

Report to Overview and Scrutiny Committee

Date of meeting: 6 March 2012

Subject: Appointments at Annual Council - Review

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Recommendations/Decisions Required:

That a report be made to Council recommending:

- (1) That the Appointments Panel continue to operate without changes to its terms of reference and continue in operation thereafter until any further review is necessary;**
- (2) That the protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations (except for sections 6 (a) to (c) in the protocol - the provision for pro-rata for Chairmen) be suspended for a further the period of one year and then reviewed;**
- (3) That Article 5 of the Constitution (in relation to the nomination of the Vice Chairman appointment to Council) be amended by the inclusion of the following words at the end of Article 5.02 (c) "and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting" and ;**
- (4) That meetings of the Appointments Panel be held on 10 and 15 May 2012 (if necessary);**

Introduction for the Panel:

1. (Councillor D Stallan – Chairman of the Constitution and Member Services Standing Scrutiny Panel) Members will recall discussions in 2011 on how the process of the annual meeting could be improved. This resulted in a report to Council which introduced the idea of having an Appointments Panel and made improvements to the process of agreeing nominations for Committee places and Outside Body Appointments.
2. The Council requested that the operation of the new system be reviewed after one year.
3. This report sets out a review of the experiences of last year together with some issues requiring decision on the future operation of the Panel.

Report:

4. The original request to the Panel to look at the operation of the Annual Council meeting 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.

Operation of the Appointments Panel

5. Last year the Council operated the Appointments Panel for the first time. As envisaged last year documentation was circulated by officers prior to the election period. This information comprised:

- (a) A pre-election pro rata exemplification table
- (b) A pro rata advice sheet
- (c) Counsel opinion on calculating pro rata
- (d) New Group Constitution Forms
- (e) Individual group member forms
- (f) Terms of Reference of the Panel (attached for reference – Appendix 1 to this report)
- (g) A blank Committee nominations sheet (showing previous years nominations)
- (h) A blank outside organisations sheet for council appointed bodies
- (i) Vice Chairman nomination forms (as appropriate)

6. On the Friday after the election count further information on the post election pro rata position was emailed to members.

7. It had been agreed that the Appointments Panel would meet on 12 May 2011. This did not prove possible as nominations had not been completed in time. The meeting was held on the fall-back date of 17 May. This enabled a supplementary agenda to be circulated prior to Council on 24 May meeting the target set by Council of not having tabled schedules of appointment recommendations.

8. We have taken comments of members and take the view that the Panel operated successfully last year and should continue this year and have recommended accordingly.

Protocol on the Allocation of Chairmanships and Vice-chairmanships and Outside Organisations

9. Members will recall that the protocol (attached Appendix 2 to this report) was suspended for the period of one year (except for sections 6(a) to (c)) to allow the new system to operate. The Panel were asked to review this element in the light of operational experience.

10. We have taken the view that, given we are recommending the continuance of the Appointments Panel, the suspension of the protocol (in part) should continue for a further period until we can undertake a review during the next year. This would enable officers to bring forward proposals for rescinding of the protocol linked to the inclusion of a 'statement of principles' within the Panels Terms of Reference of the Appointments Panel which would have the effect of limiting the scope of its recommendations to Council on Chairmanships, Vice Chairmanship and Outside Body positions.

Election and Nomination of the Vice Chairman of Council

11. The appointment of the Vice Chairman of Council is governed by Article 5 of the Constitution. Last year it was agreed that no changes would be made to the nomination process save that nomination forms would come to the Appointments Panel.

12. We are therefore suggesting that the words in Article 5.02 (c) be amended to read:

“5.02(c) (c) The process of agreeing a nomination for Vice-Chairman of the Council shall be co-ordinated by the Leader of the Council in consultation with independent members and the Leaders of all political groups **and notified each year to the Appointments Panel for consideration and onward recommendation to the Annual Council meeting**”;

13. This would have the effect of ensuring that relevant nominations are brought forward to the Appointments Panel for discussion and recommendation to Council.

Date for the Appointments Panel for 2012

14. It is suggested that two dates be set aside for the Appointments Panel, Thursday 10 May and Tuesday 15 May 2012 and we have recommended accordingly.

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