



Epping Forest District Council

APPOINTMENTS PANEL **Thursday, 10th May, 2012**

Place: Committee Room 2, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer Simon Hill Tel: 01992 564249
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Members:

Councillors K Angold-Stephens, D Jacobs, J Philip, Mrs C Pond, Mrs L Wagland and J M Whitehouse

1. ELECTION OF CHAIRMAN

To determine the Chairman for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

3. TERMS OF REFERENCE (Pages 9 - 10)

To note the Terms of Reference (as attached).

4. GROUP LEADERS, DEPUTY GROUP LEADERS AND GROUPS 2012/13 (Pages 11 - 12)

(a) Group Leaders and Deputies

To receive the appointments from groups.

(b) Constitution of Political Groups

To receive the position regarding submission of completed forms.

A blank form is attached for use by Groups

5. CHAIRMAN AND VICE-CHAIRMAN OF COUNCIL 2012/13 (Pages 13 - 14)

The nominations process approved at the Council meeting in April 2007 provides:

(a) Chairman of the Council

The councillor nominated and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year (assuming he/she is still a member of the Council).

(b) Vice-Chairman of the Council

Nominees for Vice-Chairman shall submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups. Nominees may be drawn from any political group or any independent member serving on the Council. The process of agreeing a nomination shall be co-ordinated by the Leader of the Council in consultation with the Leaders of all political groups and independent members. The Council has now agreed that this nomination process be managed through the Appointments Panel.

A Blank Nomination form is attached. Nominations received will be circulated separately.

6. LEADER AND CABINET (Pages 15 - 16)

To report on the current position:

- (a) Cabinet Appointments;
- (b) Cabinet Portfolios and responsibilities
- (c) Cabinet Subcommittees and Appointments

A blank schedule is attached.

7. APPOINTED MEMBERS FOR SUBSTITUTIONS NOTIFICATIONS

Groups to supply names of Councillors that are appointed for the purposes of notifying substitutes for meetings.

8. POLITICAL GROUP ALLOCATIONS (Pages 17 - 32)

To note Counsel's advice and procedural note on Pro Rata and allocations schedule.

The pro rata allocations sheet showing the current position is also attached. A revised allocations sheet will be circulated immediately after the elections.

9. COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

Recommendations:

(1) To note that the Council on 27 March 2012-04-17 passed the following resolution:

“That, in order to provide continuity throughout the recruitment process and, subject to the results of the May District Council elections, the Council agrees that the current Chairman, Vice Chairman and members of the Committee be reappointed at the Annual Council meeting.”;

(2) To review the position regarding membership of this Committee in the light of the results of the elections; and

(3) To consider whether to re-appoint a member to replace Councillor Murray.

1. (Assistant to the Chief Executive) The process for recruiting a Chief Executive is now underway and is aimed at the council on 18.6.12 appointing the preferred candidate of the Committee which will be conducting the “longlisting”, “shortlisting” and selection processes. The Panel will appreciate that the programme for this appointment spans the Annual Council meeting period when the Committee is due for re-appointment.
2. It has already been reported that the Council’s recruitment consultants have recommended that there should be continuity of membership throughout the process subject to the election results. Four members of the Panel are due for re-election and the results will be reported at the meeting. This Committee is not based on pro rata and the Council has already decided that if 4 members are re-elected, they should continue to form the Committee with the same Chairman and Vice Chairman.
3. The present members are as follows:

Chairman: Councillor Jon Whitehouse
Vice Chairman: Councillor C. Pond
Members: A. Grigg, J. Philip, M. McEwen, S. Murray, L. Wagland
4. The Employment Procedure Rules require that this Committee should comprise not less than 5 members and must be drawn from all political groups and include at least one member of the Executive. At present there are 4 Conservatives, 1 each from the Liberal Democrats and Loughton Resident Association, plus 1 Independent. The waiving of pro rata was approved by the Council when the committee was first appointed. As required by the legislation, no member voted against the membership, the latter not being in accordance with pro rata.
- 4 A number of possible scenarios arise from the elections and these are summarised below:

Scenario 1 - all members re-elected/no change in pro rata.

5. Appointments could be made on the same basis as previously with the relevant group nominating. If one of the existing members did not wish/could not continue, then this would be fairly easy to handle by nominations.

Scenario 2 - all members re-elected/change in pro rata.

6. In normal circumstances, it would be necessary to appoint on the basis of the new entitlements but as the pro rata has been set aside, the current membership could continue unless someone votes against the relevant resolution. Abstentions would not affect the validity of the resolution. If no one voted against, groups could nominate within their entitlements as at present.

7. If someone did vote against, this would necessitate a proposition that pro rata be adopted or some other arrangement (no one voting against). We might then have to fall back on pro rata and the independent would have to come off with another Conservative coming on.

Scenario 3 - not all members re-elected/no change in pro rata

8. The relevant group would nominate existing members and replacements for those who are not re-elected within their present allocation.

