



meeting COUNTY COUNCIL

date 18th June 2009

agenda item number

REPORT OF THE CHIEF EXECUTIVE

GOVERNANCE ARRANGEMENTS

1. PURPOSE OF REPORT

- 1.1 To consider the future governance arrangements for the Council.

2. BACKGROUND

- 2.1 Under the Council's Constitution the Leader of the Council is appointed at the first AGM following the election for a 4 year period
- 2.2 The Annual meeting of the Council also establishes such Committees as the Council sees fit.

3. MATTERS FOR CONSIDERATION

3.1 Leader of the County Council

- 3.1.1 Article 7.3 provides for the Council to elect a Councillor as Leader of the Council. The Leader's term of office once elected at the Annual Meeting following the election will run for 4 years subject to limited exceptions including their removal by resolution. The Leader presides at meetings of the Cabinet and has roles and responsibilities under the Constitution.

3.2 The Cabinet

- 3.2.1 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.
- 3.2.2 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.

3.2.3 It has been the Council's practice previously for additional Councillors to attend Cabinet meetings and this is provided for in the Executive Procedure Rules in the Constitution (paragraph 4.9). These Councillors are not Members of Cabinet, but are 'also in attendance', with the ability to participate in the discussions which take place but not to vote. Council is asked to determine whether to continue this practice.

3.3 Committees

3.3.1 The Council is required to establish a Standards Committee, which is responsible for matters relating to conduct, whistleblowing, complaints and maladministration (see Article 9). The Constitution prescribes that the Standards Committee will comprise 6 Councillors (who may not include the Leader nor more than one Cabinet Member) and four independent persons (the Independent Members) who are not Councillors or Officers of the County Council.

3.3.2 Council at its last meeting appointed the following independent people to the Standards Committee for a period of office expiring May 2013:-

Charles Daybell (Chair)
Ian McLaren QC
Robert Lilley
Christine Southwell

3.3.3 Under the Constitution the Council currently has the following other Committees:-

- Planning & Licensing
- Appeals
- Pensions
- Audit
- Personnel

3.3.4 The Council needs to decide whether to reappoint those 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.

3.3.5 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.

3.3.6 Formal notification of political groups is awaited and once confirmed details of political balance will be determined.

3.4 Overview and Scrutiny Committees

3.4.1 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 and Scrutiny Committee supported by Topic Select Committees each with a politically balanced core membership.

3.4.2 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

3.4.3 Currently there is a Joint Health Scrutiny Committee with the 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 2009/10 the Chair will be nominated by the City Council and the Vice-Chair by the County.

3.4.4 There is also a Joint LAA Scrutiny Committee with District and Borough Councils in Nottinghamshire. Following agreement with the District and Borough Councils, the Joint Committee consists of 14 Members – 7 from County Council and 1 each from the District/Borough Councils in Nottinghamshire. It makes recommendation to the Nottinghamshire Partnership Board and/or relevant partners as appropriate. This complements the existing and established scrutiny arrangements at individual council levels.

3.4.5 The East Midlands Regional Health Scrutiny Committee acts as the statutory consultee for NHS public consultation on substantial variations/developments across the geographical area covered by the local authorities of Derby, Derbyshire, Leicester, Leicestershire, Lincolnshire, Northamptonshire, Nottingham, Nottinghamshire and Rutland.

3.5 Joint Committees

3.5.1 There are also currently 3 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

The Joint Committee on Appointments to the Police Authority is a requirement but Council should consider whether to continue with these other Joint Committees.

4. Combined Fire Authority

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

5 Decisions Required

- 5.1 The election of a Leader for a 4 year period of office.
- 5.2 Whether to continue the practice of inviting additional members to attend Cabinet meetings, with the ability to participate in discussions but not to vote.
- 5.3 To agree the size of the Standards Committee.
- 5.4 To determine the Council's arrangements for Overview and Scrutiny and make appointments as appropriate.
- 5.5 To consider whether to continue current arrangements with the City Council for Joint Health Scrutiny and if appropriate to appoint a Vice Chair.
- 5.6 To consider whether to continue with the arrangements for LAA Scrutiny.
- 5.7 To consider whether to continue with arrangements for Regional Health Scrutiny.
- 5.8 To re-establish the Joint Committee for Appointments to the Police authority and to consider whether to continue with the Joint Committee on Strategic Planning and Transport and the Greater Nottingham Light Rapid Transport Committee.
- 5.9 To consider whether to continue with the School Governance Group and Departmental Briefings.

RECOMMENDATION

- (1) That Council makes decision on the issues raised in paragraph 5.
- (2) That the appointment of Members of the political Groups to Committees, Sub-Committees and Joint Committees be undertaken by the Service 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.

- (3) That the Service Manager, Governance and Scrutiny be authorised to act on behalf of the Chief Executive to appoint people as Statutory or non-Statutory Co-optees, Added (non-Councillor) Members or trade union representatives to membership of Committees or Joint Committees where their memberships include such appointments.

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 8/6/09)

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.