

COUNCIL	AGENDA ITEM 10
18 MAY 2009	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
That Council considers and agrees the following recommendations :
<u>Election of Leader:</u>
10.1 Elect the Leader of the Council;
<u>Delegations and Allocation of Seats to Political Groups:</u>
10.2 Note the Leader's Scheme of Delegations to Cabinet Members (to be tabled at the meeting);
10.3 Agree new arrangements for Scrutiny Committee as set out in paragraph 3 of this report and delegate related consequential updating of the Constitution to the Solicitor to the Council;
10.4 Agrees its Committee structure as set out at paragraph 4.3 of this report;
10.5 Approve the Terms of Reference of the Scrutiny Management Board and Scrutiny Panels as set out in Appendix 1;
10.6 Agree the allocation of seats to political groups as set out at paragraph 6 of this report;
<u>Appointment of Chairmen, Vice Chairmen and Committee Memberships:</u>
10.7 Appoint Chairmen and Vice Chairmen of Committees and Committee Memberships for 2009 / 2010 (to be tabled at the meeting) and co-opted members as set out in the report.

1. ELECTION OF LEADER

The Leader must be elected by the Council. The Council is required to appoint an Executive in accordance with the Local Government Act 2000 (LGA 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.

The LGA 2000 allows either the Council or the Leader to appoint Cabinet Members. The Council has agreed that the Leader may appoint his/her Cabinet, and its Constitution provides that all executive functions are delegated to the Leader who may then further delegate to the Cabinet.

2. DELEGATION TO CABINET MEMBERS

The Leader, once elected, will confirm the appointment of the Cabinet and will confirm delegations to those Cabinet Members. Council is recommended to note those delegations.

3. NEW ARRANGEMENTS FOR SCRUTINY COMMITTEE

- 3.1 The Council has adopted the Sustainable Community Strategy (SCS) which sets out the overall vision and priorities for the future of Peterborough and has been developed with all of the partners of the Greater Peterborough Partnership (GPP).
- 3.2 Scrutiny will play a key role by scrutinising the delivery of the Strategy and challenging performance and decision making of all partners and the scrutiny structure needs to reflect this. The Scrutiny Committees need to be aligned to ensure all of the priorities are scrutinised effectively.
- 3.3 The remits of the proposed committees are similar to the existing ones, however there will be a greater emphasis on scrutiny of the priorities and delivery of the SCS. A number of new powers and responsibilities for scrutiny will also be introduced over the next year and the scrutiny function needs to be in a position to respond to those changes.
- 3.4 It is recommended that the Council agree the following Scrutiny Committees:
 - Scrutiny Management Board
 - Business Efficiency and Value for Money Scrutiny Panel
 - Children, Education and Skills Scrutiny Panel
 - Environment Capital Scrutiny Panel
 - Health and Adult Social Care Scrutiny Panel
 - Stronger Communities and Sustainable Growth Scrutiny Panel

The proposed terms of reference for the above are referred to at paragraph 5.3 later in this report.

4. COMMITTEE STRUCTURE

- 4.1 The Council is permitted by statute and its Constitution to appoint committees to carry out functions of the Council on its behalf and this must be done annually.
- 4.2 The Council must by law appoint at least one Scrutiny Committee including a Health Scrutiny Committee, a Standards Committee and a Committee to fulfil its functions under the Licensing Act 2003.
- 4.3 It is recommended that the Council appoint the following committees comprising the number of Councillors to carry out functions as detailed elsewhere in this report as follows:

Table 1 – Committee Structure

Committee	No of Councillors
<u>Ordinary Committees</u>	
Scrutiny Management Board	10
Business Efficiency and Value for Money Scrutiny Panel	7
Children, Education and Skills Scrutiny Panel	7
Stronger Communities and Sustainable Growth Scrutiny Panel	7
Environment Capital Scrutiny Panel	7
Health and Adult Social Care Scrutiny Panel	7
Audit Committee	7
Employment Committee	7
Licensing Committee	10
Planning and Environmental Protection Committee	10
Appeals Committee (Service Issues)*	3
<u>Other bodies to which S.15 LGHA applies</u>	
Selection Panel (Independent Members Standards Committee)*	9
Employment Appeals Sub Committee*	3
<u>Committees to which S.15 does not apply</u>	
Standards Committee	5 + 5 independent members and 2 parish reps
Licensing Act 2003 Committee	10
* NB. In accordance with decisions already taken by Council, it is proposed that the seats on these committees are not subject to political balance arrangements.	

