

ANNUAL COUNCIL	AGENDA ITEM No. 10
20 MAY 2019	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	N/A	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Director	Tel. 452460

APPOINTMENTS TO COMMITTEES AND OTHER AUTHORITIES

R E C O M M E N D A T I O N S	
FROM: <i>Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that Council:</p> <ol style="list-style-type: none"> 1. Agrees that appointments to those committees where the allocation of seats has been determined under Agenda item 9 (Appendix 1 to be tabled). 2. Appoints the Chair and Vice-Chair of each of the Council's committees (Appendix 1 to be tabled). 3. Confirmed the non-elected members of committees, as described at paragraph 2.3 of the report. 4. Makes the following appointments or nominations for the 2019/2020 municipal year: <ol style="list-style-type: none"> (a) Appoint the Leader of the Council to act as the Council's appointee to the Cambridgeshire and Peterborough Combined Authority and one substitute member (Appendix 4 to be tabled). (b) Nominate two members to the Cambridgeshire and Peterborough Combined Authority Overview and Scrutiny Committee, and two substitute members from the same political parties as those nominated (Appendix 4 to be tabled). (c) Nominate one member Cambridgeshire and Peterborough Combined Authority Audit and Governance Committee and one substitute member from the same political party (Appendix 4 to be tabled). (d) Appoint three members to the Police and Crime Panel and three substitute members from the same political parties as those appointed (Appendix 4 to be tabled). (e) Appoint four members to the Fire Authority and four substitute members from the same political parties as those appointed (Appendix 4 to be tabled). 5. Authorises the Monitoring Officer as Proper Officer, in respect of any other appointments to be made, to carry out the wishes of the Leaders of Political Groups in allocating Members to committees or other authorities, and to appoint those Members with effect from the date at which the Proper Officer is advised of the names of such Members. 	

1. PURPOSE AND REASON FOR REPORT

- 1.1 In accordance with the Constitution, Full Council must appoint the members, the Chair, and the Vice-Chair of non-executive committees. Full Council must also make the relevant appointments to the Cambridgeshire and Peterborough Combined Authority, Police and Crime Panel, and Fire Authority for the municipal year 2019/2020.

2. BACKGROUND AND KEY ISSUES

2.1 Committee Appointments

- 2.1.1 The Council must note which councillors should be appointed to each of its committees at its annual meeting.
- 2.1.2 Appointments should be made in accordance with the seats allocated to political groups as described in item 9 of this meeting's agenda.
- 2.1.3 The list of available appointments has been circulated to the political groups and the wishes of each group is to be confirmed at the annual meeting.

2.2 Committee Chairs and Vice-Chairs

- 2.2.1 The Council must decide which Councillors to appoint as the Chair and Vice-Chair of its committees at its annual meeting.

2.3 Non-Elected Committee Membership

- 2.3.1 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. (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).
- 2.3.2 Within the structure, education matters are discussed at the Children and Education Scrutiny Committee. All of the education co-opted members need to be formal members of this Committee, with voting rights for education matters.
- 2.3.3 The education co-opted members for the year will be:
- Peter Cantley, Statutory Education Co-opted Member Representing the Church of England (nominated substitute Peter French)
 - Flavio Vettese, Statutory Education Co-opted Member Representing the Roman Catholic Church (nominated substitute Julie O'Connor)
- 2.3.4 Under their Terms of Reference, as agreed by Council, Scrutiny Committee may co-opt up to four additional non-voting members. There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will provide nominations for these.
- 2.3.5 The Council is required under the Localism Act 2011 to appoint at least one independent person of the Council. The role of the Independent Person is to oversee the process for dealing with allegations that a member has breached the Member's Code of Conduct.
- 2.3.6 The Independent Person for the year will be Gillian Holmes.

- 2.3.7 The Health and Wellbeing Board has appointed to it certain post holders under the Board's terms of reference. In addition the Audit Committee has the ability to appoint Independent Persons. These appointments are either subject to statutory regulation or are delegated under the Council's Constitution to the Committee concerned.

2.4 Cambridgeshire and Peterborough Combined Authority

Board

- 2.4.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority. This is normally the Leader. Each Council made these appointments at its respective Council meeting in May 2018 for the 2018/19 municipal year. The Council is now asked to appoint a member and substitute member for the municipal year 2019/20.

Non-Executive Committees

- 2.4.2 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires the Combined Authority to establish an Overview and Scrutiny Committee and an Audit Committee. The Order sets out the rules for membership. The membership of the Overview and Scrutiny and the Audit Committees as a whole should reflect so far as reasonably practicable the balance of political parties of the constituent councils when taken together. The balance is based on membership of political parties, not political groups, on constituent councils across Cambridgeshire and Peterborough.

