

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Constitution Review Working Party

8 September 2011

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PROCEDURE FOR THE ANNUAL ESTABLISHMENT OF, AND APPOINTMENTS TO, COUNCIL COMMITTEES

Purpose

1. To recommend the adoption of an internal procedure for the annual establishment of, and appointments to, Council committees to enable the efficient transaction of business at Annual Council meetings.
2. This is not a key decision but, as an addition to the Constitution, must be approved by full Council. It was first published in the September 2011 Forward Plan.

Recommendations

3. That the Constitution Review Working Party recommend to Council adoption of the procedure for the annual establishment of, and appointments to, Council committees.

Reasons for Recommendations

4. The procedure aims to ensure the efficient transaction of administrative matters at Annual Council meetings.

Background

5. On 25 May 2006 Council adopted the requirements of the Local Government and Housing Act 1989, sections 15 and 16, that seats on all constituent bodies of the Council be allocated on a politically proportionate basis. Council may override these requirements only if no councillor votes against an alternative proposal (a “no dissent” alternative).
6. The rules of political balance, as set out in Section 15(5) of the Act, are:
 - (i) Not all seats are allocated to the same political group;
 - (ii) The majority group should be allocated the majority of seats on each committee;
 - (iii) Subject to (i)-(ii) above, that the number of seats on committees allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees as the number of members of each group to the membership of the authority; and
 - (iv) Subject to (i)-(iii) above, that the number of the seats on each body allocated to each political group is in the same proportion to the total number of seats on that body as the number of members of that group to the membership of the authority.
7. The calculations require rounding up and down of fractions to produce whole numbers, which can lead to anomalies in the allocation of seats. Recognising a procedure in the Constitution will aid the transparency and openness of how the

calculations are reached, and also formal recognition that it is a political matter for Group Leaders to negotiate the resolution of anomalies.

Considerations

8. The Constitution already recognises at Part 5 – Section A that Council will appoint to all constituent bodies (other than the Standards Committee) the nominations of the political group. Political group leaders are issued with nomination forms, which are required for return before the Annual Council agenda is published. Where changes to existing committee sizes are proposed after this time, officers must re-do the calculations and re-send these to all political groups, who must then reconsider their plans and might then submit alternate proposals. This process is time-consuming and can lead to confusion, and the matters are primarily issues for political group leaders to negotiate.
9. The procedure (**Appendix 1**) includes undertakings by officers to:
 - (a) e-mail the political balance calculations to *all* councillors, rather than just the political group leaders, as soon as reasonably possible following the conclusion of the election count. These figures will be verified by at least one member of Senior Management Team before sending;
 - (b) schedule a meeting of political group leaders within seven working days of an election so that negotiations may proceed jointly. Officers will be available to support the meeting as required, such as re-calculating the allocation of committee seats based upon alternative committee sizes, but will not be present during the meeting; and
 - (c) include on the Annual Council agenda a report (**Appendix 2**) detailing the outcome of the group leaders' meeting, for approval by Council at the annual meeting.

Options

10. To continue the present system whereby political group leaders receive the political balance calculations and have until the publication of the Council meeting agenda to return their nominations. This has proven to be inefficient and revisions have had to be circulated at the last minute, resulting in members not having ample time to consider the alternatives before making a decision.
11. To ask Council to establish a formal Civic Affairs Committee as is the practice at several other authorities, to meet once annually in advance of the publication of the agenda for the Annual General Meeting of the Council to make recommendations to Council on these matters, and to make the necessary amendments to the Constitution to recognise this body and its terms of reference.
12. To ask the Constitution Review Working Party to fulfil the role of a Civic Affairs Committee and to meet between the election and the publication of the agenda for the Annual General Meeting of the Council to make recommendations to Council on these matters.

Implications

13.	Financial	None specific.
	Legal	As set out in the body of the report and in the sample report at Appendix A.
	Staffing	None specific.
	Risk Management	None specific.

Equality and Diversity	None specific.
Equality Impact Assessment completed	No.
	Not relevant.
Climate Change	None specific.

Consultations

14. Political group leaders and non-group members were advised by e-mail on 24 June 2011 that a request had been made to review the process by which the annual appointments to committees were made, and that this would form part of the Constitution Review Working Party agenda for 8 September 2011. All groups are represented on the Constitution Review Working Party and full Council must make the final decision.

Consultation with Children and Young People

15. Not relevant.

Effect on Strategic Aims

16. A clear process for the establishment of, and appointments to, Council bodies will demonstrate a commitment to transparency and openness, and allow the focus at Annual Council meetings to be on the business to be transacted which affects all residents of the District.

Conclusions / Summary

17. A formal procedure will recognise in the Constitution that detailed negotiations on political appointments is the remit of group leaders, and ensure that adequate officer support is available during negotiations to guarantee that the outcome complies with the relevant legislation without compromising the political neutrality of officers.

Background Papers: the following background papers were used in the preparation of this report:

Local Government & Housing Act 1989
Constitution

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