

Appointment of Member Level Bodies 2015/16

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Purpose of the Report

This report seeks approval to appoint member-level bodies (committees and working groups etc.) for the municipal year 2015/2016.

Recommendations

It is recommended that:

- (1) Subject to Article 7.03 of the Constitution, the Council appoint the Leader of the Council for a period of four years, starting on the day of his/her election and ending on the day of the post 4-year Council election annual meeting.
- (2) The Leader appoint a Deputy Leader to hold office (subject to Article 7.03) until the end of the term of office of the Leader.
- (3) Council establish the District Executive Committee with the terms of reference as set out in Appendix A and with the powers and functions as set out in Part 3 of the Council's Constitution.
- (4) The Leader appoint between 1 and 8 further District Executive Members.
- (5) The Council re-establish the following member-level bodies for 2015/2016.
 - Scrutiny Committee (14 members)
 - Audit Committee (10 members)
 - 4 Area Committees (geographical representation)
 - Regulation Committee (14 members)
 - Licensing Committee (15 members)
 - Appointments Committee (8 members)
 - Standards Committee (6 District Council members plus 5 co-optees)
- (6) The Council appoint members to the bodies listed in recommendation (5) above having regard to the principles of political balance where appropriate as set out in paragraph 8 of this report.
- (7) The Council appoint Chairmen and Vice Chairmen of the bodies listed in (5) above, with the exception of the Area Committees who will be appointed by the Councillors of that Committee.

- (8) The Council agree that the bodies appointed in (5) above will operate in accordance with their existing terms of reference (as attached at Appendix A) and the scheme of delegation set out in Part 3 of the Constitution.
- (9) The Council agree to appoint members to Council wide panels and partnerships as listed in paragraph 3 of the report.
- (10) The Council agree to appoint members to the Council wide outside bodies as listed in Appendix C and note that all other appointments to outside bodies will be made by the Area Committees for area specific issues.
- (11) The Council note the membership of the Council's Independent Members' Remuneration Panel.
- (12) The Council agree the continuation of Council Procedure Rule 40(B) - Appointment of substitute Members at meetings of Committees.
- (13) The Council confirm the Council's annual meetings timetable as attached at Appendix B.

1. Background

This report asks Council and the Leader to appoint its committees and other member level bodies for the new quadrennium and municipal year. The bodies are listed below. The report also asks the Council to appoint its representatives on outside bodies.

All party groups have been asked for their nominations to serve on the committees and the **nominations received from party groups will be circulated to members prior to the meeting.**

2. Member-Level Bodies

The Council and Leader are asked to appoint the following bodies with the terms of reference as set out in Part 3 of the Constitution, and attached as Appendix A.

a. District Executive

Leader of the Council, Deputy Leader and between 1 and 8 further Executive Members.

In accordance with the Constitution the Council, the Executive Leader appoints between 1 and 8 further Executive Members. The Leader then maintains the list of responsibilities allocated to individual Executive members, which is reported in Part 3 of the Constitution.

b. Scrutiny Committee

Political Balance

14 members (LD 7, Cons 6, Ind 1)

The Council has agreed that the Chairman of the Scrutiny Committee and one Vice Chairman shall be appointed from each of the two minority groups and one Vice Chairman to be appointed from the majority group.

c. Audit Committee

Political Balance

10 Members (LD 5, Cons 4, Ind 1)

d. Area Committees

Area based committees are exempt from political balance requirements, and comprise the wards as set out below:

Area East Committee	Area North Committee	Area South Committee	Area West Committee
Blackmoor Vale Bruton Camelot Cary Ivelchester Milborne Port Northstone Tower Wincanton	Burrow Hill Curry Rivel Hamdon Islemoor Langport and Huish Martock St Michael's South Petherton Turn Hill Wessex	Brympton Coker Yeovil (All Wards) Yeovil Without	Blackdown Chard (All Wards) Crewkerne Eggwood Ilminster Neroche Parrett Tatworth and Forton Windwhistle

e. Regulation Committee

Political Balance

14 Members (LD 7, Cons 6, Ind 1)

The Council has previously agreed that the Committee should, as far as practicable, also be appointed in geographical balance. For the area that the Chairman comes from there shall be 4 members appointed, and 3 members from the other areas.

