

ANNUAL COUNCIL

29 MAY 2014

REPORT OF COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM 11

**NOMINATION OF MEMBERS TO SERVE ON EACH COMMITTEE
ESTABLISHED AND ELECTION OF CHAIRS & DEPUTY CHAIRS**

Background

1. The previous report (Agenda Item 11) outlined matters relating to the establishment of Committees, together with their size, terms of reference and allocation of seats.
2. The purpose of this report is to facilitate the nomination of Members to serve on each Committee established and the election of the Chair and Deputy Chair (as appropriate) for those Committees.

Issues

- a) Nominations to Committees
3. Following the establishment of Committees and the allocation of seats on each Committee in accordance with the statutory requirements to achieve political balance, the next step is to make appointments to those Committees. It is the duty of the Council to make appointments as soon as practical thereafter, and to give effect to the stated wishes of party groups regarding who is appointed to the seats allocated to each particular group.
4. Based on the existing Committee structure and size, total nominations would be required as follows:

<u>COMMITTEES</u>	<u>SEATS</u>
<u>Ordinary Committees</u>	
Planning Committee	12
Licensing Committee	12
Public Protection Committee	12
Constitution Committee	12

Audit Committee	12 (8 Members and 4 Non-Councillor Members)
Standards & Ethics Committee	9 (3 County Councillors, 1 Community Councillor and 5 Non - Councillor Members)
Democratic Services Committee	12 (cannot include more than 1 Member of the Cabinet who must not be the Council Leader)
Family Absence Appeals Panel	3 (Members of Democratic Services Committee)
Employment Conditions Committee	8

Scrutiny Committees

Children & Young People	13 (9 County Councillors + 4 Co-opted)
Community & Adult Services	9
Economy and Culture	9
Environmental	9
Policy Review & Performance	9

Other Committees

Corporate Parenting Panel (Political balance requirements do not apply)	Minimum of 8
Council Appeals Committee	9
Health and Safety Advisory Group	5
Works Council	5

- As highlighted in paragraph 3, the allocation of seats to each political group will reflect that political group's proportion of the membership of the Council. If the number of seats on any Committee changes, then the number of seats allocated to political groups will also change.
- Following the allocation of seats in accordance with the proportionality rules, as agreed under Agenda item 11, Council is required to make appointments to

Committees so as to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the committee.

Under the relevant regulations the wishes of a political group are to be taken as those expressed to the Proper Officer (the Chief Executive):

- (a) orally or in writing by the Leader or representative of the group; or
- (b) in a written statement signed by a majority of the members of the group.

In the event that different wishes of a political group are notified, the wishes notified by a statement of the majority of the group prevail. It is normal practice where possible for the groups to make known their nominees at the annual meeting but where this is not achievable the Chief Executive will report the nominations and any subsequent changes to the next Council meeting for Members' information. Nominations at an early date are important to enable the various scheduled Committee meetings to take place.

b) Election of Chairs and Deputy Chairs (as appropriate)

- 7. The Constitution provides that the Chair and a Deputy Chair for each Committee established shall be elected at the annual meeting of Council. In order to take those decisions, Political Groups will (at least in relation to any person to be nominated for appointment as Chair or Deputy Chair as the case may be) need to ensure that formal notice is given to notify the Chief Executive of the Group's wish that that person is nominated to the relevant Committee.
- 8. The following Chairs and Deputy Chairs will need to be elected.

	<u>Chair</u>	<u>Deputy Chair</u>
<u>Ordinary Committees</u>		
Planning Committee		
Licensing Committee		
Public Protection Committee		
Constitution Committee		-----
Democratic Services Committee		-----
Council Appeals Committee		-----
Employment Conditions Committee		-----

Note that the Chairs of the Audit Committee and the Standards & Ethics Committee are appointed by their respective Committees. The Chair of the Standards and Ethics Committee must be a non-Council (Independent) Member.

Chair

Deputy Chair

Scrutiny Committees

Children & Young People Scrutiny	-----
Community & Adult Services	-----
Economy and Culture	-----
Environmental	-----
Policy Review & Performance	-----

Other Committees

The Corporate Parenting Panel appoints its own Chair.

The Chairs of the Appointments Committees and Disciplinary & Appeals Committees are elected when required.

Legal Implications

9. Council is referred to the legal implications provided in the report on the establishment of Committees (Agenda Item 11) which are also relevant to this report.
10. As explained in the Legal Implications to that report, Regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 ('the 1990 Regulations') requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter—its function is simply to make appointments which give effect to the wishes of the political groups.
11. Under Regulation 13 the wishes of a political group are to be taken as those expressed to the proper officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail.
12. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the proper officer (the Chief Executive) to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the proper officer (the Chief Executive) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.

For the avoidance of doubt the requirements for political balance do not apply to the Cabinet or a Committee of the Cabinet or to the Standards and Ethics Committee or Audit Committee.

Financial Implications

13. Assuming that the number of Committees remains unchanged, there are no additional financial implications arising from this report that have not been included within the Council's budget for 2013/14.

RECOMMENDATIONS

The Council

- (1) receives the nominations from the political groups to the seats allocated to each group on the Council's committees, as agreed under Agenda Item 11;
- (2) requests the Chief Executive to report to the next Council meeting the details of all nominations received from political groups for information, taking into account any further nominations or changes notified following this meeting;
- (3) elects the Chairs and Deputy Chairs (as appropriate) to the Committees shown in paragraph 8 or any other such Committees that may be established.

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21 May 2014