

Report to Constitution and Members Services Panel

Date of meeting: 16 December 2010



Subject: Review of Annual Council Meeting and Appointments Procedures

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Recommendations/Decisions Required:

- (1) That Group Leaders and non-affiliated members be reminded of the rules in relation to pro rata; appointments and previous Counsel's opinion annually prior to District Elections;**
- (2) To consider whether further work should be undertaken by officers in relation to:**
 - (a) The development of proposals for the establishment of an Appointments Panel and if considered appropriate any delegation arrangements that might apply;**
 - (b) Desirable amendments to the protocol on allocations to Outside Bodies;**
 - (c) Other methods which could be employed in allocating Outside Body places;**
 - (d) Alterations made to paperwork circulated to members as a result of consideration of (a) – (c) above;**
- (3) That officers be asked to draw up a procedural note on the Annual Meeting based upon officer recommendations and members' views on the ceremonial aspects of the Annual Council meeting; and**
- (4) That members consider and agree any changes to be drafted to Article 5 (Chairman and Vice Chairman appointments) for further report.**

Report:

1. (Assistant to the Chief Executive) At the meeting of the Panel on 24 June 2010, it was agreed that a review be undertaken on aspects of the Annual Council meeting. The details of the request were set out in a formal request for review.
2. The formal request had a number of strands and these are covered in each section together with observations from officers:

(a) Committee, Subcommittee and Panel Appointments

3. **Commentary:** Analysis over the last 10 years shows that the Annual Meeting length has remained fairly constant. Appointment requirements at the Annual meeting have declined over the years for a number of reasons including (i) a number of reviews of outside bodies; and (ii) the introduction of more Leader decision making on appointments.

4. The one exception to the trend is the Annual Meeting in 2009, a county election year, when no new members were elected. This would seem to indicate that groups had more time to sort out their appointment schedules in good time. This year Officers pushed back the date of the Annual meeting to give groups more time to settle their appointments.

(i) Issue 1 - Briefing of group leaders and independent members regarding pro rata requirements before the elections.

Commentary:

5. The statutory basis for pro rata memberships comes from the Local Government and Housing Act 1989. In essence there are four main principles for appointments to 'ordinary committees':

(a) not all seats to be allocated to the same group;

(b) if a group has a majority on the Council, it must have a majority of seats on Committees;

(c) subject to (a) and (b) above, the total number of seats on Committees must be allocated in the same proportions as the group memberships bear to the Council's membership;

(d) subject to (a) and (c) above, the number of seats on each Committee must be proportional to each group's membership of the Council;

6. The method by which the Council elects to Ordinary Committees was subject to report on 23 April 1996. A copy of that minute together with the Counsels opinion on which it was based at are attached at Appendix 1 to this report.

7. It is suggested that these 'rules' be reproduced for the Group Leaders meeting each year. These rules provide a clear process for determining allocation of seats on 'ordinary' committees.

(ii) Issue 2 - How consultation between political groups might be improved

Commentary:

8. Traditionally, a meeting of the Group Leaders has been called a few days after the May elections once pro rata calculations are carried out.

9. A new idea is to hold an 'Appointments Panel' meeting on a pre-arranged date between the Elections and the Annual or next Council meeting. This Panel could have the following characteristics:

(i) Timetabled between the election and Annual Council.

- (ii) Consider and recommend appointments to the Annual Council. This would have the effect for formalising the appointments process with only those areas of real contention being passed to Council to vote upon.
 - (iii) Its terms of reference could include all appointments made by Council at the Annual meeting (Leader, Ordinary Committees, Chairman/Vice Chairman, outside bodies).
 - (iv) As a Panel, it need not reflect pro rata as a recommending body but would need to cover all political groups and independent members.
 - (v) It would be essential that group representatives have a mandate from their group to make appointments and come armed with relevant nominations.
 - (vi) Clear principles and reports from Officers circulated mostly in advance of the elections with only the seats breakdown to be circulated after.
 - (vii) Clear mandatory timetable from officers for Council report.
10. Officers have found one authority locally (Cambridge City) that follows a similar pattern.
11. One other solution on communication between groups may be for the Council to impose a deadline for nominations, say five working days before the Council meeting in order to meet the publishing deadline requirements.

(iii) Issue 3 - Whether the principle of pro rata allocations on outside organisations is still fit for purpose

Commentary:

12. The Council's approach to allocation of Outside Organisations (and Chairmanships and Vice Chairmanships) is set out in a protocol included within the Council's Constitution. A copy is attached to this report (Appendix 2). Outside bodies that now fall into the 'Executive' category now fall to the Leader to appoint. This leaves only 'non-Executive' and 'Local' Outside bodies to be appointed to each year. Last year this left only 21 representatives and 4 deputies to appoint. Some bodies also have either terms greater than one year or an officer representative.
13. There seems to be the following issues relating to outside bodies:
- (i) The pro rata requirement is non-statutory.
 - (ii) The bodies are dealt with in alphabetical order at the Annual Meeting (could this be done another way?).
 - (iii) Some bodies always attract multiple nominations, some none at all, which affects the Outside Bodies themselves.
 - (iv) Some bodies have terms of appointment that are greater than one year.
 - (v) Some nominations are held over to subsequent meetings.
 - (vi) Does this have to be done at the Annual Meeting? (this would require adjustments to the Council procedure rules)
 - (vii) Does the principle of proportionality detract from the idea of best person for the job?
 - (viii) Could this be a completely delegated function?
 - (ix) The 'Specialist' category no longer exists and could be deleted.