5. TERMS OF REFERENCE OF COMMITTEES AND DELEGATIONS

- 5.1 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.
- 5.2 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.
- 5.3 The Council's scheme of delegation to committees remains unchanged with the exception of the Terms of Reference for the Scrutiny Management Board and the Scrutiny Panels as detailed in Appendix 1 to this report. A minor modification proposing an additional delegation to officers has been recommended to the Terms of Reference of the Planning and Environmental Protection Committee, details of which are outlined in the Constitutional Changes report (agenda item 11).
- 5.4 These terms of reference and delegations will be included within the Scheme of Delegations at Part 3 of the Council's Constitution.

6. ALLOCATION OF SEATS TO POLITICAL GROUPS

- 6.1 Seats on Council committees and other bodies to which S.15 of the Local Government and Housing Act 1989 apply 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. S.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 5 above sets out the classification of committees and other bodies within the Council's proposed committee structure.
- 6.2 Put simply, the law provides that the party 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 S.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 S.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 S.15 does not apply as a matter of law can be allocated as decided by Council.
- 6.3 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 on which committees to allocate seats to the minority groups who are not entitled to seats on every committee. The Council must determine where seats should be allocated to give effect to these requirements.
- 6.4 Applying the political balance rules to calculate the number of seats on ordinary committees to be allocated on ordinary committees produces the following calculation. The political balance calculation applies to the total number of seats on ordinary committees, namely 79. Applying the political balance rules to the total number of seats produces the following calculation:

PARTY	Cons.	P. I. F.	Lib Dem	Labour	TOTAL	
No. elected:	43	9	3	2	57	
Proportionality %	75.44	15.79	5.26	3.51	100.00	
No. of Seats	79	60	12	4	3	79

The seats must be allocated across all ordinary committees to give effect to that calculation. The proposed allocation of seats on each committee will be presented to Council in the order paper.

- 6.5 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.
- Licensing Act 2003 Committee (7 from the majority group plus 1 from each remaining group)
 - 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).
- 6.6 The Council is required under the Parent Governor Representative (England) Regulations 2001 to appoint parent governor representatives to any scrutiny committee / panel which considers education issues. Schedule 1 (para 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 / panel is considering educational matters; for other issues the co-opted members may participate in the debate but not vote).

6.7 An additional 4 members of the majority group are required to be appointed to these 2 committees to comply with statutory guidance that the political group with the majority should appoint other members as necessary in order to retain its majority after counting the 4 Education co-optees into the membership. However, as these co-optees may only vote on education matters, it is recommended that, as previously, 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.

6.8 Police Authority and Fire Authority

Appointments to the Police and Fire Authorities remain unchanged pending the outcome of the elections for Cambridgeshire County Council which are being held in June 2009, following which the seat allocations for the respective political parties will be recalculated.

6.9 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. 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.

	Con Grp (43)	P. I. F. (9)	Lib Dm (3)	Lab Grp (2)
9 seats:	6	1	1	1

6.10 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.

7. APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN AND TO COMMITTEES

7.1 The Council must decide which Councillors to appoint as Chairmen and Vice Chairmen of its Committees at its annual meeting.

7.2 It is recommended that the Council appoints those members nominated as Chairman and Vice Chairman of each Committee as shown in the order paper.

7.3 The Council must decide which Councillors should be appointed to which of its Committees at its annual meeting. Nominations from each of the political groups will be set out in the order paper.

7.4 Within the current structure there is the potential for education matters to be discussed at the Scrutiny Management Board and the Children, Education and Skills Scrutiny Panel, so all of the co-opted members need to be formal members of these Committees, with voting rights for education matters.

The education co-opted members are currently:

Voting members:

Dr Frank Smith, Peterborough Diocesan Board of Education;

Julie O'Connor, Director of Diocesan Schools Service (Roman Catholic Church, Diocese of East Anglia);

Margaret Anne Kirkbride (Parent Governor Representative);

The Revd Canon Tim Elbourne, Director of Education & Training (Diocese of Ely Diocesan Office);

Parent Governor Representative - Vacant;

Non-voting member: Vacancy (other faith representative).

It is RECOMMENDED that Council appoints these education co-opted members to the Scrutiny Management Board and the Children, Education and Skills Scrutiny Panel.

8. CONSULTATION

The proposals in this report are the same as have been submitted and approved by Council in previous years other than the nominations for 2009 / 2010 which have been made by the respective political groups.

9. REASONS FOR RECOMMENDATIONS

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 2009 / 2010.

10. ALTERNATIVE OPTIONS CONSIDERED

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

None