f. Licensing Committee

Not required to be appointed in political balance

15 Members (currently LD 9, Cons 5, Ind 1)

g. Appointments Committee

Political Balance

8 Members (LD 4, Cons 3, Ind 1)

h. Standards Committee

Political Balance

6 members (LD 3, Cons 2 Ind 1) one of whom may be a member of the Executive (appointed by the Leader of Council).

The nominated independent members are:

Christopher Borland and Peter Forrester.

The parish representatives are:

Elizabeth Glashier, Godfrey Townrow and one vacancy.

The Council meeting will be adjourned at this time to allow the Area Committees to appoint their Chairmen for the year. In the event of an Area Committee not being able to reach a decision on this appointment, the Council may appoint the Chairman.

3. Council Wide Panels, Partnerships and Working Parties

The Council is also asked to re-appoint the following Council-wide panels, partnerships and working parties:

a. Appeals Panel

This Panel, which considers and determines appeals by staff in accordance with the Council's Disciplinary Procedure comprises a pool of 8 members from which members are drawn to sit on the appeals as required. As this Panel makes decisions, regard has to be given to political proportionality.

b. Local Strategic Partnership

The Council has established a Local Strategic Partnership to implement a community strategy for the district. The Council's current representative on the Partnership is the Leader of the Council and the four Area Chairmen.

c. South West Internal Audit Partnership Ltd

The Members Board was established to oversee the work of the Audit Partnership, a Company Limited by Guarantee from 1st April 2013, and has one member appointed by this Council.

d. Housing and Exceptions Appeals Panel

This is a joint officer/members panel which determines applies in respect of homelessness applications. There are currently two members who serve on the panels as required.

e. Police and Crime Panel

This Joint Committee was established by the Police Reform and Social Responsibility Act 2011 and was operational from July 2012. This requires one representative from each authority in the Avon and Somerset Police area.

f. Somerset Waste Board

This Joint Committee consists of 2 representatives from each Partner Authority in Somerset.

g. PATROL Joint Committee (Parking and Traffic Regulation Outside London)

This Joint Committee consists of one representative from each Partner Authority in Somerset to deal with car park ticket appeals from the public if they are not in agreement to the decision given by the issuing authority. This is a requirement under CPE (Civil Parking Enforcement) legislation.

h. Somerset Growth Board

The Somerset Growth Board has been established to ensure the Somerset Growth Plan is integrated with the economic agendas of the Local Enterprise Partnership and other key partners. It is anticipated that this appointment will be the Portfolio Holder for Environment and Economic Development.

4. Outside Bodies

The Council will be asked to make appointments to outside bodies as listed in Appendix C.

All other outside body appointments will be made by the Area Committees at their first ordinary meeting following the Annual Council meeting.

5. Council Constitution - Scheme of Delegation and Terms of Reference

The Member-level scheme of delegation and terms of reference for the above Council committees and panels are set out in Part 3 of the Constitution.

The District Council's Constitution sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

6. Independent Members' Remuneration Panel

Council are asked to note that the following people were appointed to the Independent Members' Remuneration Panel in May 2013 to serve for 3 years:

Mr John Hawkins
Mrs Gill Spence

Mr Chris Williams
Two vacancies

A further report will be presented to Council when the Panel are required to meet.

7. Meetings Timetable

The meetings timetable for 2015/2016 is attached at Appendix B for confirmation.

8. Political Balance and Memberships

In accordance with the Local Government and Housing Act 1989 the Council is required to review the representation on committees and to allocate seats to political groups on the basis of the overall political composition of the Council. The exceptions to this rule are area based committees, the District Executive, Licensing Committee and other panels.

