

report



meeting	COUNTY COUNCIL		
date	19 th May 2011	agenda item number	7

REPORT OF THE CHIEF EXECUTIVE

APPOINTMENT OF COMMITTEES

PURPOSE OF REPORT

1. To consider the reappointment of the Council Committees.

BACKGROUND

2. Under the Council's Constitution, the Annual Meeting of the Council has to establish such Committees as the Council sees fit.

MATTERS FOR CONSIDERATION

The Cabinet

3. Cabinet carries out all of the County Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. The appointment of individual Members to the Cabinet together with the allocation of portfolio responsibilities is a matter for the Leader.
4. Article 7.2 prescribes the composition of Cabinet, which is the Leader, plus at least 2, but not more than 9 other Councillors, each with a portfolio of responsibilities. The Constitution further provides for the appointment of Deputy Cabinet Members without portfolio and without voting rights. The Members of Cabinet may all be drawn from the same political Group on the Council.
5. The Leader and the 9 other Cabinet Members are members of Cabinet and have a vote. Deputy Cabinet Members are members of Cabinet but without a vote. Any other Councillors are able to attend Cabinet meetings and only one member from each group is entitled to speak on each agenda item. Any other Members wishing to speak can only do so in exceptional circumstances with the permission of the Chair.

6. Under the Constitution the Council currently has the following Committees:-
 - Planning & Licensing
 - Rights of Way
 - Appeals
 - Pensions
 - Audit
 - Personnel
 - Standards
 - Health and Wellbeing Board
 - Corporate Parenting Panel
 - Local Joint Resolutions Committee
7. The Council needs to decide whether to reappoint these Committees, either with their current or changed terms of reference. Council also has to fix the size of the Committees and then allocate places to the political Groups.
8. Currently there is a Senior Staffing Sub-Committee which is a Sub-Committee of the Personnel Committee. This Sub-Committee deals with the appointment, dismissal and taking disciplinary action against senior officers listed in the Constitution. It is proposed that in future it be mandatory for Sub-Committee members to have received appropriate training.
9. Appeals Committee already considers appeals by private, voluntary and independent sector providers of funded early years education provision against decisions by officers to remove them from the County Council's directory of providers. It is proposed to extend this to include appeals against decisions not to include providers in the directory, and to amend the Constitution accordingly.
10. In determining the membership of Committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989. These Regulations require that seats on Committees and Sub-Committees are allocated to the political Groups in a way which reflects the overall balance on the Council.

Overview and Scrutiny Committees

11. Section 21 of the Local Government Act 2000 requires that a Local Authority with Executive arrangements establish overview and scrutiny committees. There is no legal requirement for a particular number. However, there is a requirement to identify how the Council's functions under the Health and Social Care Act 2001 will be discharged. Currently the Council has established an Overview Committee and three Standing Committees: Communities and the Environment, Health

and Wellbeing, and Education. Council on 31st March 2011 agreed to the establishment of a Health and Wellbeing Board. To avoid confusion it is proposed to rename the Health and Wellbeing Standing Committee to Social Care and Health Standing Committee

12. Any Committee which scrutinises matters related to the education service must by law also include the following non-Councillor Members, who are Statutory Co-optees:-
 - 1 representative of the Church of England
 - 1 representative of the Roman Catholic Church
 - 2 elected Parent Governors
13. Currently there is a Joint Health Scrutiny Committee with Nottingham City Council which has responsibility for scrutinising health matters which impact on the Greater Nottingham area. The appointments of a Chair and Vice-Chair of this Joint Committee, together with the roles of Clerk and other Officer support, are undertaken in accordance with an agreement between the County and City Councils. Under this agreement in 2011/12 the Chair will be nominated by the City Council and the Vice-Chair by the County Council.
14. There is also currently a Joint LAA Scrutiny Committee with District and Borough Councils in Nottinghamshire, although it has not met for some time. As the Local Area Agreement has been discontinued by the Coalition Government it is proposed to disestablish this Joint Committee.

