

Council

23 May 2017

Arrangements for the new Council

Recommendations

- (1) That the Council confirms the Committee Structure and delegations to member bodies and officers as set out in the Council's Constitution, including the permanent appointment of the Joint Managing Directors and the appointment of the Head of Law and Governance as Monitoring Officer, and the delegations to them as agreed by Council on 13 December 2016.
- (2) That the Council authorises the Joint Managing Director (Resources) to make such amendments to the Council's Constitution as may be required as a consequence of any changes agreed by the Council.
- (3) That an Independent Remuneration Panel to review the Member Allowances Scheme be convened to report to Council in September.

(A proposed framework of recommendations is appended to this report).l

1.0 Outcome of Election

The Council elections on 4 May resulted in a Council comprising:

| Political Party | No of Members |
|--------------------------------|---------------|
| Conservative | 36 |
| Labour | 10 |
| Liberal Democrats | 7 |
| Green | 2 |
| Stratford First Independent | 1 |
| Whitnash Residents Association | 1 |
| Total | 57 |

2.0 Status of Existing Committees and Members

In an election year those members of committees who are re-elected to the Council (plus co-opted members where appropriate) discharge the duties of the committee until the appointment of their successors. The present Chair of the Council, Councillor Bob Hicks, and Vice Chair of Council, Councillor Peter

Fowler) continue in office until the appointment of the new Chair. Councillor Hicks will preside over the election of the new Chair.

3.0 Leader and Cabinet Model

The Council has adopted Leader and Cabinet model of executive arrangements under the Local Government Act 2000. The Leader is automatically a member of the Cabinet and also chairs the Cabinet.

A maximum of nine other members may be appointed to the Cabinet. The appointment of Cabinet members and their portfolios is a matter for the Leader. The Leader must also appoint a Deputy Leader from the Cabinet members. All executive powers must be delegated to the Leader. It is for the Leader to decide how those powers should be further delegated. The Leader will decide this at the Leader Decision Making session after this Council meeting. The agenda for the session sets out the current delegations to portfolio holders but the Leader may choose to change these. The Leader's proposals will be circulated to all members for information.

4.0 Current Member Bodies

- 4.1 Article 5 of the Constitution requires, as a minimum, the establishment of the following bodies:

Cabinet
Overview and Scrutiny Committee (at least one)
Audit and Standards Committee
Regulatory Committee
Staff and Pensions Committee

- 4.2 The Council must have at least one Overview and Scrutiny Committee and it is a statutory requirement to make arrangements for overview and scrutiny in relation to health, flood risk management and crime and disorder. The Council currently has four Overview and Scrutiny Committees. A full explanation of the responsibilities of the committees is set out at Part 2 Section 8 and Part 4 Section 3 of the Council's Constitution but the terms of reference of each is set out below:

Adult Social Care and Health

To review and/or scrutinise the provision of public services in Warwickshire relating to adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults and any matter relating to the planning, provision and operation of health services for adults and children serving Warwickshire.

Membership: 10 County Councillors (plus one co-opted member from an overview and scrutiny committee of each district/borough council who can vote on health matters only).

Children and Young People

To review and/or scrutinise the provision of public services in Warwickshire relating to education and skills, services for children and young people including schools, 16-19 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.

Membership: 10 County Councillors (plus 2 parent governors and 2 church governors who can only vote on matters relating to education).

Communities

To review and/or scrutinise the provision of public services in Warwickshire relating to community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management and emergency planning.

Membership: 10 County Councillors

Resources and Fire & Rescue

To review and/or scrutinise the functions of the council relating to the fire and rescue service, budget, medium term financial plan, corporate business plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications.

Membership: 10 County Councillors

4.3 Audit and Standards Committee

This Committee has oversight of internal and external matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity. Currently one of the independent members chairs the Committee.

Membership: 6 County Councillors and 2 independent members

4.4 Regulatory Committee

This Committee has a range of responsibilities including determination of planning applications and powers in relation to highways and rights of way and certain enforcements.

