

Report to Overview and Scrutiny Committee

Date of meeting: 29 January 2013

Subject: Appointments at Annual Council - Review

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Recommendations/Decisions Required:

- (1) That the continued successful operation of the Appointments Panel be noted;**
- (2) That a report be made to Council recommending the following changes to the Constitution:**
 - (i) The revocation of the Protocol on the Allocation of Chairmanships and Vice Chairmanships and Outside Organisation Places in favour of measures (ii) and (iii) below;**
 - (ii) The formal inclusion of the Terms of Reference of the Appointments Panel in the 'Responsibility for Functions' Section of the Constitution and table of Responsibility for Council Functions Table in Part 3 of the Constitution as set out in Appendix 1 to this report;**
 - (iii) Consequential amendments to be made to the Council Procedure Rules section 1 to reflect the Report of the Appointments Panel directly to the Annual Council meeting covering those matters set out in its Terms of Reference; and**
 - (iv) To authorise the Assistant to the Chief Executive to make the consequential amendments to the Council Constitution set out above; and**
- (3) To recommend to Council that 9 and 14 May (reserve date) 2013 be approved as the date(s) for the Appointments Panel for 2013 and thereafter the dates be set as part of the annual calendar of meetings with the date of the Panel being set at least seven days before the Annual Council meeting each year.**

Introduction:

1. (Chairman of Panel – Councillor M Sartin) We have been asked to undertake a further review of the Appointments Panel process prior to Annual Council. Members will recall our discussions in February 2012 on the Appointments Panel and also a review of the process of the annual meeting 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 Overview and Scrutiny Committee 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 proposals for moving to the permanent establishment of the Panel, deletion of the previous protocol, entries into the 'Responsibility for Functions' section of the Constitution, and changes to the Council Procedure Rules.

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 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
- (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 2012 meeting the target set by Council of not having tabled schedules of appointment recommendations.

7. We are of the view that the Panel has operated successfully for two years and should be permanently established. 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.

8. The Panel's Terms of Reference are attached to this report. We are recommending that these Terms of Reference 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. This would have the effect of formalising the Council/Appointments Panel relationship for future years.

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

9. 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 reviewed this element in the light of operational experience. The protocol sections are either a reiteration of statute, no longer subject to statute (Standards Committee restrictions for example) or covered by the Terms of Reference of the Appointments Panel.

10. We are therefore recommending the rescinding of the protocol subject to amendments to the Councils Procedure Rules section 1 to reflect the relationship the Council now 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 (attached). If agreed, the Proper Officer will draft appropriate amendments.

Date for the Appointments Panel for 2013

11. It is suggested that 9 and 14 May 2013 should be the recommended dates 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. In future years we are recommending that these dates be set at the same time as the remainder of the Council calendar of meetings with the latest date being seven days prior to the annual meeting giving time for its report to be pre-circulated to the Council members.

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