The current political composition of the Council is as follows:

Liberal Democrat	29 seats	48.33%
Conservative	28 seats	46.67%
Independent	3 seats	5.00%

The principles of political proportionality embodied in the Act are:-

- (a) that not all seats are allocated to the same political group;
- (b) that a political group with an overall majority gets a majority of seats allocated;
- (c) subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership; and
- (d) subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole.

The Council has a duty therefore to allocate seats in accordance with these principles, as far as reasonably practicable. The Council can however waive political balance if no member votes against.

The political balance on Committees which are required to be in balance is:

	Seats	Lib Dems	Cons	Ind
Scrutiny Committee	14	7	6	1
Audit Committee	10	5	4	1
Regulation Committee	14	7	6	1
Standards Committee	6	3	2	1
Appointments Committee	8	4	3	1
Appeals Panel	8	4	3	1
Total seats	60	30	24	6

Member Level Bodies not required to be in political balance:

	Seats	Lib Dems	Cons	Ind
Licensing Committee	15	9	5	1

The appointments to the Executive and the Area Committees are also not required to be in political balance.

Background Papers: *All published*

Terms of Reference of Committees and Panels

1. District Executive

General

The District Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. It is responsible for all executive functions and those local choice functions specified as being the responsibility of the District Executive.

Specifically

The District Executive shall:

- Co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give the Area Committees strategic direction.
- Consider recommendations from Area Committees, Scrutiny Committee, Audit Committee and Portfolio holders on policy development and change.
- Recommend key priorities for the Council and the overall policy framework including the Community Strategy.
- Agree core minimum standards for service delivery.
- Consider Referrals from Area Committees on matters, which have major policy or resource implications.
- Keep under review the Council's financial affairs and receive reports from the Head of Financial Services on matters for which he/she is responsible.
- Recommend the Capital Programme, revenue budgets and the level of Council Tax.
- Agree resource allocation procedures and processes, including service planning and performance review arrangements.
- Receive reports on matters relating to the overall staff establishment, discipline, training and welfare, and performance monitoring.
- Approve strategic disposals and acquisition including:
 - leases
 - sales of land valued in excess of £10,000

2. Area Committees

General

Each Area Committee shall monitor service delivery in its area, provide leadership for its communities, and take decisions on regulatory matters such as planning applications and statutory orders. They shall also take executive decisions as specifically delegated by the Executive.

Specifically

The Area Committees shall:

- a. Within their area, take decisions in respect of non-executive functions as listed in section 3 of the Constitution; and take executive decisions as set out section 4 of Part 3 of this Constitution. They may also take all other non-executive (regulatory) decisions required to be made by the Council and affecting their area only, and which are not reserved to be taken by any other committee, or the Council itself.
- b. Determine planning applications within its area subject to guidelines in respect of referrals to the Regulation Committee.
- c. Discuss any matter of interest to the area.
- d. Oversee and monitor the operation of services in their area.
- e. Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.
- f. Manage local regeneration projects within financial limits agreed by District Executive.
- g. Prepare Area Action Plans.
- h. Make nominations to serve on outside bodies.
- i. Form working groups and panels subject to budgetary constraints and notification to the District Executive.
- j. Approve sales of land up to the value of £10,000.
- k. Play an enabling role by taking opportunities to provide services and benefits for the people of the area in collaboration with external agencies.
- l. Foster a close working relationship with Town and Parish Councils in the area.
- m. Consult and consider the views of the public on area priorities and provide opportunities for public participation, working in collaboration with external agencies.
- n. Submit to the District Executive ideas for improvements to services or innovative ways of working which may be of interest or benefit to other Areas.
- o. Contribute towards the formulation of district-wide policies.

