

**APPOINTMENTS TO EXECUTIVE AND COMMITTEES AND CONSTITUTIONAL CHANGES**

**LEAD OFFICER:** Martin Jepson, Head of Legal & Democratic Services

**REPORT AUTHOR:** Tim Capper, Democratic Services Manager

**Summary:** Presents proposed appointments to the Executive and committees for the 2008/2009 year together with associated amendments to the constitution.

<b>Recommendation:</b>	That the amendments proposed are approved and implemented with effect from the 2008 Annual Meeting of the Council
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**Impact on delivering the Corporate Plan:** None

**Impact on other statutory objectives and Health and Safety** None

**Financial and human resource implications:** None

**Project & Risk Management:** None

## **1. INTRODUCTION**

- 1.1 This report recommends appointments to the Executive , committees and panels for the 2008/2009 year, together with associated changes to the Articles of the Constitution and the Scheme of Delegation.

## **2. APPOINTMENTS TO EXECUTIVE, COMMITTEES AND PANELS**

- 2.1 Proposed appointments of Members to committees and panels for 2008/2009 as agreed by the political groups will be tabled at the meeting for formal adoption by Council. Appointment of Executive Members has been determined by the Leader under Article 7 and will be tabled for information.

- 2.2 The proposed appointments reflect the other changes recommended in this report.

### 3. OTHER CHANGES

- 3.1 **Appeals Panel** – it is intended that there will no longer be a named group of Members designated as the Appeals Panel, since the panel meets infrequently. It is proposed that Article 8 will be amended to provide for all 51 Councillors to be designated as a pool of Appeals Panel members from whom Appeals Panels will be drawn when required.
- 3.2 **Transport Working Group** – it is proposed that this Group is deleted from the constitution as it meets infrequently, and that any relevant transport related issues are referred to the appropriate overview and scrutiny committee when necessary.
- 3.3 **Standards Committee** - The new duties of Standards Committees under the 2007 Act will involve the separate functions of initial assessment of a complaint, reviewing the initial assessment decision where needed, and hearing and determining the complaint. The Committee will need to appoint 2 sub committees from among its own members to deal with the first two stages of review and assessment, each chaired by one of the independent members. Hearing and determining complaints will be a function of the Standards Committee itself.

As a separate matter from the conduct of Councillors, the 2007 Act also places a new duty on Standards Committees to hear and determine applications from employees for exemptions from political restrictions on posts. Detailed guidance on how this duty will work in practice is still awaited.

The revised composition and terms of reference for the Standards Committee in Article 9 reflect the new duties described above and are recommended for approval.

The Standards Committee is unable to make a recommendation to Council at this time for an appointment to the vacancy for an additional independent Member. It is necessary under the new Standards Committee Regulations to reduce the number of Councillor Members on the Committee by one, as a temporary measure, pending the recruitment of a third independent member.

CALC has nominated Mr Vic Chilton to the second vacancy for a parish member.

- 3.4 **Audit Committee** – while no changes are proposed to the member composition or terms of reference of Audit Committee, it is proposed that the Committee should for a trial period be chaired by an independent person, i.e. someone who is not a Member or officer of the Council. An independent Chair will give a fresh approach to committee discussion and is an opportunity to consider an external view. The model follows the arrangement in place since 2006 for an independent chairman of the Standards Committee, except that the Audit Committee chair will be a co-opted member and will therefore not have any voting rights. (The Standards Committee Chair has voting rights under specific statutory provision).

It is intended that the post will be advertised in the first instance.

- 3.5 **Member-Officer Protocol** – it is proposed to add further detail to the Protocol on Member-Officer Relations to clarify the expectations in terms of conduct and behaviours which Members should have of officers and vice versa. These are shown as the additions to paragraphs 2.1 and 2.2 of the Protocol.

- 3.6 **Functions Reserved to Full Council** – Sustainable Communities Strategy to replace Community Strategy in functions reserved to Full Council in Article 4.
- 3.7 **Strategic Housing Panel** – it is proposed to establish a Strategic Housing Panel to address the issues relating to the Council’s approach to housing strategy following the Audit Commission inspection report. The proposed terms of reference of the Panel are shown in the revised scheme of delegations. *[Terms of Reference to follow]*
- 3.8 **Independence of Audit Committee** – the guidance of CIPFA on the composition of local authority audit committees is that audit should be independent of both the Executive and overview and scrutiny. On reconsidering this guidance our advice is that Members of the Audit Committee should not also sit on the Resource Planning Working Group as the latter’s role is essentially one of advising the Executive on budgetary preparation and monitoring.
- 3.9 **Parish Review Working Party** – it is proposed that the new function of community governance reviews for parishes introduced in the Local Government and Public Involvement in Health Act 2007 should be added to the terms of reference of the Parish Review Working Party.
- 3.10 **Scheme of Delegations** – the Scheme of Delegations to Officers has been amended to reflect changes to Financial Regulations earlier this Council Year, and to provide for powers delegated to officers to be exercised in cases where vacancies are filled temporarily by interim managers who may not be Council employees.
- 3.11 **Code of Corporate Governance** – it is recommended that the Code of Corporate Governance previously agreed by Audit Committee and Full Council is adopted as part of the Council’s Constitution.-
- 3.12 **Minor Amendments** – to the Articles and Scheme of Delegations have been made to correct typographical and other anomalies.

## **List of Appendices**

- Appendix A – Amended Articles
- Appendix B – Part 3 – Scheme of Delegations
- Appendix C – Delegations to Officers
- Appendix D – Member Officer Protocol
- Appendix E – Code of Corporate Governance

**List of Background Documents:**

**List of Consultees:** Chief  
Executive; Leader