Joint Committees

15. There are also currently three other Joint Committees between the County and Nottingham City Councils as follows:-
 - Joint Committee for Appointments to the Nottinghamshire Police Authority*
 - Joint Committee on Strategic Planning and Transport
 - Greater Nottingham Light Rapid Transit Advisory Committee
16. The Joint Committee on Appointments to the Police Authority is a requirement but Council should consider whether to continue with these other Joint Committees. It should be noted that based on the Police Reform and Social Responsibility Bill currently before Parliament, Police Authorities will be replaced by Elected Police Commissioners in 2012. In addition it is proposed in the Bill that there will be a Police and Crime Panel.

Mental Health Guardianship Panel

17. A pool of 16 Members (8 Conservative, 4 Labour, 2 Liberal Democrat and 2 Independent) has been established from which a Mental Health Guardianship Panel can be formed to make decisions on renewal and

discharge of guardianship under the Mental Health Act 1983. It is proposed to continue with these arrangements.

Combined Fire Authority

18. The County Council is required to appoint 12 members to the Combined Fire Authority. Appointments must be made in accordance with political proportionality.

RECOMMENDATIONS

Following discussions with the Leader and the other Groups the recommendations are as follows:-

19. That only the Leader, Deputy Leader and Cabinet Members be members of Cabinet and have a vote, with Deputy Cabinet Members being non-voting members. Any other Members will be able to attend, and only one member from each of the opposition groups will be entitled to speak on each agenda item. Any other Member wishing to speak can only do so in exceptional circumstances with the permission of the Chair.
20. (a) that the Council re-establish the following Committees and Sub-Committees of Council with their existing terms of reference and with the membership shown but that the terms of reference of the Appeal Committee be amended to include hearing appeals by private, voluntary and independent sector providers of funded early years education provision against any decision by officers of the County Council to remove them from the Nottinghamshire directory of providers, or to refuse to include them in the directory:-

	Total	Conservative Group	Labour Group	Liberal Democrat Group	Independent Group	Other
STANDARDS	11	4	1	1	1	4 Non Elected Independent Members
APPEALS	11	6	2	2	1	-
PLANNING & LICENSING	11	6	2	2	1	-
ADMINISTRATION	9	5	2	1	1	-
AUDIT	11	6	2	2	1	-
PENSIONS	9	5	2	1	1	-

	Total	Conservative Group	Labour Group	Liberal Democrat Group	Independent Group	Other
SENIOR STAFFING SUB-COMMITTEE	9 or 5	5 or 3	2 or 1	1 or 1	1 or 0	-
RIGHTS OF WAY	11	6	2	2	1	-
PERSONNEL	11	6	2	2	1	
HEALTH AND WELLBEING BOARD	18	3	1	1	-	* see recommendation 20d below
LOCAL JOINT RESOLUTIONS COMMITTEE	6	3	1	1	1	-

- (b) That the membership of the Administration Committee comprise Leader and Deputy Leader of the Council, Business Manager and the Deputy Business Manager of the Majority Group, the Cabinet Member for Finance and Property, Leaders of all three Opposition Groups and the Deputy Leader of the main Opposition Group
- (c) That the Senior Staffing Sub-Committee when considering issues relating to the Chief Executive and Corporate Directors will have a membership of 9 Members (5 Conservative Group, 2 Labour Group, 1 Liberal Democrat Group, 1 Independent Group; and when the Sub-Committee considers issues relating to other officers the membership will be 5 Members (3 Conservative Group, 1 Labour Group, 1 Liberal Democrat Group) and that no Member must sit on the Sub-Committee unless they have received appropriate training.
- (d) That in addition to the Councillor membership of the Health and Wellbeing Board, the following also be members of the Board;
- one representative from 2 District Councils;
 - the Director of Adult Services;
 - the Director of Children Services;
 - the Director of Public Health;
 - one representative of Local HealthWatch;
 - one representative from each of the 6 GP Consortia;
 - one representative from the NHS Commissioning Board,
- (e) That the Council make the following appointments of Chair and Vice-Chair until the Annual Meeting of the Council in May 2012, it being noted that the appointment of a Chair and Vice-Chair of the Senior Staffing Sub-Committee shall be a matter for that Committee:-