Scenario 4 - not all members re-elected/change in pro rata

9. If the current membership is accepted, groups would then nominate to their allocation taking account of the changes.

General Points

10. All these scenarios can be accommodated within the present Council decision, if the principle of a non pro rata membership is accepted.

11. Councillor Murray has stated that he will be unable to participate in the work of the Committee due to school commitments. With this in mind, the Panel need to reach an understanding as to whether he should be replaced by another member, either an independent or a member of a political group.

10. POLICE & CRIME PANEL

Recommendations:

(1) To note that one representative to the shadow Police and Crime Panel for Essex is required to be appointed at the Annual Council meeting; and

(2) To consider whether a Cabinet member or representative of Overview & Scrutiny is to be appointed and recommend to Council accordingly

1. (Assistant to the Chief Executive) The Government requires that by July 2012, Essex Authorities should have in place operational arrangements for the new Police and Crime Panel for Essex so that once a Police and Crime Commissioner has been elected on 15 November 2012, the Panel can take up its statutory duties.

2. The responsibilities of the Panel will comprise:

(a) requiring the Commissioner or a member of their staff to attend the Panel to answer questions;

(b) requesting the Chief Constable attends the Panel to answer questions where it has already required the Commissioner to appear before the Panel;

(c) appointing an acting Commissioner from amongst the Commissioner's staff if the Commissioner has resigned, has been disqualified from office, or is

incapacitated or suspended;

(d) vetoing the Commissioner's proposed precept if two-thirds of the members of the Panel vote in favour of doing so;

(e) vetoing the Commissioner's proposed appointment of a Chief Constable if two-thirds of the members of the Panel vote in favour of doing so;

(f) reviewing the Commissioner's draft Police and Crime Plan; and

(g) holding confirmation hearings for the Commissioner's proposed Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner appointments; and deal with complaints made about the PCC.

3. It is intended that Essex County Council will "host" the Panel. It is suggested that all authorities contribute annually to the costs of establishing and operating the Panel, with each district/borough paying £2000, the unitary authorities £6000 each and the County Council £15000. A review of the resource requirements will take place once the Panel has been operational for a 12/18 month period. Funding will be considered by this Council's Cabinet once the available financial resources have been identified.

4. It is intended that the Panel will operate in "shadow" form from June to November 2012 and to achieve this the Council was invited to nominate one representative by the end of March 2012. Councillor membership of the Panel, when taken together, should reflect the political balance of the force area.

5. At a recent Essex District/Borough Leaders and Chief Executives' meeting it was suggested that councils should nominate their Portfolio Holder covering community safety or, alternatively, a Chairman within Overview and Scrutiny Committee covering community safety.

6. This matter was considered at the Council meeting on 27 March 2012 and the proposed appointment was deferred.

11. LOCAL HIGHWAYS PANEL

Recommendations:

(1) To consider the policy to be adopted in relation to the appointment of the seven Councillors to the new LHP, bearing in mind that this Panel's terms of reference embrace the whole District; and

(2) To determine the numbers to be determined by each political group and to be offered to independent or sole Party member Councillors.

1. (Assistant to the Chief Executive) A copy of the proposals of Essex County Council for new Local Highway Panels is attached. The number of District Council representatives is to match the number of local County Councillors (namely 7) who will also serve on the Panel.

2. The Safer, Cleaner, Greener Standing Scrutiny Panel has recommended that this Panel determine how the seven district seats should be dealt with, bearing in mind the presumed need for cross-District representation. It should be borne in mind that the elements of Protocol regarding pro rata representation is currently suspended insofar as it relates to outside bodies.

3. Representation on the previous Panel was one Portfolio holder with a Deputy Portfolio Holder to cover. The Panel is asked to decide the groups to nominate and the number of seats involved including the position of independent and single party members

12. COMMITTEES ETC - NOMINATIONS (Pages 33 - 52)

(a) Nominations

To discuss and agree nominations to Committees, Sub-Committees and Panels. A schedule of required appointments is attached. A combined schedule will follow after the election.

(b) Area Plans Sub-Committee South

To receive a report on the current position regarding members who wish to opt in to this Sub-Committee under the arrangements approved by the Council on 20 February 2007.

(c) Overview and Scrutiny

Nominations to the Overview and Scrutiny Standing and Task and Finish Panels are not required for the Annual Council Meeting. Nominations will be considered at the Overview and Scrutiny Committee meeting in June 2011.

A Blank nomination form is attached.

Received nominations will be circulated separately.

13. REPRESENTATIVES ON OUTSIDE ORGANISATIONS (Pages 53 - 58)

Appointments to the Outside Organisations carrying out

- (i) Executive Functions; and
- (ii) Non Executive functions

A blank schedule is attached for information – a combined schedule will be circulated after the elections.

14. COUNCIL MEETING - SEATING PLAN 2012/13 (Pages 59 - 60)

To consider a draft Council seating plan. A new proposed layout will be circulated after the elections. Last years plan is attached for information.

15. ANY OTHER BUSINESS

