

Report to Constitution and Members Services Standing Scrutiny Panel



Date of meeting: 7 January 2013

Subject: Appointments at Annual Council - Review

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Committee Secretary: Mark Jenkins Ext 4607

Recommendations/Decisions Required:

- (1) That the Panel consider the operation of the Appointments Panel last year and**
- (2) To consider suggested changes to the Constitution in relation to:**
 - (i) The protocol on the allocation of Chairmanships and Vice Chairmanships and Outside Organisation Places;**
 - (ii) The Terms of Reference of the Appointments Panel and its formal inclusion in the 'Responsibility for Functions' Section of the Constitution;**
 - (iii) Consequential amendments to the Council Procedure Rules section 1 to reflect the Report of the Appointments Panel directly to the Annual Council meeting.**
- (3) To consider changes required to Annual Council procedures as thought necessary by the Panel and recommend to Overview and Scrutiny Committee and Council accordingly;**
- (4) To recommend to Council (if appropriate) 9 May 2013 as the date for the Appointments Panel for 2013;**

Introduction:

1. (Senior Democratic Services Officer) Members will recall discussions in February 2012 on the Appointments Panel and also a review of the process of the annual meeting. This resulted in a report to Council which confirmed the operation of the Appointments Panel for that year and continued the suspension of the relevant protocol for a further year.
2. The Panel requested that the operation of the new system be further reviewed after one year. This is the second such review.
3. This report sets out some proposals for finalising 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 we operated the Appointments Panel for the second time. As in the previous 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 2)
- (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. In 2012 the Appointments Panel met on 11 and 15 May and in those two meetings managed to report fully on all matters. This enabled a supplementary agenda to be circulated prior to Council on 22 May meeting the target set by Council of not having tabled schedules of appointment recommendations.

7. Members are asked whether they wish to recommend any changes to the method of operation of the Panel for this year. The Terms of Reference are attached to this report as Appendix 1. It is recommended that these be included into Part 3 of the Constitution, "Responsibility for Functions" and a corresponding entry made into the "Responsibility for Functions" responsibility table in Section 2 to reflect the Council/Appointments Panel relationship.

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

8. Members will recall that the protocol (attached) has been suspended for two years (except for sections 6(a) to (c)) to allow the new system to operate. The Panel have been asked to review this element in the light of operational experience.

9. This Panel could recommend:

- (i) To reinstate the protocol (it will require amendment now); or
- (ii) To continue its suspension; or
- (iii) Recommend the rescinding of the protocol subject to amendments to the Councils procedure rules section 1 (attached) to reflect the relationship the Council has with the Panel. This would have the effect of simplifying Sections 1.1 and 1.2 so that they accord with the Terms of Reference of the Panel.

10. The Panel should consider whether there is no confidence in the Panel's operation among Councillors and political groups. If not, it is suggested that further annual review and treating the Panel as a temporary measure is no longer necessary. As with any other part of the Constitution, there will inevitably be reason to review arrangements as and when necessary.

Date for the Appointments Panel for 2013

11. It is suggested that Tuesday 9 May 2013 should be the recommended date for the Appointments Panel meeting this year. There are no scheduled District Elections for May 2013 which should make the process of agreeing memberships easier.

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