

COUNCIL	AGENDA ITEM No. 9
22 MAY 2013	PUBLIC REPORT

COMMITTEE STRUCTURES, DELEGATIONS AND ALLOCATIONS

R E C O M M E N D A T I O N S
FROM : Solicitor to the Council
That Council:
<p>(a) Agrees the Council's Committee structure as set out at paragraph 2.1 of the report and notes the programme of meeting schedules which are attached at Appendix A to this report;</p> <p>(b) Confirms the terms of reference of committees and the Council's Scheme of Delegations as currently set out in the constitution subject to any changes tabled at the meeting; and</p> <p>(c) Agrees the allocation of seats to political groups at Appendix B.</p>

1. PURPOSE AND REASON FOR REPORT

- 1.1 In accordance with the constitution, only full Council can agree or amend the rules on how its committees are set up.

2. COMMITTEE STRUCTURE

- 2.1 The committee structure for 2013 / 2014 is shown below:

Table 1 – Committee Structure

Committee	Seats
<u>Ordinary Committees subject to political balance seat allocations:</u>	
Scrutiny Commission for Rural Communities	7
Scrutiny Commission for Health Issues	7
Strong and Supportive Communities Scrutiny Committee	7
Creating Opportunities and Tackling Inequalities Scrutiny Committee	7
Sustainable Growth and Environment Capital Scrutiny Committee	7
Employment Committee	7
Employment Appeals Sub Committee	3
Licensing Committee / Licensing Act 2003 Committee	10
Planning and Environmental Protection Committee	10
Planning Review Committee	10
Appeals Committee (Service Issues)	10
<u>Joint Consultative Panel</u>	<u>7</u>
Total	92
<u>Committee exempt from Section 15 LGHA</u>	
Audit Committee	8
<u>Other bodies to which Section 15 LGHA does not apply</u>	
Health and Wellbeing Board	4
Cambridgeshire Police and Crime Panel	3

3. TERMS OF REFERENCE OF COMMITTEES AND DELEGATIONS

- 3.1 The Council must set terms of reference for its committees and ensure that it has in place a scheme of delegation to committees that makes it clear what functions they are authorised to carry out on behalf of the Council.
- 3.2 The committees may delegate, in turn, to sub-committees or officers. The Council and the Cabinet may also delegate to officers. The Council's complete scheme of delegations is set out in Part 3 of its Constitution.
- 3.3 At the Annual meeting, the Council is required to agree its Scheme of Delegations including those to officers. At the time of publication, there are no changes to the terms of reference or scheme of delegations to be agreed at this meeting. Any changes will be tabled at the meeting.

4. ALLOCATION OF SEATS TO POLITICAL GROUPS

- 4.1 Seats on Council committees and other bodies to which Section 15 of the Local Government and Housing Act 1989 applies should be allocated proportionally according to the proportion of seats held by each political group on the Council as a whole. Some bodies fall outside these requirements. Section 17 of the Local Government and Housing Act 1989 allows a Council to 'exempt' bodies otherwise subject to the political balance requirement if it agrees without any objections to do so. Table 1 in paragraph 2.1 above sets out the classification of committees and other bodies within the Council's proposed committee structure.
- 4.2 The law provides that the political group having a majority of seats on the Council as a whole must have a majority on all committees to which the political balance requirement applies. The number of seats allocated across all the Council's 'ordinary' committees must reflect as near as possible the proportions on the Council overall. The number of seats (subject to the majority group retaining a majority) on each committee to which Section 15 applies must reflect the political balance on the Council overall. This means that only 'ordinary' committees are included in the calculation to determine the number of seats to be allocated to political groups over all those committees. The remaining committees to which Section 15 applies must be allocated seats according to the political balance on the Council as a whole. Seats on committees that are either 'exempt' or to which Section 15 does not apply as a matter of law can be allocated as decided by Council.
- 4.3 The allocation of seats inevitably involves some rounding up and rounding down of seats allocated to each Group because seats are allocated to individuals and cannot be shared. It also involves an element of choice about which committees to allocate seats to the minority groups who are not entitled to seats on every committee. It has been necessary to adjust the number of seats to which Conservative members are entitled, increasing their entitlement to 54 seats to enable them to have the majority on each committee as required by section 15 of the Local Government and Housing Act 1989.
- 4.4 The seats must be allocated across all ordinary committees to give effect to political balance calculations. The current allocation of seats on each committee is attached at **Appendix B**. Any changes that the political groups wish to make will be tabled at the meeting.
- 4.5 At its meeting on 11 July 2012, Council agreed to make the Audit Committee exempt from political balance requirements of section 15 of the Local Government and Housing Act 1989 to allow the Liberal Democrat group a seat on the committee (revised committee of 8 to comprise 4 Conservative, 2 Independents, 1 Labour and 1 Liberal Democrat) as the Audit Committee was given the responsibility for handling complaints made against Members.
- 4.6 Due to the abolishment of the Standards Committee, the Selection Panel for Independent Members of the Standards Committee has been removed from the political balance calculations. The revised calculations results in the corresponding reduction of seats for each group.

- 4.7 The seats on the following committees are not subject to political balance calculations:
- Health and Wellbeing Board (4 members – as determined by the Board's Terms of Reference) – established by the Health and Social Care Act 2012;
 - Cambridgeshire Police and Crime Panel (3 members – as determined by the political makeup across the Cambridgeshire and Peterborough Authority Areas when taken together) – established by the Police Reform and Social Responsibility Act 2011.
- 4.8 The Council is required under the Parent Governor Representative (England) Regulations 2001 to appoint parent governor representatives to any scrutiny committee which considers education issues. Schedule 1 (paragraph 7) of the Local Government Act 2000 similarly requires that the Church of England and Roman Catholic churches may each nominate a co-opted member with voting rights and the Council may appoint other faith representatives without voting rights. (The voting rights of the faith and parent governor representatives only apply when the Scrutiny Committee is considering educational matters; for other issues the co-opted members may participate in the debate but not vote).
- 4.9 The Appeals Panel (Service Issues) and the Employment Appeals (Sub-Committee) are not permanent committees, but they are subject to the political proportionality rules. However, it is intended that they should retain cross party representation as agreed by Council previously. This is to enable the panel selection arrangements to be implemented effectively and means that the seats are allocated as follows: 6 to the Conservative Group and one to each of the other minority groups.
- 4.10 Within the structure, education matters are discussed at the Creating Opportunities and Tackling Inequalities Scrutiny Committee. All of the education co-opted members need to be formal members of this Committee, with voting rights for education matters.
- 4.11 The education co-opted members for the current year will be:
- Miranda Robinson, Peterborough Diocesan Board of Education;
Jane Austen, Roman Catholic Church, Diocese of East Anglia;
Vacancy, Parent Governor Representative;
Vacancy, Parent Governor Representative;
Tricia Pritchard, Diocese of Ely;
Julie O'Connor, Roman Catholic Diocese of East Anglia (sub for Jane Austen).
VACANT - Non-voting Muslim representative

5. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Peterborough City Council's constitution.

This page is intentionally left blank