- p. Be responsible for the local area aspects of the Community Plan.
- q. The following decisions need to be referred to the District Executive: matters of policy which have district wide significance, matters that might have an impact on more than one area (planning matters will be referred to the Regulation Committee in accordance with agreed guidelines) expenditure not covered by an approved budget or within the approved capital programme, sales of land over £10,000.

3. Scrutiny Committee

The Scrutiny Committee shall monitor and scrutinise the performance of the Council and its services and make recommendations on any issue for which the Council is responsible or which affects the local community including those services provided by outside agencies. The Committee will undertake or commission reviews of policy, including value for money checks and keep an overview of the Council's political management arrangements.

The Scrutiny Committee is not able to take decisions but makes recommendations to either the District Executive or the full Council.

There are three main elements to the work of the Committee:

- a. The Scrutiny Committee is able to "call in" decisions taken by the Executive or Area Committees but not implemented. It can ask the District Executive or Area Committee to re-consider its decision.
- b. The Committee is able to review the implementation of decisions and ask the District Executive or full Council to look at a particular area of policy in respect of which the decision was made.
- c. The Committee is able to undertake detailed reviews of issues either within or outside the council

Overview Commissions

An Overview Commission that comprises all of the non-executive members supports the Scrutiny Committee in undertaking reviews in line with the functions set out above.

Reviews are undertaken on a 'Task and Finish' basis as directed by the Scrutiny Committee. The Scrutiny Committee receives the final reports of the Overview Commissions along with regular updates.

All non-executive members support the committee and are invited to participate in reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee.

The Overview Commissions will be encouraged to use various review methods and to engage the wider community wherever possible. Relevant co-optees may be invited to participate in a Commission, bearing in mind the potential contribution of residents and partners.

The Commissions will meet informally and are not subject to the Access to Information Rules. As task and finish groups they will be able to meet and take evidence in public but this will not be a requirement. It will be for each Commission to decide its own working arrangements that best meet the needs of a particular review.

4. Audit Committee

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

The Audit Committee should review the Code of Corporate Governance seeking assurance where appropriate from the Executive or referring matters to management on the scrutiny function.

The terms of reference of the Audit Committee are:

Internal Audit Activity

1. To approve the Internal Audit Charter and annual Internal Audit Plan;
2. To receive quarterly summaries of Internal Audit reports and seek assurance from management that action has been taken;
3. To receive an annual summary report and opinion, and consider the level of assurance it provides on the council's governance arrangements;
4. To monitor the action plans for Internal Audit reports assessed as "partial" or "no assurance;"
5. To consider specific internal audit reports as requested by the Head of Internal Audit, and monitor the implementation of agreed management actions;
6. To receive an annual report to review the effectiveness of internal audit to ensure compliance with statutory requirements and the level of assurance it provides on the council's governance arrangements;

External Audit Activity

7. To consider and note the annual external Audit Plan and Fees;
8. To consider the reports of external audit including the Annual Audit Letter and seek assurance from management that action has been taken;

Regulatory Framework

9. To consider the effectiveness of SSDC's risk management arrangements, the control environment and associated anti-fraud and corruption arrangements and seek assurance from management that action is being taken;
10. To review the Annual Governance Statement (AGS) and monitor associated action plans;
11. To review the Local Code of Corporate Governance and ensure it reflects best governance practice. This will include regular reviews of part of the Council's Constitution and an overview of risk management;
12. To receive reports from management on the promotion of good corporate governance;

Financial Management and Accounts

13. To review and approve the annual Statement of Accounts, external auditor's opinion and reports to members and monitor management action in response to issues raised;
14. To provide a scrutiny role in Treasury Management matters including regular monitoring of treasury activity and practices. The committee will also review and recommend the Annual Treasury Management Strategy Statement and Investment Strategy, MRP Strategy, and Prudential Indicators to Council;
15. To review and recommend to Council changes to Financial Procedure Rules and Procurement Procedure Rules;

Overall Governance

16. The Audit Committee can request of the Assistant Director – Finance and Corporate Services (S151 Officer), the Assistant Director – Legal and Corporate Services (the Monitoring Officer), or the Chief Executive (Head of Paid Services) a report (including an independent review) on any matter covered within these Terms of Reference;
17. The Audit Committee will request action through District Executive if any issue remains unresolved;
18. The Audit Committee will report to each full Council a summary of its activities.

