

COUNCIL	AGENDA ITEM 9
16 MAY 2011	PUBLIC REPORT

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ANNUAL APPOINTMENTS AND SCHEME OF DELEGATIONS

R E C O M M E N D A T I O N S
FROM : Solicitor to the Council
<p>That Council considers and agrees the following recommendations :</p> <p><u>A: Election of Leader, Appointment of Executive and Leader's Scheme of Delegation:</u></p> <ol style="list-style-type: none"> 1. Elects the Leader of the Council; 2. Notes the appointment of the Cabinet and the Leader's Scheme of Delegation to Cabinet Members; <p><u>B: Committee Structures, Delegations and Allocations:</u></p> <ol style="list-style-type: none"> 3. Agrees the Council's Committee structure as set out at paragraph 3.1 of the report; 4. Agrees the terms of reference of committees and the Council's Scheme of Delegations as set out in the order paper; 5. Agrees the allocation of seats to political groups as tabled at the meeting; <p><u>C: Appointments and Consequential Changes to Constitution</u></p> <ol style="list-style-type: none"> 6. Appoints the Chairmen and Vice Chairmen of the Council's Committees and Committee Memberships for 2011 / 2012 and makes further appointments as identified in the report in accordance with the nominations to be tabled at the meeting; and 7. Delegates the consequential updating of the Constitution to the Monitoring Officer.

1. ELECTION OF LEADER

1.1 At the Annual meeting, the Leader must be elected by the Council.

1.2 RECOMMENDATION 1: That the Council elects a Leader.

1.3 At its meeting in October 2010 Council adopted the "new style Leader and Cabinet model", one of only 2 options available under the Local Government and public Involvement in Health Act 2007. This takes effect from May 2011. Therefore, in May 2011 and every 4th year thereafter, at its Annual Meeting, Council will:

- (a) Elect the Leader of the Council
- (b) Be notified by the Leader of the Council of the number of members he / she is appointing to the Cabinet, their names and portfolios.

2. DELEGATION TO CABINET MEMBERS

- 2.1 The Council is required to appoint an Executive in accordance with the Local Government Act 2000. The Executive must consist of the Leader of the Council and up to nine other Cabinet members. Peterborough City Council uses the term Cabinet to describe its Executive.
- 2.2 The Act allows either the Council or the Leader to appoint Cabinet Members. The Council has agreed that the Leader may appoint his/her Cabinet and the Constitution provides that all executive functions are delegated to the Leader who may then further delegate them to the Cabinet.
- 2.3 The Leader, once elected, will confirm the appointment of the Cabinet and will confirm delegations to those Cabinet Members. These will be tabled at the meeting.
- 2.4 RECOMMENDATION 2: That the Council notes the appointment of the Cabinet and the delegations to Cabinet members.

3. COMMITTEE STRUCTURE

- 3.1 The existing Committee structure 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 Scrutiny Committee	7
Environment Capital Scrutiny Committee	7
Audit Committee	7
Employment Committee	7
Licensing Committee / Licensing Act 2003 Committee	10
<u>Planning and Environmental Protection Committee</u>	<u>10</u>
Total	76
Appeals Committee (Service Issues) #	3
Joint Consultative Panel #	7
<u>Other bodies to which Section 15 LGHA applies</u>	
Selection Panel (Independent Members Standards Committee)#	8
Employment Appeals Sub Committee*	3
Planning Review Committee	10
<u>Committees to which Section 15 does not apply</u>	
Standards Committee (In addition, there are 5 independent members and 2 parish representatives).	5
Neighbourhood Committees x 7 (All ward members covered by the area of a Neighbourhood Committee are automatically appointed to serve on that Committee, in accordance with the	57

constitution, with Chairmen appointed to all Committees in the North & West, Central & East and South areas).	
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<i># Note. In accordance with decisions already taken by Council, it is proposed that the seats on these committees are not subject to political balance arrangements.</i>	
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- 3.2 RECOMMENDATION 3: That the Council agrees its committee structure as shown in paragraph 3.1.

4. TERMS OF REFERENCE OF COMMITTEES AND DELEGATIONS

- 4.1 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.
- 4.2 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.
- 4.3 At the Annual meeting, the Council is required to agree its Scheme of Delegations including those to officers. These will be tabled at the meeting.
- 4.4 RECOMMENDATION 4: That the Council agrees the terms of reference of committees and scheme of delegations.

5. ALLOCATION OF SEATS TO POLITICAL GROUPS

- 5.1 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. The table 1 in paragraph 3.1 above sets out the classification of committees and other bodies within the Council's proposed committee structure.
- 5.2 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.
- 5.3 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.
- 5.4 The seats must be allocated across all ordinary committees to give effect to political balance calculations. The proposed allocation of seats on each committee will be presented to Council in the order paper.