	Chair	Vice-Chair
Administration	Leader	Leader of the Main Opposition Group
Appeals	Cllr David Taylor	Cllr Sheila Place
Audit	Cllr Sheila Place	Cllr Mike Quigley
Health and Wellbeing Board	Cllr Martin Suthers	To be appointed annually by the Board
Personnel	Cllr Andy Stewart	Cllr Steve Carr
Pensions	Cllr Mike Cox	Cllr S Smedley
Planning & Licensing	Cllr Chris Barnfather	Cllr Sybil Fielding
Rights of Way	Cllr Bruce Laughton	Cllr Stephen Garner
Standards Committee	Charles Daybell	Cllr Les Ward
Local Joint Resolutions Committee	Leader	

21. (a) That the Council re-establish the following overview and scrutiny committees with their existing terms of reference and with the membership shown; but that the Health & Wellbeing Standing Committee be renamed the Social Care & Health Standing Committee:-

Committee	Conservatives	Labour	Liberal Democrat	Independent	Other
Communities and the Environment Standing Committee	9	4	2	2	
Social Care and Health Standing Committee	9	4	2	2	
Education Standing Committee	9	4	2	2	Statutory Co-optees 1 rep of Church of England 1 rep of the RC Church 2 elected Parent Governors
Overview Committee	5	2	1	1	

- (b) that the Chairs and Vice-Chairs be appointed as indicated until the Annual Meeting in May 2012:-

	Chair	Vice-Chair
Communities and the Environment Standing Committee	Cllr Sue Saddington	Cllr Geoff Merry
Social Care and Health Standing Committee	Cllr Ged Clarke	Cllr Fiona Asbury
Education Standing Committee	Cllr Liz Yates	Cllr John Allin
Overview Committee	Cllr Joyce Bosnjak	Cllr Brian Wombwell Cllr Martin Wright

(c) That the following Statutory Co-optees be appointed to attend and participate in meetings of the Education Standing Select Committee and other meetings as required by law:-

- 1 representative of the Church of England
- 1 representative of the Roman Catholic Church
- 2 elected Parent Governors

22. (a) that, subject to similar resolutions being taken by the relevant other authorities, Joint Committees be established as follows:-

JOINT COMMITTEE	NOTTINGHAMSHIRE COUNTY COUNCIL				
	TOTAL NO OF COUNCILLORS	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT
Jt City/County Health Scrutiny	8	4	2	1	1
Jt Cttee for Appointments to the Nottinghamshire Police Authority	3	2	1	0	0
Joint Cttee on Strategic Planning and Transport	4	2	1	1	0
Greater Nottingham Light-Rapid Transit Advisory Committee	5	3	1	1	

and that Councillor Mel Shepherd MBE be appointed Vice-Chair of the Joint City/County Health Scrutiny Committee for the ensuing year.

(b) That the Joint LAA Scrutiny Committee with District and Borough Councils in Nottinghamshire be discontinued.

23. That the Corporate Parenting Panel be re-established with 9 members (5 Conservative Group, 2 Labour Group, 1 Liberal Democrat Group, and 1 Independent Group).

24. That the pool of 16 members (8 Conservative Group, 4 Labour Group, 2 Liberal Democrat Group and 2 Independent Group) be re-established from which a Mental Health Guardianship Panel can be formed, to make decisions on renewal and discharge of guardianship under the Mental Health Act 1983.
25. That the 12 places on the Combined Fire Authority be allocated between the groups as follows;-
- Conservative Group 6
 - Labour Group 3
 - Independents Group 2
 - Liberal Democrats Group 1
26. (a) That the appointment of members of the political groups to committees, sub-committees and joint committees be undertaken by the Team Manager, Governance and Scrutiny on behalf of the Chief Executive (the Proper Officer) acting in accordance with the provisions of the Local Government and Housing Act 1989, the Local Government Act 2000 the relevant Statutory Regulations and the Council's Standing Orders.
- (b) That the Team Manager, Governance and Scrutiny be authorised to act on behalf of the Chief Executive to appoint people as statutory or non-statutory co-optees to membership of committees or joint committees when required .

MICK BURROWS
Chief Executive

Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of the Council's Constitution and the Local Government Acts. Decisions as to the matters in the report must be taken in accordance with powers contained in the Constitution and the various Local Government Acts referred to. In these circumstances, appropriate references have been included throughout the report.

Legal Services Comments (JMF 3/5/11)

It is within the functions reserved to the County Council to decide the issues set out in this report

Electoral Division(s) affected

Nottinghamshire

Background Papers Available For Public Inspection

None