

Report to Constitution and Members Services Standing Scrutiny Panel

Date of meeting: 15 February 2011

Subject: Appointments at Annual Council

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Recommendations/Decisions Required:

- (1) That a report be made to Council recommending:**
 - (a) the introduction of an Appointments Panel as set out in Annex 1;**
 - (b) the approval of the Terms of Reference of the Appointments Panel set out at Annex 1;**
 - (c) the agreement of the following dates for the Appointments Panel for 2011:**

Thursday 12 May 2011 and Tuesday 17 May 2011 (Provisional)
 - (d) nominations be made to the Panel in accordance with the Terms of Reference subject to the post-election receipt of a notice made under regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 of the proper constitution of a Political Group under the Local Government and Housing Act 1989;**
 - (e) that to allow the envisaged Appointments Panel to make recommendations to Annual Council on all appointments, the operation of the protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations be suspended for the period of one year and then reviewed;**
 - (f) that the Assistant to the Chief Executive ensure the distribution of advice to all Panel members, Group Leaders and non-affiliated members on pro rata requirements and details of all Committee Places, Outside Organisation appointments in advance of the electoral period and provide pro rata allocations immediately following the elections;**
 - (g) the introduction of the following new arrangements for the Annual Council meeting:**
 - (i) the involvement of all Chairman and Vice-Chairman candidates in planning the Annual Meeting;**
 - (ii) a rehearsal for all members and officers involved in organising that meeting;**

- (iii) **declarations of acceptance of office to be made during the Annual Meeting at a desk in the well of the Chamber for both new and elected members; and**
- (iv) **an earlier start time of 7.00 p.m. for the Annual Meeting;**
- (v) **to agree in principle that supplementary tabled schedules of nominations should not be tabled at the Annual Council meeting and that a deadline for nominations be set to ensure that they are made in advance of the Appointments Panel.**

- (h) **that for the purposes of introducing a new system of Group constitution and membership signing this year, new forms under regulation 8 and 9 of the Local Government (Committees and Political Groups) Regulations 1990 be developed to allow individual members to sign to join a political group for introduction from May 2011; and**
- (i) **that no changes be made to the Vice Chairman appointment process contained in Article 5 of the Constitution save all nominations to be notified by Group Leaders to the Appointments Panel by the date of their meeting.**

Introduction for the Panel:

At the meeting of the Panel held on 16 December 2010 the Panel expressed their initial views on how the process of the annual meeting could be improved.

This report sets out how the proposals would work. It is drafted in terms of a report to the Overview and Scrutiny Committee for expedience but the Panel are invited to alter or comment on its contents.

Report:

1. This report sets out the response of the Panel to the request made regarding the process of the annual Council meeting and addresses both issues that require changes to the constitution and those of a procedural nature.
2. The original request covered a number of issues which included briefing information; liaison and consultation between political groups, pro rata on outside organisations and the process of appointment; simplifying paperwork at the Annual Meeting; suggestions for improvement of the civic ceremonial aspects of the annual meeting and a review of the appointment process of the Vice-Chairman of Council.
3. We make a number of recommendations to Council.

Proposals for the Creation of an Appointments Panel

4. Traditionally, a meeting of the Group Leaders has been called a few days after the May elections once pro rata calculations are carried out. The Panel is proposing the creation of an 'Appointments Panel' meeting on a pre-arranged date between the Elections and the Annual or next Council meeting. This Panel would have the following characteristics:

- (i) Timetabled meetings between the election and Annual Council.
- (ii) Receive 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 to include all appointments made by Council at the Annual meeting (Leader, Ordinary Committees, Chairman/Vice Chairman, outside bodies) and receive those being made by the Leader.
- (iv) As a recommending Panel, it would not be subject to pro rata but would its membership would include representation from all political groups and an open invitation for un-affiliated members to attend and make proposals for seats etc.;
- (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 avoiding the recent practice of tabling nominations at the annual meeting creating confusion.

5. We have suggested at Annex 1 to this report proposals for the establishment of such a committee and have tried to encompass protections for minority groups and unaffiliated members within their scope. The Council would also need to make appropriate appointments to the Panel subject to post-election validation.

6. We have also suggested that this year, to facilitate this new Panel, the existing protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations be suspended for the period of one year and then reviewed in the light of operational experience.