5.5 In accordance with decisions already taken by Council it is proposed that the seats on the following committees continue to be exempt from political balance rules and that seats are allocated as shown.

- Standards Committee (5 members – 2 from the majority group plus 1 from each remaining group plus 5 independents and 2 Parish representatives appointed by Council from time to time).
- Neighbourhood Committees - S16 of the Local Government (Committees and Political Groups) Regulations 1990 provides that the composition of a Neighbourhood Committee need not reflect the political balance of the Council as a whole if all of the voting members on it represent the wards within its area and the area does not exceed 2/5th of the total for the Council, by reference to population or area.

5.6 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).

5.7 An additional 4 members of the majority group may be appointed to the relevant committee in order to ensure that the group can retain its majority after including the 4 Education co-optees into the membership. However, as these co-optees may only vote on education matters, it is recommended that, as in previous years, Council agrees to the allocation of the additional places, but that they only be used should the need arise in order to retain the political balance.

5.8 Council has established a Selection Panel for the Appointment of Independent Members of the Standards Committee. This is an advisory panel and is covered by the political balance arrangements and therefore, should the political balance change following the local elections, the Order Paper will include the revised allocation. However it is intended that this should retain cross party representation as in previous years. The members are appointed as and when required on nomination from the political groups.

	Conservative Group	PIF Group	Lib Dem Group	Labour Group	English Dem Group
8 seats:	4	1	1	1	1

5.9 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: 2 to the Conservative Group and 1 to one of the other minority groups.

5.10. 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.

The education co-opted members for the current year will be:

- Dr Frank Smith, Peterborough Diocesan Board of Education;
- Jane Austen, Roman Catholic Church, Diocese of East Anglia;
- Alastair Kingsley, Parent Governor Representative;
- Brian Opie, Parent Governor Representative;
- The Revd Canon Tim Elbourne, Director of Education & Training (Diocese of Ely Diocesan Office) (sub for Dr. Frank Smith);
- Julie O'Connor, Roman Catholic Diocese of East Anglia (sub for Jane Austen).

- 5.11 The allocation of seats according to the political balance rules will be tabled at the meeting once the new political composition of the Council is known following the local government elections.
- 5.12 RECOMMENDATION 5: That the Council agrees the allocation of seats on its committees to political groups as tabled at the meeting.

6. APPOINTMENT OF CHAIRMEN AND COMMITTEES

- 6.1 The Council must decide which Councillors to appoint as Chairmen and Vice Chairmen of its Committees at its annual meeting.
- 6.2 The Council must also decide which Councillors should be appointed to which of its Committees at its annual meeting.
- 6.3 Nominations for Chairmen, Vice-Chairmen and committee members will be tabled at the meeting.
- 6.4 Police Authority and Fire Authority
- 6.5 At the Annual meeting, the Council also deals with its representation on the Police and Fire Authorities.
- 6.6 Fire Authority:

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; previously 3 Conservative Group representatives and one Independent Forum Group representative from Peterborough. In the event of the proportionality changing following the Peterborough City Council elections, a revised allocation will be included in the Order Paper with subsequent nominations.

- 6.7 Joint Committee to Appoint Council Representatives to the Police Authority:

Peterborough City Council appoints indirectly to the Cambridgeshire Police Authority through a joint appointments committee with Cambridgeshire County Council. Two of the five seats on the committee are allocated to Peterborough City Council; previously two Conservative Group representatives were appointed.

- 6.8 RECOMMENDATION 6: That the Council appoints those members nominated as Chairman and Vice Chairman of each Committee and the membership of committees as tabled at the meeting and its representatives to serve on the Fire Authority and the Joint Selection Panel for the Police Authority.

7. CONSTITUTION

- 7.1 In accordance with normal practice it is intended that any consequential amendments arising from the matters dealt with in this report are made to the Council's Constitution.
- 7.2 RECOMMENDATION 7: That the Council delegate the consequential amendment of the Constitution to the Monitoring Officer.

8. CONSULTATION

- 8.1 The proposals in this report are the same as have been submitted and approved by Council in previous years other than the nominations for 2011 / 2012 which have been made by the respective political groups.

9. REASONS FOR RECOMMENDATIONS

- 9.1 The recommendations are made so that the Council considers and makes the necessary decisions to ensure that its business can be conducted effectively and efficiently according to the legal and constitutional requirements for the municipal year 2011 / 2012.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 There are no alternatives to appointing a Leader and applying the political balance rules in the way that is indicated in this report. There are alternatives to the appointment of the committees as proposed. The Council could determine all decisions and carry out all functions of the Council. It is advised that this would be unworkable, ineffective and inefficient. Alternatively, the Council could determine a different committee structure but this is not proposed at this time.

11. IMPLICATIONS

11.1 Legal

The proposals in this report comply with all legal requirements.

11.2 Financial

There are no new financial implications.

12. BACKGROUND DOCUMENTS

- 12.1 None.