

ANNUAL ASSEMBLY

12 June 2014

Title: Appointments to the Political Structure and Other Bodies 2014/15	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
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Accountable Divisional Director: Fiona Taylor, Head of Legal and Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
Summary: The Assembly is responsible for appointments to the political structure and various other internal and external bodies. The various positions to which appointments are required are set out in the attached Appendices A-E . The appointment of the Mayor and the Mayor's Chaplain was dealt with at the Ceremonial Council on 6 June 2104.	
Recommendation(s) The Assembly is recommended to: (i) Elect the Leader of the Council (who shall be the Chair of the Cabinet) for a four year fixed term, in accordance with the procedure set out in paragraph 9 of Article 2, Part B of the Council Constitution; (ii) Agree the membership of the various Council meetings (Appendix A); (iii) Appoint the Chairs and Deputy Chairs of the various committees and Lead and Deputy Lead Members of the select committees (Appendix B); (iv) Appoint the representatives on various internal and external bodies (Appendix C); (v) Appoint the Trustees of Local Charities (Appendix D); (vi) Note the statutory Co-opted Members (Appendix E); and (vii) Note the resignation of Mr Little as Independent Person (IP) and that the Monitoring	

Officer is in the process of engaging an IP to fill the vacancy created following his resignation, to be retained on the same terms as the current IP, the appointment to be subsequently reported to the Assembly for approval.

Reason(s)

To meet statutory and constitutional requirements and to ensure relevant positions are appointed to enable the Council to proceed with business reserved to committees. To ensure appropriate representation on internal and external meetings and other bodies.

1. Introduction and Background

- 1.1 The Assembly is responsible for appointments to the political structure and various other internal and external bodies.
- 1.2 The appointments meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to the committees.

2. Proposal and Issues

- 2.1 In accordance with paragraph 9 of Article 2, Part B of the Council Constitution, the annual meeting of the Assembly in each election year will elect by way of a vote the Leader of the Council for a term of four years. The Leader of the Council shall be the Chair of the Cabinet.
- 2.2 The newly elected Leader of the Council may announce his Cabinet for the Assembly's information, or make the appointments in due course and inform the next Assembly meeting.
- 2.3 The various positions to which appointments are required for the municipal year 2014/2015 are set out in the attached **Appendices A-E**.
- 2.4 **Appendix E** sets out details of the statutory Co-opted Members.
- 2.5 The Primary School Parent Governor representative position on the Children's Services Select Committee became vacant on 5 March 2014, and Children's Services are currently undertaking an election process, the outcome of which will be reported to the next Assembly meeting for approval.
- 2.6 The Assembly agreed on 19 February 2014 to the retention of Mr Michael Carpenter and Mr Brian Little as Independent Persons until the Assembly meeting following the Annual Assembly in 2016, and authorised the Monitoring Officer to engage an additional Independent Person to be retained on the same terms as Messrs Carpenter and Little.

- 2.7 However on 1 May 2014 Mr Little resigned from his post forthwith creating a vacancy with immediate effect, and following the Assembly's decision in February 2014 to establish three Independent Persons under the Localism Act, the Monitoring Officer is seeking to engage an Independent Person to fill this vacancy together with the third post, on the same terms as the current Independent Person, the appointments to be subsequently reported to Assembly for approval.

3. Options Appraisal

- 3.1 Any delay in reappointing Members to the various meetings and other bodies puts the normal decision making process and business of the Council at risk.

4. Consultation

- 4.1 Consultation has taken place with Members and officers as appropriate.

5. Financial Implications

Implications completed by: Carl Tomlinson, Group Manager, Finance & Resources

- 5.1 There are no financial implications associated with this report. This concerns the annual appointment of elected Members to existing Boards and Committees and is funded through existing budgets.

6. Legal Implications

Implications completed by: Paul Feild Senior Corporate Governance Lawyer

- 6.1 The Assembly is a meeting of full Council for the purposes of Section 8 and Schedule 12 of the Local Government Act 1972.
- 6.2 This meeting of the Assembly is the annual meeting where the Council decides on the overall political structure (the Member meetings of the Council) and appoints the memberships (including any co-opted or independent persons). These appointments are for the Chair and Deputy Chair, Lead and Deputy Lead Members and memberships of committees of the Council. They are appointed for one year and are reviewed annually by the Assembly. The Local Government and Public Involvement in Health Act 2007 provides that the Leader of the Council is now appointed for his full term of office and he is empowered to appoint the members of Cabinet and to approve their portfolios.
- 6.3 The Scheme of Delegation in the Council's Constitution sets out the basis for delegation under Section 101 of the Local Government Act 1972, Section 15 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000. The appointments in this report meet statutory and constitutional requirements and ensure the Council is able to proceed with the business reserved to each committee.

6.4 The Localism Act 2011 requires that the Authority appoints a minimum of one Independent Person (IP) for the purpose of giving a view with regard to action relating to allegations of breach of the Council's Code of Conduct that may be made against elected and co-opted Members. This role can relate to assisting the Monitoring Officer, giving a view to the accused Member and in due course giving a view to a formal hearing. While in law the Council is only required to have a minimum of one IP, this should be considered to be unsatisfactory as there are circumstances where the statutory obligations identified above create conflicts of interest and questions of confidentiality. For example the right for a Member to consult with an IP and the need for consultation by the Monitoring Officer and a Sub-Committee means that two IPs is the bare minimum as both parties cannot confide in the same person. An arrangement of two provides for no resilience if an IP is not available; indeed the complaints process would have to be suspended until a fresh appointee was available. For this reason the Assembly in February 2014 agreed that the Council would maintain three Localism Act Independent Persons.

7. Other Implications - n/a

Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix A - Councillor Membership of Council Meetings 2014/2015**
- Appendix B - Chairs and Deputy Chairs, Lead Members and Deputy Lead Members 2014/2015**
- Appendix C - Councillor Representation on various internal and external bodies 2014/2015**
- Appendix D - Trustees of Local Charities 2014/2015**
- Appendix E - Statutory Co-opted Members 2014/2015**