Changes to the Ceremonial Element of Annual Council

7. We have reviewed the ceremonial procedures at our Annual Meeting. 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. There have been representations that, along with our proposals for making the general appointments process easier, there is a wish to improve the ceremonial aspects.

8. We are suggesting that it is essential that (all) Candidates for Chairman and Vice Chairman should be involved in the planning of the meeting and attend a 'rehearsal' on the afternoon of the meeting. It is suggested that the process of signing the declarations of acceptance of office should be made at a desk in front of members in the well of the chamber. An earlier start time for this meeting is also recommended.

Review of Constitution of Political Groups

9. In response to a request of the Panel, Officers are suggesting some changes to the way Political Groups are formerly constituted and members then join those groups. The changes (subject to a legal view) would allow Groups to formally reconstitute themselves each year by notice signed by two (or more) members of the Authority asking to be treated as a political group. Other Group members could then sign an individual form avoiding the need for one form to travel around each group for signature. All forms would need to be lodged with the proper officer by the date of the Appointments Panel for the purposes of pro rata calculation. New forms will be circulated in due course.

Appointment of Vice Chairman of the Council

10. 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.

11. The current system of appointment is contained within the attached Article 5 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.

12. We have reviewed this protocol and believe that the principle of having cross party support for such an appointment is still appropriate. We are therefore not suggesting any changes to the article but are recommending that nominations are settled by the date of the Appointments Panel.

Resource implications:

Budget provision: Nil none required

Personnel: existing

Land: none

Community Plan/BVPP reference: none

Relevant statutory powers: Local Government and Housing Act 1989 sec 15 and 16

Background papers:

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

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

APPOINTMENTS PANEL
Draft TERMS OF REFERENCE

1. Title

The Panel shall be known as the "Appointments Panel".

2. Terms of Reference

(a) To receive and make recommendations to the Annual Council on nominations for the following appointments from political groups and non-affiliated members:

(i) Leader; Deputy Leader and Cabinet members;

(ii) Chairmen; Vice-Chairmen and membership of Cabinet Subcommittees;

(iii) Chairmen; Vice-Chairmen and members of Committees and Sub-Committees (including Scrutiny Committees); Panels; Boards Working Groups and similar bodies;

(iv) Outside body appointments falling to the Council to fill;

(b) In recommending appointments to the Council, the Panel will:

(i) Propose nominations based on the entitlement of each political group in accordance with the statutory pro rata;

(ii) Ensure that consideration is given to any nominations made by non-affiliated members for any position or appointment;

(iii) Ensure, so as far is practicable, an equitable allocation of Chairmanships and Vice Chairmanships across the political groups or to non-affiliated members having majority support; and

(iii) Permit schedules of recommended appointments to be circulated to all members prior to the date of the Council meeting.

(c) The Panel shall, in recommending outside body appointments to the Council, do so as to give precedence to local ward members for those that have a 'local' designation and an equitable allocation of places across the political groups of the Council;

3. Membership

- (a) The Council shall appoint two members from each statutory Political Group on the Council to form the Panel;
- (b) Where an appointed member ceases to be a member of the Council, the appropriate Political Group Leader may nominate a substitute from within their membership;
- (c) All unaffiliated members of the Council shall have the right to attend the Panel meetings and/or submit nominations in accordance with statutory provision.

4. Chairman

- (a) The Chairman of the Panel shall be determined at each meeting; and
- (b) The Chairman shall be responsible for reporting the recommendations of the Panel to full Council.

5. Meetings

- (a) Meetings of the Panel shall be held as required following elections each Council year at the Civic Offices, Epping at the date and time indicated on the agenda timed so as to enable the prior circulation of their recommendations for nominations to the Council.
- (b) Minutes and agenda of the Panel meetings shall be circulated to the following:
 - Panel Members
 - Group Leaders or Deputy Group Leader not members of the Panel
 - Unaffiliated Members of the Council

6. Effect of Nominations

Nothing in these Terms of Reference precludes any Political Group or non-affiliated member of the Authority from making nominations directly at full Council or from any group or non-affiliated members changing or withdrawing previously made nominations.

7. Officers

The Panel will be supported by the attendance of relevant officers from the Office of the Chief Executive and such other officers as may, from time to time, be required.