

COUNCIL
20 MAY 2021**POLITICAL STRUCTURES AND APPOINTMENTS**

(a) Political and Constitutional Structures**Recommendations**

1. **The Assistant Director for Legal and Governance recommends that the Council:**
 - a) **confirms the political structures established under the previous Council and set out in the Constitution (summarised in this report) subject to any revisions agreed below;**
 - b) **agrees the size of its ordinary committees and proposed allocation of seats between the political Groups on those committees and on Hereford and Worcester Fire and Rescue Authority as set out in Appendix 1;**
 - c) **appoints the individual members to those committees in accordance with the nominations from time to time of the respective political Groups in accordance with the Local Government and Housing Act 1989, and requires the Assistant Director for Legal and Governance to give effect to such wishes expressed by the political Groups; and**
 - d) **authorises the Assistant Director for Legal and Governance to settle any outstanding details relating to the political structures and to make changes as necessary to the Council's Constitution (Articles and Appendices) to give effect to the Council's decisions and any other revisions necessary to reflect needs or circumstances.**

Summary

2. The Council is responsible for establishing the political structures and establishing such Committees as it thinks fit to carry out the discharge of functions which are not the responsibility of the executive (Leader and Cabinet). In consultation with the Leader of the majority Group it is proposed that Council continues the previous Committee and Overview and Scrutiny political structure as adopted under the previous Council, summarised below. The proposed size of those committees and allocation of seats between political Groups on the Council to reflect political balance will be circulated in an Appendix once available.

Background Information

3. This report addresses the political and constitutional structures which are for the Council to decide. Council appoints and determines the size of Committees/Panels, and

allocates the seats on them between political Groups in accordance with the rules on political balance. Council also appoints the Chairmen and Vice-Chairmen of those bodies.

Planning and Regulatory, Pensions, Standards and Ethics, Audit and Governance and Waste Credit Governance Committees

4. No changes are proposed to the 5 standing Committees established under the previous Council - Planning and Regulatory, Pensions Committee, Standards and Ethics, Audit and Governance and Waste Credit Governance. It is proposed that these Committees continue with seats allocated on the basis of political balance as set out in the Appendix. In addition, individual Appointments etc. Panels (dealing with appointments and terms and conditions of Chief Officers and Heads of Service etc.) will continue to be appointed as necessary from time to time, with membership appointed on an ad hoc basis in accordance with political balance and as nominated by respective Group leaders.

5. Following the Localism Act 2011, Council resolved in July 2012 to voluntarily retain the Standards and Ethics Committee to oversee standards of member conduct and complaints, and adopted new terms of reference. This Committee is therefore an 'ordinary' Committee rather than its previous statutory status, and falls within political balance.

Overview and Scrutiny Arrangements

9. It is vital for the Council operating executive arrangements that it has an effective, constructive and (where necessary) challenging Overview and Scrutiny function. In consultation with the majority Group leader it is recommended that the Overview and Scrutiny political structure continues as under the previous Council.

10. The Overview and Scrutiny Performance Board (OSPB) commissions work as necessary through itself, scrutiny task groups, or the standing Scrutiny Panels as set out in the Appendix. These Scrutiny Panels (which are formal committees of the Council) were chaired by lead scrutiny members drawn from the OSPB. The Panels' work programme is agreed by the Board and endorsed by Council. The Panels provide regular performance monitoring and allow members to build up an expertise in particular areas. It was considered that the cross-cutting nature of Panels would assist the scrutiny of performance.

11. The Health Overview and Scrutiny Committee (HOSC) also includes co-opted members from each District Council.

12. The Council approves the outline Scrutiny programme, leaving flexibility for the OSPB to be able to deal with appropriate matters arising during of the course of a year. The Chairman of the OSPB would continue to report annually to Council on Scrutiny matters.

13. The Council has allocated the OSPB as the nominated body to deal with crime and disorder scrutiny matters, and the Environment and Economy Panel deals with the scrutiny of flood risk management, both as required under legislation.

14. Overall membership of ordinary committees, which include the OSPB and Overview and Scrutiny Panels, needs to be in accordance with the principles and requirements of political balance as set out in legislation. There is no such requirement in relation to

appointing Chairmen of member bodies. However, it is recommended that Council does not change the existing constitutional requirements that the key role of Chairman of the OSPB continues to be a member from outside the administration Group and (in order to emphasise the non-party political nature of that Chairman's role) cannot be one of the Council's political Group leaders.

