

**Annual Council Meeting**

26 May 2011

**Report of the Head of Civic, Democratic and Legal Services**

**Allocation to Seats and Appointments to the Council Structure and Outside Bodies for 2011/12**

**Summary**

1. At its Annual General Meeting, Full Council considers the allocation to seats on Committees and other bodies every year and makes appropriate appointments for the coming Municipal Year.

**Background**

2. Council is now asked to makes those appointments and to allocate those places on the committees and other bodies that it wishes to set up, in accordance with the political proportionality requirements under the 1989 Local Government & Housing Act and commensurate with the 2000 Local Government Act introducing executive arrangements and the Local Government and Public Involvement in Health Act 2007.

**Appointment of a Cabinet Leader**

3. Under agenda item 5(a), Council is invited to appoint Cllr James Alexander, the Leader of the majority Labour Group, as Leader of the Council and Cabinet Leader.

**Appointment of a Cabinet – new arrangements**

4. Following the enactment of the Local Government and Public Involvement in Health Act 2007, which requires councils to adopt new executive arrangements, the Cabinet Leader is now empowered to appoint the members of Cabinet and to approve their portfolios. Details of the elected Cabinet Leader's appointments to be made at this meeting are attached (Annex A).

**Allocation of Seats**

5. Under agenda item 5(b), Full Council is asked to apply proportionality to those available seats to which proportionality must be applied under the terms of the Local Government Act 2000 and Local Government & Housing Act 1989. Such proportionality does not apply to single party Executives. Council is also asked to consider applying proportionality to the remaining bodies it chooses

to set up, in accordance with previous practice. Full details are contained in Annex B to this report.

### **Change in Practice Relating to Substitutes**

6. It is proposed to increase the flexibility of the current substitute system in the following way. In the first instance Members who need a substitute must, as now, approach a named substitute appointed by Council. The current rules require Members to approach the first named substitute and only if that person is not available can they approach the second, and so on. These rules will continue. If, however, no named substitute is available, the Chief Executive and the Monitoring Officer will be authorised to make change to the membership of the Committee by appointing another member of the group as substitute for a specific meeting. That appointment will be made in accordance with an instruction of the relevant political group

### **Amendments to the Committee Structure**

7. This year, Council will also be invited to approve the amalgamation of the Gambling & Licensing Acts Committee with the Gambling, Licensing & Regulatory Committee to form the Gambling, Licensing & Regulatory Committee. The terms of reference for the new committee are attached at Annex C.

### **Appointments to Committees, Working Groups, Outside & Partnership Bodies**

8. Further to the allocation of seats referred to above, under agenda item 5(c ), Full Council is asked make appointments to those Committees and other bodies set out in Annex D.

### **Consultation**

9. In accordance with the usual process for gathering nominations to available places at the Annual Council Meeting, all party Groups have been consulted on and provided with the necessary information on available places.

### **Options**

10. Options open to the Council are:
  - (i) to approve the appointment of Cllr Alexander as Cabinet Leader or propose an alternative;
  - (ii) to approve or not approve the proportionality arrangements set out in Annex B;
  - (iii) to authorise the Monitoring Officer to make the necessary constitutional changes to reflect the change in practice relating to substitutes as referred to in the report, or not;
  - (iv) to approve or not approve the amalgamation of the Gambling & Licensing Acts Committee with the Licensing & Regulatory Committee to form the Gambling, Licensing & Regulatory

- Committee, and the terms of reference for the new committee (Annex C);
- (v) to make the appointments to Committees and other bodies set out in Annex D, or propose alternatives;

### **Corporate Strategy**

11. Establishing an Executive and Executive Leader together with an appropriate decision making and scrutiny structure, contributes to the Council being an effective organisation helping it achieve its long term direction.

### **Implications**

12. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the allocation of seats and places and the nominations to the Executive, Executive Leader and other bodies :

- **Financial**
- **Human Resources (HR)**
- **Equalities**
- **Crime and Disorder**
- **Property**
- **Other**

### **Legal Implications**

13. The Council is statutorily obliged to consider its proportionality on committees and other relevant bodies and to make appropriate appointments at its Annual Meeting, including the appointment of a Cabinet Leader.

### **Risk Management**

14. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report, other than the failure to meet the above legal requirements and the risk of a Council operating with no agreed political management arrangements (in the form of a decision making and scrutiny structure) should Annual Council fail to make any such arrangements.

### **Recommendations**

15. Members are asked to consider the annexes attached to this report and
- (i) Appoint a Cabinet Leader and note the Cabinet Members and positions to be appointed by the Cabinet Leader;
  - (ii) Agree the necessary proportionality arrangements for allocation to seats;
  - (iii) Authorise the Monitoring Officer to make the necessary constitutional changes to reflect the change in practice relating to substitutes, as referred to in paragraph 6 of this report;

- (iv) Approve the amalgamation of the Gambling & Licensing Acts Committee with the Licensing & Regulatory Committee to form the Gambling, Licensing & Regulatory Committee, and the terms of reference for the new committee; and
- (v) Approve appropriate nominations to Committees and other bodies.

**Reason:**

To fulfil the Council's statutory requirements.

**Contact details:**

**Author:**

Dawn Steel  
Democratic Services Manager  
Tel: 01904 551030

**Chief Officer Responsible for the report:**

Andrew Docherty  
Head of Civic, Democratic and Legal Services

**Report Approved**  **Date** 20/5/2011

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Annexes**

**Annex A** – Cabinet Leader's Proposed Appointments to Cabinet 2011/12 and portfolios

**Annex B** - Allocation of seats 2011/12

**Annex C** - Terms of reference for the Gambling, Licensing & Regulatory Committee

**Annexes D1 – D4** - Appointments to Committees and other bodies 2011/12

**Background Papers**

None.