5. Standards Committee

The purpose of the Standards Committee is to:-

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint;
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct;
- advise on the management of statutory and other registers of interest and gifts / hospitality received;
- advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards

Note: the powers of the Committee apply in respect of the district and parish councils, except where stated.

6. Regulation Committee

The Committee shall:

- Determine applications for planning permission referred from the Area Committees in accordance with the approved guidelines set out in this document.
- Pass 2nd Resolutions in respect of significant Council applications for planning permission.

7. Licensing Committee

The Committee shall be responsible for those licensing functions listed in Part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers in accordance with the Officer Scheme of Delegation. These include, but are not limited to, contested premises licences/ club premises certificates/ temporary event notices, and applications for private hire and hackney carriage licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003, Gambling Act 2005 and the Charities Act 2006.

8. Appointment Committee

The Committee shall make appointments to director level or deputy director level posts in accordance with the Human Resources Management Rules (as detailed in Part 4 of the Council's Constitution)

9. Appeals Panel

The Panel shall be constituted in line with the Council's Disciplinary Procedures.

South Somerset District Council

Programme of Meetings of Council and Committees – 2015/2016

Meeting	Day	Time	2015								2016				
			May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	Thurs	7.30pm	21*	(18)	16	(20)	17	(15)	19	(17)	21	25**	17	(21)	19*
District Executive	Thurs	9.30am	-	4	2	6	3	1	5	3	7	4	3	7	5
Area Committee - South	Wed	2.00pm	-	3	1	5	2	7	4	2	6	3	2	6	4
Area Committee - East	Wed	9.00am	-	10	8	12	9	14	11	9	13	10	9	13	11
Area Committee - West	Wed	5.30pm	-	17	15	19	16	21	18	16	20	17	16	20	18
Area Committee - North	Wed	2.00pm	-	24	22	26	23	28	25	16	27	24	23	27	25
Scrutiny Committee	Tues	10.00am	-	2	30 June	4	1	29 Sep	3	1	5	2	1	5	3
Audit Committee	Thurs	10.00am	28	25	23	27	24	22	26	17	28	25	24	28	26
Regulation Committee	Tues	10.00am	-	16	21	18	15	20	17	15	19	16	15	19	17
Licensing Committee	Tues	10.00am	-	9	-	11	-	13	-	8	-	9	-	12	-
Standards Committee	Tues	2.15pm	-	9	-	-	-	13	-	-	-	9	-	-	-

* Annual Meeting of Council - May

** Council Budget and Council Tax Setting Meeting – February

Dates in brackets () for Council are reserve dates which will only be engaged if required.

Appendix C

Appointments to Outside Bodies to be agreed by Council

Organisation	Councillor Appointed for 2014/15	Party
Board of Governors for Yeovil District Hospital NHS Foundation Trust	Mrs Lesley Boucher	
Board of Governors for Musgrove Park Hospital NHS Foundation Trust	Sue Steele	Cons
LGA General Assembly	Ric Pallister	Lib Dem
LGA Gypsy Working Group	Ric Pallister	Lib Dem
Parrett Drainage Board	Roy Mills Patrick Palmer Mike Lewis	Lib Dem Ind Cons
South West Provincial Employers	Tim Carroll	Lib Dem
South West Councils	Tim Carroll	Lib Dem
Health & Well-Being Board	Sylvia Seal	Lib Dem
Somerset Water Management Partnership	Patrick Palmer	Ind
Somerset Building Preservation Trust	Henry Hobhouse	Lib Dem
Somerset Rivers Authority	New appointment	
South Somerset Disability Forum	One representative only from 2015	