Membership: 12 County Councillors

4.5 Staff and Pensions Committee

This Committee considers staff terms and conditions and establishes the Pension Fund Investment Sub-Committee.

Membership: 6 County Councillors

5.0 Requirement for political balance

5.1 The Local Government and Housing Act 1989 requires that appointments to committees and sub-committees must achieve political balance in their membership. Where one party has an overall majority of seats on the Council then the majority of seats on a body should be allocated to that party.

5.2 The other ground rules are:

Committees: the aggregate allocation of all committee seats must be proportional to the party groups' overall membership on the Council. Within those allocations each individual committee must be split as close to the overall proportions as possible.

Sub-committees: the sub-committee is split proportionally – there is no aggregation.

Panels, Working Parties: the national rules do not apply but the Council has applied the proportionality rule as a matter of good practice.

5.3 The political balance rules do not apply to the Cabinet or any Committees established by the Cabinet. Except in very limited circumstances only Cabinet members may be appointed to Cabinet Committees.

5.4 The overall rules can be set aside in favour of local arrangements provided this is agreed by the Council with no-one voting against it.

The Council needs to consider whether it wishes to make any changes to these arrangements.

6.0 Chairs and Vice Chairs of Committees

The Council will appoint the members to the committees and then each will meet on the rising of Council in order to appoint their Chairs and Vice-Chairs (and some additional appointments to bodies that come within the remit of those committees).

The exception is the Audit and Standards Committee which currently has an independent chair (John Bridgeman). The independent chair has been appointed by the Council but there is no longer a formal requirement to have independent members of Standards Committees and it is therefore possible for the Committee to choose a councillor to chair should the Council decide to change the membership arrangements on this Committee.

7.0 Dispensations Sub-Committee

The Council has adopted a Code of Conduct as required by the Localism Act 2011 and agreed the arrangements for member registration and disclosure of interests. The Council has a Dispensations Sub-Committee to deal with requests from members for dispensation from the restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest. Arrangements are being made for a Dispensations Sub-Committee to meet on 1 June 2017..

8.0 Health and Wellbeing Board

The Health and Wellbeing Board's core functions include 'to advance the health and wellbeing of the people in its area, and encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner'.

The Health and Wellbeing Board is a committee of the Council. The rules regarding proportionality do not apply to the Board which has a mixed membership of councillor and non-councillor (including officer) appointments. Normally to be a voting member of a committee a person must be an elected member but the legislation allows all members of Health and Wellbeing Boards to be voting members unless the Council directs otherwise.

Membership – 4 County Councillors

The County Councillor membership to date has included the Cabinet Portfolio Holders for Health and for Adult Social Care plus the Leader of the Council who Chairs the Board.

The Director of Public Health and Director of People Group (Director of Childrens and Adults Services) are required by statute to be members.

Other membership includes portfolios for health from each of the district/borough councils, Chair of Healthwatch, the Clinical Commissioning Groups, NHS England, representatives from the four NHS trusts, the Warwickshire Police and Crime Commissioner.

9.0 Corporate Parenting Panel

The Corporate Parenting Panel purpose is to secure elected member and cross-organisation support and commitment for delivering improved services and better outcomes for looked after children, young people and care leavers.

Membership – 6 County Councillors

10 Standing Advisory Council on Religious Education (SACRE)

This body is required by statute. It advises the Cabinet on religious worship and religious education within schools and determines applications by individual schools for exemptions from the requirements of Christian worship. Membership includes representatives of religious denominations, teacher representatives and any co-optees.

Membership – 5 County Councillors

Membership includes representatives of religious denominations, six teacher representatives and other persons co-opted by the body. It meets at least twice a year. The next meeting is Wednesday 14 June 2017 6.30 pm at Saltisford Officers, Warwick.

