTEES FOR 2017/18 (REP1469)

<p>EXECUTIVE SUMMARY</p> <ol style="list-style-type: none"> 1. To appoint to Council Committees for the 2017/18 municipal year in accordance with the political proportionately rules (where applicable) and to appoint Chairs and Vice-Chairs of Committees. 2. Appointments to Committees are made annually as part of the Council’s corporate governance arrangements in support of the democratic process and provide a mechanism for decisions to be made that have been reserved by law for such bodies to make or are functions under the Council’s Constitution that have not been delegated to officers to decide. 3. The opportunity is taken to review the Committee structure annually to ensure it is fit for purpose in terms of meeting its legal obligations and making decisions that are consistent with the authority’s strategic direction and East Suffolk Business Plan for 2015-23.
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Is the report Open or Exempt?	Open
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Wards Affected:	None directly affected in relation to this report.
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Cabinet Member:	Leader of the Council
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Supporting Officer:	<p>Hilary Slater Monitoring Officer and Head of Legal & Democratic Services (01394) 444336 hilary.slater@eastsoffolk.gov.uk</p>
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1 INTRODUCTION

- 1.1 The Council appoints to a number of Committees / Sub-Committees each year as part of its corporate governance arrangements in support of the democratic process and decision-making arrangements. Members who are appointed to these bodies will be expected to have received appropriate development / training to enable them to carry out their roles effectively on whichever body they serve.

2 COMPOSITION AND STRUCTURE OF COMMITTEES

- 2.1 The Council is comprised of 48 Councillors in total and the political composition of the Council is as follows:

Conservative Group - 27

Labour Group - 17

Independent Members - 3

Green Party Member - 1

Total - 48

- 2.2 The political composition of the Council must be reflected in the appointment of Members to Committees and Sub-Committees in accordance with the political proportionality rules.

Cabinet

- 2.3 The Full Council appoints the Leader of the Council for a four year term of office and it then rests for the newly appointed Leader to appoint his / her Cabinet, including the Deputy Leader.

- 2.4 On 24 November 2010, the Council agreed to re-adopt the Leader and Cabinet model of Executive Leadership and this was written into the Council's Constitution.

- 2.5 Councillor C Law was appointed as the Leader of the Council for a four year term at the Annual Council meeting on 20 May 2015 and he has recently advised that he will stand down as Leader at the Annual Council meeting on 17 May 2017. A new Leader will then need to be appointed until May 2019, for the remainder of the term of office, and until the next district council elections.

- 2.6 The Cabinet (including the Deputy Leader) can be comprised of up to 10 Members and is exempt from the political proportionality rules under the Local Government Act 2000.

- 2.7 When required, Simultaneous Cabinet Meetings of this Council and Suffolk Coastal District Council have been held, recognising that the two Councils are working closely 'in partnership' but also that they remain separate sovereign authorities. Following discussions with the Leader of the Council and where appropriate, further Simultaneous Cabinet meetings may be held and all Members of the Council will be informed of these at the relevant time.

Audit & Governance Committee

- 2.8 The current Audit & Governance Committee is comprised of 7 Members and the political proportionality rules apply.

- 2.9 Members of the Cabinet, Group Leaders and the Overview & Scrutiny Chairman are not able to sit on the Audit & Governance Committee.

Overview & Scrutiny Committee

- 2.10 The current Overview & Scrutiny Committee is comprised of 13 Members and the political proportionality rules apply.
- 2.11 The Council has adopted a convention, through the Constitution, that the Chairmanship of the Overview & Scrutiny Committee is allocated to an opposition member, but this is not a statutory requirement.
- 2.12 Scrutiny activity is undertaken by one overarching Overview & Scrutiny Committee. The Committee will continue its strategic high-level activity and more detailed reviews and policy development will be carried out by appointed task and finish groups, which will be established for a specific purpose and be time bound. The Committee will also be focussing on external, rather than internal reviews and where appropriate, will be undertaking joint reviews or involving partners.

Planning Committee

- 2.13 The Planning Committee currently has 13 seats, which are allocated on a politically proportionate basis.
- 2.14 All Members and Substitute Members are required to have undertaken recent and relevant training on planning matters before they are able to serve on this Committee or instigate the Call-in process for planning applications.

Licensing

- 2.15 The Licensing Committee is currently comprised of 15 seats.
- 2.16 The size of the Committee reflects both the statutory licensing responsibilities and the need to appoint Members to Licensing Sub-Committees (which comprise of 3 Members plus a Substitute) and to hear licensing appeals. These Sub-Committees are often called at short notice and where possible a gender balance is required.
- 2.17 All Members serving on the Licensing Committee are required to have received appropriate training before they undertake their role on the main Committee or serve on a Licensing Sub-Committee, given their quasi-judicial nature.