- (x) The Protocol fails to recognise individual members so only 'Groups' minority interests are protected. Appointments of independent members therefore depend on the cooperation by the political groups.
- (xi) Nominations required number less than 30 so an individual are not guaranteed a right to a seat under this procedure.
- (xii) Does the pro rata requirement allow smaller groups to have representation on bodies that they deem important?
- (xiii) Does the protocol meet the needs of members?
- (xiv) It needs 65% of the Council to agree to change the protocol.

14. Members are asked to consider whether the protocol should continue, whether any changes might be required and, if so, what features and protections might it contain?

(iv) Issue 4 - How voting on appointments to outside organisations can be made easier, including ways of monitoring appointments made easier to avoid mistakes if pro rata is to be retained

Commentary:

15. Voting on appointments to Outside Bodies has traditionally been made in alphabetical order. This means that once a Group has successfully gained its pro rata allocation of seats it should then withdraw nominations for later bodies. It has been a challenge at meetings for Officers to keep track of thresholds for these allocations.

16. Other methods could be employed such as:

- (i) Ranking Outside Bodies by desirability or category?; or
- (ii) Using a ranked 'slate' system; or
- (iii) Alternatively, the Council could allow open nominations at the meeting

These methods will be demonstrated at the meeting.

(v) Issue 5 - How the Paperwork can be made Simpler

Commentary:

17. Members need to give guidance to Officers on the paperwork they need. One issue could be that multiple schedules are laid before members at the Annual Meeting which are difficult to digest whilst the meeting is going on. This must be particularly difficult for new members. The solution to this is to ensure that papers are circulated well before the meeting. Another option (as suggested above) is to defer some of the appointments to the June Council meeting.

18. In any event, if the Appointments Panel idea is supported, the schedule to Council should contain straightforward schedules.

19. If there are any areas of contention, they could be brought out into a separate schedule.

(vi) Issue 6 - Whether there are other options for making these decisions which do not require full Council decision making

Commentary:

20. The Constitution currently specifies that these decisions should be made at Council. Any delegation powers to a Committee or Subcommittee would then require any such Committee to be subject to formal pro rata. Out of the categories of appointments, the Outside Bodies Categories would fit most with the delegation idea. Members are asked to give officers views as to whether this is something they wish to pursue.

(vii) Issue 7 - How can the ceremonial aspects of the Annual Council meeting be improved.

Commentary:

21. In the previous review, members discounted the idea of having a separate ceremony for the in-coming Chairman as many Boroughs do. Members may have heard the term 'Mayor Making'. Such meetings tend to be quite short and followed by a small reception.

22. Officers make the following suggestion for consideration:

- Candidates for Vice Chairman need to be involved in the organisation of the annual meeting.
- There should be a rehearsal run through with all 'Candidates' and Officers involved on the afternoon of Annual Council
- That we should refine the process of signing the declaration of acceptance of office so that this is done on a table in the well of the Chamber table.
- Should this 'signing ceremony' be extended to include new members?
- New members need to be told about standing at induction.

(b) Appointment of Vice Chairman of the Council

23. Members have requested a review of the current protocol for the appointment of a new Vice Chairman of the Council each year, examining whether the current system of appointing on merit with candidates being nominated by members of more than one group is appropriate.

24. The current system of appointment is contained within the attached Article 5 (Appendix 3) of the Constitution. It requires any nomination for the office of the Vice-Chairman to be supported by 12 Councillors drawn from at least two political groups (i.e. this would seem to preclude individuals from being 'the other group'). The onus is on the Leader to co-ordinate such nominations.

25. This requirement is not placed on the election of the Chairman of Council which, under paragraph 5.02 (d) of the Article, is expected to be the Vice Chairman from the preceding year. Thus there is nothing to prevent further nominations to the position of Chairman.

26. The Council is responsible for making appointments to both positions at its Annual Meeting. The success of any nomination depends upon the majority of those

present at that meeting supporting it and the degree of success achieved through informal consultations.

27. The rules allow the appointments requirements to be suspended if 65% of the members present agree it would be in the best interests of the Council.

28. The position of Vice Chairman attracts an Allowance. Officers have found no other authority which appoints to this position other than 'on merit'.

Conclusion

29. Members are asked to consider whether changes should be made to Article 5 and/or the protocol. Any changes would be subject to Full Council approval and must be completed before the next Annual Meeting.

Resource implications:

Budget provision: From Existing

Personnel: From Existing

Land: none

Community Plan/BVPP reference: -

Relevant statutory powers: Local Government Act 1972, Local Government and Housing Act 1989.

Background papers: -

Environmental/Human Rights Act/Crime and Disorder Act Implications: none

Key Decision reference: (if required) not a key decision