

<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>
<b>DATE:</b>	<b>6 JULY 2020</b>
<b>SUBJECT:</b>	<b>APPOINTMENTS AND REMOTE ATTENDANCE AT COUNCIL MEETINGS</b>
<b>LEAD OFFICER:</b>	<b>JACQUELINE HARRIS BAKER COUNCIL SOLICITOR &amp; MONITORING OFFICER</b>
<b>WARDS:</b>	<b>ALL</b>
<p><b>CORPORATE PRIORITY/POLICY CONTEXT:</b> The annual appointments are a constitutional requirement set out in Part 4A of the constitution. The Coronavirus Act 2020 and regulations made pursuant to this Act provide that the Council may delay annual appointments or not make annual appointments for the current municipal year with the existing appointments rolling over.</p>	
<p><b>FINANCIAL SUMMARY:</b></p> <p>There are no new financial issues arising from the recommendations in this report.</p>	

## **1. RECOMMENDATIONS**

Council is recommended to:

- 1.1 Agree (or receive for information as applicable) the following appointments where the number of nominations is equal to the number of available positions:
  - i) The appointments to Committees of the Council (Blue Schedule); and
  - ii) The appointments to all other Panels, Working Groups and Outside Bodies (Pink Schedule).
- 1.2 Agree the suspension of paragraph 2.3 of the Non-Executive Procedure Rules (Part 4F of the Constitution) for the municipal year 2020/2021;
- 1.3 Agree, with the exception of the Licensing Sub-Committee, the appointment of the Chair and Vice Chair of all Council committees and sub-committees as set out in the (Blue Schedule) for the municipal year 2020/2021. This is without prejudice to the provisions set out in paragraph 2.4 of Part 4F of the Constitution which would continue to apply enabling in year vacancies to either the Chair or Vice Chair to be filled by election at the first meeting of the relevant committee or sub-committee following notification to the Council Solicitor.
- 1.4 Receive for information executive appointments made under the Leader and Cabinet decision making framework:
  - i) The appointments of Cabinet Members, Cabinet Committees and Deputy Cabinet Members (Blue Schedule);
  - ii) The appointments to Joint Committees (Blue Schedule);
  - iii) The appointments to London Councils Committees and Panels and Local

- Government Association bodies (Blue Schedule); and  
iv) The appointment of Councillors to the Health & Wellbeing Board (Blue Schedule).

- 1.5 Note that the Leader has confirmed his intention to continue to devolve decision making powers to Cabinet or relevant Cabinet Members.
- 1.6 Receive for information:  
i) The appointments of Leader of the Opposition and Shadow Cabinet (Blue Schedule);  
ii) The appointments of political party group officers (Blue Schedule)
- 1.7 Note that the Council Solicitor has exercised her powers under Article 15 of the Constitution paragraph 15.2 (d) to make changes to the Council's Constitution arising as a result of legislative changes brought about by the Coronavirus Act 2020 and in particular the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 with regard to remote attendance at council meetings. The revised Protocol and Procedure Rules have been approved and incorporated into the Council's Constitution at Part 4.O.

## **1. EXECUTIVE SUMMARY**

- 1.1 This report details the Non-Executive appointments to be made by the Council for the Municipal Year 2020-21 and notes the Executive appointments made by the Leader of the Council.

## **2. APPOINTMENTS**

- 2.1 Part 4A of the Council's Constitution reserves the business of the Annual Meeting of the Council to a number of matters, which includes the appointment of Members to Committees and other bodies.
- 2.2 Those appointments can be broadly divided into three categories: Non-Executive Appointments; Party Political Appointments; and External Appointments.

### Executive Appointments

- 2.3 In accordance with Article 7 of the Council's Constitution, the power to make Executive Appointments is reserved to the Leader of the Council under the 'Leader and Cabinet' model of decision making. This includes positions such as Cabinet Members and portfolios, Cabinet Committees and Joint Committees exercising Executive functions.
- 2.4 In accordance with the statutory rules, the Council operates a 'Leader and Cabinet' model of decision making that permits the Leader to take all executive decisions. The Council Leader has indicated, subject to item 7 on the agenda, that it is his intention to continue to devolve and disperse executive decision making powers. The established custom and practice is for the overwhelming majority of executive decisions to be delegated to the Cabinet for collective consideration or to relevant individual Cabinet Members.

- 2.5 Those Executive appointments made by the Leader of the Council are listed in the attached 'Blue' and 'Pink' appointment schedules and are marked 'For information'.
- 2.6 As this year's Executive appointments continue with a 'job share' arrangement for one Cabinet Member position, Members are asked to note that the Council Solicitor has made the necessary consequential changes to the Constitution to reflect the arrangements for 'job-share' executive roles.