Joint Appointments Committee

- 2.18 A Joint Appointments Committee with Suffolk Coastal District Council was established in February 2013 for the appointment and recruitment of Heads of Service tier and above. The Joint Appointments Committee needs to be politically balanced, with a gender balance if possible.
- 2.19 The Joint Committee has 6 members in total (3 from each authority). The current political composition of the Joint Committee would be 2 Conservative Members and 1 Opposition Member.
- 2.20 The membership of the Joint Appointments Committee has been jointly agreed by both local authorities as follows:

Conservative Group

- Leader of the Council (Substitute: Deputy Leader in his / her absence)
- Cabinet Member for the Service Area concerned (Substitute: Any other Cabinet Member in their absence)

Opposition / Labour Group

- Labour Group Leader (Substitute: Labour Group Deputy Leader)

2.21 Members are required to have received the appropriate training before serving on the Joint Appointments Committee.

Appeals / Disciplinary Committee

2.22 Members will recall that the meeting of Full Council on 23 July 2015 approved amendments to the Council's Constitution following new Regulations for the appointment of the Head of Paid Service (Chief Executive) and for the dismissal process for the Head of Paid Service, the Chief Finance Officer (s151 Officer) and the Monitoring Officer.

2.23 As part of those amendments, it was agreed that the Council's Employment Procedure Rules (EPRs) be amended as appropriate, and that the Joint Appointments Committee (JAC) would become "the Panel" for the purposes of the new Regulations.

2.24 Whilst drafting the terms of reference for the JAC, it was noted that Waveney's Constitution includes provision for a Disciplinary and Appeals Committee (DAC). Suffolk Coastal District Council, whose EPRs and JAC ToRs now mirror our own, does not have such a Committee.

2.25 Consultation with the Human Resources & Workforce Development Manager and the Head of Legal & Democratic Services shows that the DAC has never met, and that indeed it is now no longer required due to its responsibilities with regard to disciplining the three Statutory Officers having been superseded on adoption of the new Regulations. The Council's Disciplinary Procedure covers all officers below Chief Officer level, and disciplinary issues concerning those Chief Officers not covered by the new Regulations would be dealt with in accordance with the National Scheme of Conditions of Service for Chief Officers of Local Authorities.

2.26 It is therefore recommended that the DAC be disbanded and the WDC Constitution be amended, accordingly, to reflect this.

Schedule of Appointments to Committees for 2017/18

2.27 A schedule detailing the nominations for Appointments to Committees and Chairman / Vice-Chairman positions received from the political groups, Independent Members and from the Green Party Member, will be circulated at the Council meeting on 17 May 2017 as Appendix A to this report.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

3.1 The Local Government & Housing Act 1989 requires that the overall political balance of the Council to be reflected, where possible, in the appointment of Members to Committees and Sub-Committees of the Council (known informally as the political balance rules).

3.2 Councillors are able to claim expenses for attending Council meetings which will be met from within the Council's agreed Scheme of Members' Allowances budget for 2017 /18. In addition, positions such as Chairs of Committees are awarded a Special Responsibility Allowance recognising the additional responsibilities that these positions have.

3.3 The appointment of Committees forms the democratic framework by which some Council decisions are made. Specific legislation applies to the regulatory committees that exercise quasi-judicial powers and separate legislation is in place for the Cabinet.

3.4 The appointment to Committees / Sub-Committees enables the work of the Council to be shared across all Council Members (where appropriate) and enables Councillors to undertake a range of duties that collectively underpin or deliver the democratic decision-making process within the Council.

4 OTHER KEY ISSUES

4.1 Decisions are implemented in accordance with the Council's Constitution and statutory legislation. Appointments to Committees enable Members to carry out their community leadership role and in considering the issues before them, help build a stronger, healthier and just society.

4.2 The decision to constitute and appoint to Committees will not in itself lead to the tackling of inequality, disadvantage and discrimination (particularly for the most vulnerable) but they will provide the framework for those issues to be addressed when making decisions or reviewing policies / services.

5 CONSULTATION

5.1 Consultation has been held with both the Leader of the Council and Labour Group Leader on the proposed membership of Committees. In addition, liaison has taken place with Councillor Elliott as the Green Party Member and the Councillors R Neil, N Webb and S Webb as the Independent Members.

6 OTHER OPTIONS CONSIDERED

6.1 None – The Council needs to appoint to Committees / Sub-Committees in order to carry out its business effectively. Appointment to these bodies gives Members an opportunity to carry out their community leadership role and enables cross party views to be given on specific issues which is healthy for democracy and good decision-making.

7 REASON FOR RECOMMENDATION

7.1 To ensure that Members are appointed to Committees for the 2017 / 18 municipal year in accordance with the politically proportionality rules and that decision-making is undertaken in a democratic way.

RECOMMENDATIONS

1. That the Council constitutes and appoints Members to the Committees in accordance with the political proportionately rules (where applicable), as supplied by Group Leaders and the Minority Opposition Groups for the 2017/18 municipal year.
2. That the Chairs and Vice-Chairs for each of the Committees (where appropriate) be appointed for the 2017/18 municipal year.
3. That the Disciplinary and Appeals Committee be disbanded and the Council's Constitution be amended, accordingly, to reflect that.

APPENDICES**Appendix A**

Nomination List for appointing Members, Chairs and Vice-Chairs to Committees as supplied by Political Group Leaders, the Independent Members and the Green Party Member
(To be circulated at the meeting)

BACKGROUND PAPERS

None