11. Schemes of Delegation

The Council is required to set out in its Constitution its General Scheme of Delegation, the delegations (allocation of responsibilities) made to member bodies and officers. It is suggested that the Council confirms the delegations made by the previous Council - except in so far as they may be inconsistent with any changes to the arrangements made for the member bodies set out above.

12 Independent Remuneration Panel

The last review of the Member Allowances Scheme took place in 2013. The scheme includes an annual increase linked to the average increase in staff salary (although the council has specifically chosen to not take increases in some years). The index link cannot apply for more than four years, which is the normal period of time between reviews. It is therefore recommended that the scheme be reviewed, regardless of whether or not there are changes to the political management structure and responsibilities.

Background Papers

None. The information in this report is drawn from the Council's current published Constitution.

| | Name | Contact Information |
|--------------------------------------|---------------|------------------------------------------------------------------------------------------------------------|
| Report Author | Janet Purcell | Tel.01926 413716 janetpurcell@warwickshire.gov.uk |
| Head of Service, Law & Governance | Sarah Duxbury | sarahduxbury@warwickshire.gov.uk |
| Joint Managing Director | David Carter | davidcarter@warwickshire.gov.uk |

Draft Recommendations

- (1) That the Council confirms the Committee Structure and delegations to member bodies and officers as set out in the Constitution, including the permanent appointment of the Joint Managing Directors and the appointment of the Head of Law and Governance as Monitoring Officer, and the delegations to them as agreed by Council on 13 December 2016.

(subject to any amendments proposed and agreed at this meeting-list any changes required to terms of reference/size/membership of committees}

- (2) That the number of places on Council Committees be as follows

| Committees | Con | Lab | LD | Green | Ind SF | WRA | Total |
|---------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|------------------|------------------|------------------|------------------|--------------|
| Audit & Standards Committee (6) | | | | | | | 6 |
| Regulatory Committee (12) | | | | | | | 12 |
| Staff & Pensions Committee (6) | | | | | | | 6 |
| | | | | | | | |
| <i>Such Overview and Scrutiny Committees as may be appointed each to be listed separately 4 x 10 places as below:</i> | | | | | | | |
| Adult SC & Health | | | | | | | 10 |
| Children | | | | | | | 10 |
| Communities | | | | | | | 10 |
| Resources | | | | | | | 10 |
| Total (to be politically proportionate) | 40.420 (41) | 11.227 (11) | 7.859 (8) | 2.245 (2) | 1.122 (1) | 1.122 (1) | 64 |

- (3). That the Council appoints the committees and membership:
Groups to nominate members

| Committees | Con | Lab | LD | Green | Ind | Total |
|-----------------------------------------------------------------------------------------------|------------|------------|-----------|--------------|------------|--------------|
| Audit & Standards Committee | | | | | | |
| Regulatory Committee | | | | | | |
| Staff and Pensions Committee | | | | | | |
| <i>Such Overview and Scrutiny Committees as may be appointed each to be listed separately</i> | | | | | | |
| Total (to be politically proportionate) | | | | | | |

(4) That John Bridgeman be confirmed as the Chair of the Audit and Standards Committee.

(5) That the Council appoints members to the following bodies:

Groups to nominate members.

| | Conservative | Labour | Liberal Democrat |
|--------------------------------------------------------------|---------------------|---------------|-------------------------|
| Health and Wellbeing Board (4) | 3 | 1 | |
| Corporate Parenting Panel (6) | 4 | 1 | 1 |
| Standing Advisory Council on Religious Education (SACRE) (5) | 3 | 1 | 1 |

(6) That the Leader of the Council be confirmed as the Chair of the Health and Wellbeing Board

(7) That all other committees, sub-committees, working groups and panels other than statutory bodies cease to operate.

(8) That the Council authorises the Joint Managing Director (Resources) to make such amendments to the Council's Constitution as may be required as a consequence of any changes agreed by the Council.

(9) That an Independent Remuneration Panel to review the Member Allowances Scheme be convened to report to Council in September.