#### Non-Executive Appointments

- 2.7 This category of appointments covers all Council positions that are not reserved to the Executive, such as seats on Non-Executive Committees and outside bodies.
- 2.8 When making Non-Executive appointments, Section 16 of the Local Government and Housing Act 1989 (Duty to Give Effect to Allocations) requires the Council to give effect to any allocations in accordance with the wishes of the relevant party political groups. The wishes of the party political groups represented on the Council are listed in the attached 'Blue' and 'Pink' appointment schedules and are marked 'For agreement'. Council is recommended to agree those appointments. Section 16 of the same Act sets out the requirement for political proportionality and the political balance and composition of the Committees is set out in a separate report in this agenda.

#### Party Political Appointments

- 2.9 In accordance with Part 4A and Part 6A of the Council's Constitution, Annual Council is also asked to receive for information those appointments made by political parties represented on the Council.
- 2.10 Those appointments are also detailed in the 'Blue' and 'Pink' appointment schedules attached to this report and are marked 'For noting'. Council is asked to note those appointments.

#### External Appointments

- 2.11 Appointments to outside bodies are made for four years following local elections. Annual appointments in following years are restricted to those organisations that require annual appointments or where Members are unable to continue their membership.
- 2.12 In respect of Executive appointments to outside bodies Article 4.1 (g) of the Constitution provides that, the Leader and Cabinet or the Council Solicitor, after consultation with the relevant Cabinet Member may make appointments to outside bodies as necessary during the year. In respect of Non-Executive appointments the General Purposes and Audit Committee or the Council Solicitor after consultation with the Chair of the General Purposes and Audit Committee may make appointments to outside bodies as necessary during the year.

## Appointment of Chair and Vice Chair Positions

- 2.13 To assist with the management of the Annual Council meeting in remote format during the Covid pandemic it is proposed that the usual provisions in the Constitution (paragraph 2.3 Non-Executive Procedure Rules – Part 4F) which provide for the Chairs and Vice Chairs to be appointed at the first meeting of each committee or sub-committee be suspended for the municipal year 2020/21 and for such appointments to be made by full council instead. With the exception of the Licensing Sub-Committee the proposed appointments to the office of Chair and Vice Chair are set out on the Blue Schedule attached. This is without prejudice to the provisions in paragraph 2.4 of Part 4F of the Constitution which provides that in the event of an in year appointment to the position of Chair or Vice Chair this may continue to be filled at the first meeting of the relevant committee or sub-committee following notification to the Council Solicitor.

## **3. LEGAL IMPLICATIONS**

- 3.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance and Deputy Monitoring officer that the Coronavirus Act 2020 ('the CV Act') <http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted> is the government's main legislative change in response to the coronavirus pandemic. Most of its provisions came into effect on 25 March 2020 but detailed further legislation in the form of statutory instruments and government guidance have been issued since that date and continue to be published.
- 3.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 ('the Flexibility Regulations') <https://www.legislation.gov.uk/uksi/2020/392/made> exercise powers set out in section 78 of the CV Act and make specific legislative provision for remote attendance at meetings including public and press access to those meetings. The Flexibility Regulations came into force on 4 April 2020 and apply to local authority meetings held on or before 7 May 2021.
- 3.3 The Council Solicitor has exercised her powers under Article 15 of the Constitution paragraph 15.2 (d) to make changes to the Council's Constitution arising as a result of legislative changes brought about by the Coronavirus Act 2020 and in particular the Flexibility Regulations with regard to remote attendance at council meetings. The revised Protocol and Procedure Rules have been approved and incorporated into the Council's Constitution at Part 4.O.
- 3.3 The CV Act also makes holding an Annual Meeting during the 2020/21 municipal year a matter of choice. Where an annual meeting is delayed, all appointments from the 2019 Annual Meeting continue until these are appropriately amended by Council as proposed in the recommendations to this report.
- 3.4 In addition to the above referenced provisions, the Council will need to continue to comply with its duties under the Local Government and

Housing Act 1989, the Local Government (Committees and Political Groups) Regulations 1990, the Local Government Act 2000, the Licensing Act 2003, the Localism Act 2011, The Health and Social Care Act 2012 and the Council's Constitution.

- 3.2 Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

#### **4 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 4.1 There are no new financial burdens arising from the recommendations of this report.
- 4.2 Approved by: Lisa Taylor, Director of Finance, Investment and Risk and Section 151 Officer.

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#### **APPENDICES TO THIS REPORT**

- Appendix 1: Blue Appointment Schedule: Appointments to Main Council Bodies
- Appendix 2: Pink Appointment Schedule: Appointments to all other Panels, Working Groups and Outside Bodies

#### **BACKGROUND DOCUMENTS**

- Procedure rules for remote meetings (Part 4O of the Constitution): [here](#)
- Remote meetings protocol (Part 4O(i) of the Constitution): [here](#)