Overview and Scrutiny Committee

- 2.4.3 The Combined Authority agreed that to ensure an equitable representation across each constituent authority, two members from each council should be appointed to the Overview and Scrutiny Committee representing a total membership of fourteen members. In May 2018, the Council nominated two members to the Committee for the municipal year 2018/19.
- 2.4.4 The Council is required to nominate two members to the Overview and Scrutiny Committee for the municipal year 2019/20 based on the political balance set out in **Appendix 2** (to be tabled).

Audit and Governance Committee

- 2.4.5 The Combined Authority agreed to establish an Audit and Governance Committee consisting of seven constituent members: one member from each constituent council.
- 2.4.6 The implications of applying political proportionality to a seven member Audit and Governance Committee are detailed in Appendix 2. The Council is required to nominate one member to sit on the Audit and Governance Committee for the municipal year 2019/20 based on the political balance set out in **Appendix 3** (to be tabled).

Substitute Members

- 2.4.7 The Combined Authority has agreed that substitute members should be appointed for each position on the Audit and Governance Committee and the Overview and Scrutiny Committee. Any substitute members should come from the same party as the Member they are substituting for to maintain political balance.
- 2.4.8 For the Overview and Scrutiny Committee, if constituent councils have appointed members from the same political parties, i.e. East Cambs and Fenland, those Councils might only wish to appoint one substitute rather than two. The quorum set down in legislation is two thirds of the total membership. Therefore, it is preferable to appoint two members in case both members are absent from a meeting and need to substitute.

Consequential Changes

- 2.4.9 If there are consequential changes to the overall political balance, the Combined Authority may need to review the membership and the allocation of seats to political parties on the above committees. The Monitoring Officer will advise constituent councils if any subsequent changes have been necessary, and whether any changes need to be made to their nominations.
- 2.4.10 If there is no provision in constituent council's standing orders, the Council may wish to consider giving delegated powers for the Chief Executive to approve any consequential changes to these appointments in consultation with the relevant Party Group leaders.

2.5 Cambridge Police and Crime Panel

- 2.5.1 The Council is required to appoint 3 members – as determined by the political make-up across the Cambridgeshire and Peterborough Authority Areas when taken together – established by the Police Reform and Social Responsibility Act 2011. There are 13 seats on the Cambridgeshire Police and Crime Panel.

2.6 Cambridgeshire and Peterborough Fire Authority

- 2.6.1 There are 17 seats on the Cambridgeshire and Peterborough Fire Authority, 4 of which are allocated to Peterborough City Council representatives and 13 of which are allocated to Cambridgeshire County Council representatives. The seats are allocated on a proportionate basis.
- 2.6.2 The new Policing and Crime Act 2017 places a duty on police, fire and rescue and ambulance services to collaborate, and enables Police and Crime Commissioners (“Commissioner”) to take on responsibility for the governance of fire and rescue services. Commissioners will be enabled to seek responsibility for their local Fire Authority where a local case is made to the Secretary of State. The Home Office have agreed for the Cambridgeshire Police and Crime Commissioner to take on responsibility for the Cambridgeshire Fire and Rescue Service, which is due to be judicially reviewed at the beginning of June 2019. The outcome of this may impact on the duties and terms of office of Police and Crime Panel members and Fire Authority members during 2019/20, should any changes be implemented.

3. CONSULTATION

- 3.1 Consultation has been undertaken with all Group Leaders to ensure that the appointments and nominations proposed reflect their Groups wishes.

4. IMPLICATIONS

Financial Implications

- 4.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, no remuneration is to be payable by the Combined Authority to its members.

Legal Implications

- 4.2 The legal implications are set out in the report. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires a combined authority to ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together.

Equalities Implications

- 4.3 There are no equalities implications arising from this report.

5. BACKGROUND DOCUMENTS

- 5.1 [Policing and Crime Act 2017](#)
- 5.2 Peterborough City Council Constitution
- 6. **APPENDICES**
- 6.1 **Appendix 1** – Committee Membership, Chairs and Vice-Chairs (to be tabled)
- 6.2 **Appendix 2** – Cambridgeshire and Peterborough Combined Authority Overview and Scrutiny Committee political balance calculations (to be tabled)
- 6.3 **Appendix 3** – Cambridgeshire and Peterborough Combined Authority Audit and Governance Committee political balance calculations (to be tabled)
- 6.4 **Appendix 4** – Appointments and Nominations to Other Authorities (to be tabled)

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