15. The OSPB Chairman (and its Vice-Chairman in his or her stead) also exercises various constitutional powers and responsibilities (e.g. in relation to allowing urgent implementation of Cabinet/CMR decisions and the consideration of urgent items not otherwise on the Forward Plan).

16. The OSPB and its Panels also have the flexibility to co-opt additional persons where appropriate. Certain representatives e.g. Parent Governor and Church representatives must be co-opted onto a relevant Scrutiny body when dealing with education matters.

Constitutional Procedures

17. The Assistant Director for Legal and Governance may need to settle any outstanding details and update the Constitution to incorporate the decisions of Council from time to time.

Political Balance

18. Following the elections on 6 May 2021, the Council is composed of 57 Councillors who were described on the ballot paper as:

- Conservative 45
- Liberal Democrat 4
- Green 3
- Labour 3
- Independent 2

At the time of writing this report the size and names of the political groups on the Council had not been confirmed. Further details will follow before the Council meeting.

19. Legislation requires that allocation of seats on ordinary committees must, as far as reasonably practicable, be in accordance with the principles of political balance. These principles are based on the membership of political Groups within the Council which members join, rather than political parties as such. These principles are that the majority Group is entitled to a majority on each committee; subject to this, the aggregate allocation of committee seats overall should reflect political balance, and subject to this, individual committee membership should reflect political balance as far as practicable. Council can depart from these principles in allocating seats provided no member votes against doing so. A proposed allocation of seats on Committees is set out in Appendix 1 (to follow) reflecting the political composition of the new Council, and which would be compliant with the principles of political balance as far as practicable.

Appointments

20. Once Council has agreed its political structures and allocation of seats on Committees, the Assistant Director for Legal and Governance will fill those seats as usual in accordance with the nominations of the respective political Groups from time to

time (via their Group leaders) in compliance with the provisions of the Local Government and Housing Act 1989.

21. The subsequent paragraphs deal with the appointment of officeholders in relation to the political structures established by Council, and appointments to other bodies.

(b) Constitutional and Other Appointments

22. The Assistant Director for Legal and Governance recommends that:

- (a) the Constitutional Appointments be made as set out in Appendix 2; and**
- (b) he be authorised to finalise appointments to outside bodies in consultation with Group Leaders as set out in the report.**

Constitutional Appointments

23. The Council needs to appoint Chairmen and Vice-Chairmen of member bodies, and lead Scrutiny members, to fill certain positions within the structures decided above. The nominations are set out in Appendix 2 to this report. **[To follow]**.

Other Appointments

24. The Council is represented on a number of other bodies and external organisations. Following the elections the Council's representation on these organisations is being revised. Some appointments need to be made promptly e.g. due to timescales for meetings of external bodies.

25. For a significant number of those bodies there is either a requirement, or the Council has chosen, to allocate places to reflect the political balance of the Council. Nominations either have been or will be sought from Group Leaders for political nominations to these bodies, which include:

- Hereford and Worcester Fire and Rescue Authority
- Local Government Association and associated bodies
- SACRE.

26. A formal meeting of the Fire and Rescue Authority (FRA) is scheduled for 17 June, with an induction session taking place on 15 June 2021.

27. Consideration of other appointments will take place as normal in consultation with Group Leaders as appropriate.

(c) Council Meeting Dates 2022

Recommendation

28. The Assistant Director for Legal and Governance recommends that the

Council approves its programme of meetings for 2022 as follows:

13 January 2022

17 February

19 May

14 July

08 September

10 November

29. County Council meeting dates are currently scheduled up to November 2021. To enable the 2022 meetings programme to be produced and help members plan their commitments, the Assistant Director for Legal and Governance suggests that further meetings of the Council be now scheduled for 2022. In accordance with the usual practice and pattern of meetings, further meetings (Cabinet, Committees and Panels) will be arranged in the light of the Council dates and members notified in due course.

30. Members may wish to note that the remaining Council meetings for 2021 are scheduled for:

15 July

09 September

11 November

Supporting Information

Appendix 1 - Proposed allocation of places (to follow)

Appendix 2 - Nominations for Constitutional Appointments (to follow)

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the Proper Officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.