

WIRRAL COUNCIL

ANNUAL COUNCIL

21 MAY 2012

SUBJECT:	APPOINTMENT AND CONSTITUTION OF COMMITTEES 2012/2013
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to request the Council, in accordance with the relevant statutory provisions and the terms of the Constitution, to appoint Committees for 2012/2013.

2.0 BACKGROUND AND KEY ISSUES

2.1 Proportionality

Members must have regard to the requirements of section 15 of the Local Government and Housing Act 1989, and the relevant regulations (which deal with political balance on committees and sub-committees), and the terms of the High Court judgement in the case of R v Brent LBC ex-parte Gladbaum and Wood (which requires the relevant parent committee, rather than the Council, to appoint members of sub-committees and panels).

2.1.1 The political composition of the Council following the elections is as follows:

Conservative	22 seats	(33% of the 66 seats)
Labour	37 seats	(56%)
Liberal Democrat	7 seats	(11%)

2.1.2 Based on the numbers on current committees, the total number of committee places to be allocated in accordance with the above percentages, excluding the Cabinet and Standards Committee from the calculations, is 123 (referred to as available seats). The method of calculation is set out in Appendix 1.

2.2 Statutory and Other Considerations

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political parties represented on the Council are entitled to attend meetings of all committees and sub-committees, but with no right to vote and the right to speak only at the Chair's invitation (Standing Order 25(5)).

2.2.1 The Council is reminded that seats must be allocated to political groups in accordance with the following principles:

- (a) not all seats may be allocated to the same group;
- (b) a group with an overall majority is entitled to a majority of the seats on every committee;
- (c) subject to (a) and (b), the total of available seats must be allocated in the same proportion as each group's membership bears to the Council's membership;
- (d) subject to (a) to (c), the number of seats on each committee must be proportional to the group's membership of the Council.

Note: Only principles (a), (b) and (d) apply to the appointment of sub-committees, panels and advisory committees.

2.2.2 The Cabinet has previously expressed the view that non-executive members of the Council (other than the Mayor) should have the opportunity to serve on an overview and scrutiny committee if they so choose and a total of 57 places will be available.

2.2.3 Although the same might be said for all committees, for the Pensions Committee in particular it is considered desirable to maintain a continuity of membership.

2.2.4 A list of the current membership of committees is attached as Appendix 2 and may prove useful as a guide.

2.3 Standards Committee

2.3.1 The Standards Committee had not previously been included in the overall calculation for the allocation of places. It had not been subject to the proportionality requirement and in addition, there were four independent members.

2.3.2 At its meeting held on 16 April 2012 (minute 25 refers), the Standards Committee gave consideration to a new Standards regime to take effect from 1 July 2012, to ensure compliance with the requirements of the Localism Act 2011. The Standards Committee had made a number of recommendations to the Council for approval, which are set out elsewhere on this agenda.

2.3.3 Appointments to the Standards Committee, in accordance with the existing regime should be in the political ratio 3:3:3, together the existing independent members, up to 1 July 2012.

2.3.3 With effect from 1 July 2012, the appointment of a Standards Committee of nine Members will increase the total number of available places to 132 and the revised arithmetical entitlement is set out in appendix 1.

2.4 Co-opted members

2.4.1 The position with co-opted members is that any O & S committee is entitled to recommend to the Council the appointment of any non-voting co-optees. The Children and Young People Overview and Scrutiny Committee will have four voting co-optees – there is a statutory requirement to have representatives of the Catholic and Church of England dioceses and of parent governors. The

Pensions Committee also has voting co-optees who represent the other four districts in Merseyside and the wider membership of the Merseyside Pension Fund.

2.5 Appointment of Chairs and Vice-Chairs

2.5.1 Standing Order 5A (2) (e) provides for the Council to appoint Chairs and Vice-Chairs, but for the past few years it has left the appointment of Vice-Chairs to individual committees. Not all of them have made such an appointment, but it is recommended that they be urged to do so, particularly to avoid the possibility of a meeting being postponed because the Chair might not be available.

2.5.2 Appendix 2 indicates which political groups should nominate Chairs for each Committee for 2012/2013.

2.6 Deputies

2.6.1 Standing Order 25(6) (a) permits the Council to appoint up to a maximum of eight deputies for each political group on Committees and Sub-Committees. It is not necessary for deputies to be appointed for the Licensing Act 2003 Committee. This is because the vast majority of its work will be done by Sub-Committees comprising any three members of the Committee.

2.6.2 Given the membership of the Scrutiny Programme Board, consideration should be given to its pool of deputy members to ensure that representation by all five themed O&S Committees is maintained.

3.0 RELEVANT RISKS

3.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to committees.

4.0 OTHER OPTIONS CONSIDERED

4.1 No other options were considered beyond those outlined in the report.

5.0 CONSULTATION

5.1 It is for political groups to decide how they wish to allocate their committee places.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There are no implications arising directly from this report

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no implications arising directly from this report.

8.0 LEGAL IMPLICATIONS

8.1 There are no implications arising directly from this report.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no implications arising directly from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no implications arising directly from this report.

12.0 RECOMMENDATION/S

12.1 The Council is requested to:

- (a) agree the constitution and membership of committees in 2012/2013 (including deputies), having regard to the “proportionality” requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990;
- (b) agree the appointment of chairs and, if considered appropriate, vice-chairs;
- (c) note the designation of party spokespersons.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The Annual Meeting of the Council is required to make appointments to Committees.

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APPENDICES

- (1) Calculation of Committee Places
- (2) Committee Membership 2011/2012

REFERENCE MATERIAL

Previous reports on the appointment of Committees and amendments made during the year and the Council’s Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	16 May 2011
Council	17 May 2010
Council	18 May 2009
Cabinet	12 May 2009
Council	22 May 2008
Council	20 May 2008
Council	19 May 2008
Cabinet	14 May 2008