

Report to the Council

Committee: Constitution and Members Services Scrutiny Panel **Date:** 27 March 2012

Chairman: Councillor David Stallan

APPOINTMENTS AT ANNUAL COUNCIL MEETING - REVIEW

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 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).**
-

Report:

1. We have reviewed the operation of the new Appointments Panel set up last year. The report we considered reviewed the experiences of last year together with some issues requiring decisions on the future operation of the Panel.
2. 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.
3. Last year the Council operated the Appointments Panel for the first time. As envisaged, 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's 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; and
- (i) Vice Chairman nomination forms (as appropriate).

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

5. We have taken account of comments of members and taken the view that the Appointments Panel operated successfully last year and should continue this year and are recommending accordingly.

6. Members will recall that the Protocol on the Allocation of Chairmanships and Vice-Chairmanships and Outside Organisations (attached Appendix 2) was suspended for the period of one year (except for sections 6(a) to (c)) to allow the new system to operate. We have reviewed this element in the light of operational experience and have taken the view that, if the Appointments Panel continues, the suspension of the Protocol (in part) should also continue for a further period until a review can be undertaken in the following year. This will enable officers to bring forward proposals for rescinding of the Protocol linked to the inclusion of a 'statement of principles' within the 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.

7. We noted that the appointment of the Vice Chairman of Council was 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.

8. Therefore, we are 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";

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

10. We are also suggesting that two dates be set aside for the Appointments Panel, Thursday 10 May and Tuesday 15 May 2012 and have recommended accordingly.

11. The Overview and Scrutiny Committee accepted our proposals as set out in the above recommendation at the commencement of this report and we recommend them to Council.