

COUNCIL BUSINESS COMMITTEE

APPOINTMENTS TO OUTSIDE BODIES 18th September 2008

Report of Head of Democratic Services

PURPOSE OF REPORT

To consider options for the appointment of Council representatives on outside bodies.

This report is public

RECOMMENDATIONS

Members' views are requested in order to formulate a recommendation to Council

1.0 Introduction

- 1.1 Council has in place a protocol for determining the basis on which appointments to outside bodies and partnerships are made. Under this protocol the options available to Council are to make any appointment:
- on the basis of PR, or
 - by virtue of a Councillor's position, such as a Cabinet Member, Committee Chairman or Ward Councillor.
- 1.2 In October 2003 it was agreed that Council would determine the basis on which all appointments to outside bodies and partnerships are made in line with the above protocol. Unless otherwise requested by the outside body concerned, appointments are made to the date of the next City Council elections, subject to confirmation at each Annual Council meeting.
- 1.3 Where an appointment is made on the basis of PR, the appointing Group(s) may notify the Head of Democratic Services in writing of their appointment without the need for further Council approval. Where necessary, Cabinet or other Committee representatives are referred to the appropriate member body for appointment.
- 1.4 The terms of reference of the Council Business Committee include: 'To make appointments to Committees and outside bodies (other than those made at Annual Council).' In practice, the provisions set out in 1.2 and 1.3 above result in very few issues relating to Outside Bodies being reported to Council Business Committee.

2.0 Proposal

2.1 At the meeting of Council on 27th July 2008, a request to make a Council appointment to a newly established Health and Wellbeing Group for North Lancashire was considered.

2.2 There has, for some time, been a view expressed that the options available to Council under the current system do not always allow for the most appropriate Councillor to be appointed as this Council's representative on outside bodies and Council concluded on this occasion that it would be preferable to review the current protocol and methodology prior to making this appointment.

2.3 Council therefore resolved:

'That the Council's existing protocol for the appointment of representatives on outside bodies be reviewed and the Head of Democratic Services be requested to submit a report on options to the next meeting of the Council Business Committee.'

2.4 It should be noted that in response to recommendations by the Grants Task Group, Cabinet agreed on 24th July 2007 that Councillors should be appointed to outside bodies on the basis of expertise, knowledge, relevance and enthusiasm rather than on a proportional basis.

2.5 Set out below are the options available taking into account any legislative and/or administrative restrictions.

3.0 Options and Options Analysis (including risk assessment)

3.1

	Option	Advantages	Disadvantages/risks
1	Make all appointments at Council	All Councillors can put themselves forwards and be considered for any position. A Councillor with particular experience can be 'matched' to an appropriate appointment	Very time consuming with nominations being requested for every position and a vote take on each. Appointments which are clearly linked to a specific role such as Cabinet or the relevant Ward may be 'hi-jacked' by other Members for political purposes.
2	Separate out any that should be Cabinet, Ward or other role specific and abandon PR for the remainder with Council voting on all nominations	Ensures that role specific appointments are appropriately made but allows all Councillors the opportunity to be nominated to other positions and Council appoint the most appropriately experienced Councillor	Time consuming with nominations being requested for approximately 85 positions at the current time and a vote taken on each. This could be partially mitigated by delegating the individual appointments to the Council Business Committee. There is no way of knowing at this stage how many of these would attract multiple nominations and where there is only one nomination, the appointment could be delegated to the Head of Democratic Services.

3	Status quo - Separate out any that should be Cabinet, Ward or other role specific and appoint on PR for the remaining positions, calculating PR individually on each body	Simple system identifies the Member where role specific and allows Groups to put forward names to the Head of Democratic Services without the need for a meeting on the basis of PR as calculated and previously approved	With 5 Groups ranging from 17 to 5 the PR calculations on separate bodies produce a distorted result where the majority of appointments are for a single member. This also places a heavy burden on the largest group to appoint a member to every outside body (with the exception of those identified as role specific) Does not always provide for the most appropriate Member from the point of view of knowledge and experience to be appointed to a particular position if they represent the 'wrong' group
4	Separate out any that should be Cabinet, Ward or other role specific and for the rest introduce a different PR system, aggregating the PR across all appointments	Ensures that role specific appointments are appropriately made but allows more Councillors the opportunity to be appointed to other positions whilst still maintaining a political balance Allows non-aligned members the opportunity to represent the Council on an outside body	Complicated calculations to ensure PR across a number of separate organisations <ul style="list-style-type: none"> • option (a) to allocate alphabetically could still result in the most appropriate person not being from the 'right' group to be appointed to a particular organisation • option (b) to calculate the number of seats available to each group and invite nominations would potentially be as time consuming as option 2 above
5	Keep the current system but include a 'get out clause' which would allow full Council to override the 'rules' and approve someone different	Maintains the current simple system but allows Council to appoint a suitably experienced Councillor where appropriate	Allowing a 'get out clause' may tempt an excessive use which would result in this being similar to option 2.

- 3.2 Unless there is a statutory duty to participate, Council may also determine that there is no benefit to be gained from representation and decline the invitation.
- 3.3 Changes could also be made to the Terms of Reference of the Council Business Committee to allow greater delegation to this Committee to deal with making appointments where more than one nomination is received.
- 3.4 If Members wish to pursue the option of retaining an element of PR to those appointments for which a specific appropriate role is not relevant this can be achieved in different ways.

3.5 The PR for each organisation can be calculated separately as currently (Option 3 above)

3.6 Alternatively the PR can be calculated across the total of 85 (Option 4 above)

3.6.1 If calculated across the total number the current allocation would be as follows:

I:23 L:19 G:17 C:16 LD:7 non-aligned:1 seat each (= 85 seats)

Council would need to consider how these allocations would be agreed to achieve this PR across the 85 seats.

3.6.2 It is suggested that where there are more than 2 seats on an organisation the PR calculation should be utilised. At the present time there are a total of 51 seats which are allocated on a PR of 3 or more to a single organisation on a PR of:

I:13 L:12 G:12 C:9 LD:5

This leaves 34 remaining seats where only 1 or 2 representatives are appointed and these should be allocated to Groups in the correct proportion to provide the difference between 3.6.2 and 3.6.1 above, i.e.

I:10 L:7 G:5 C:7 LD:2 non-aligned:1 seat each

3.6.3 Options 4(a) and (b) above set out alternative ways in which these remaining seats could be allocated:

(a) alphabetically or otherwise sequentially allocating particular organisations to a Group (or non-aligned) and requesting nominations from that Group in a similar fashion to currently

(b) requesting nominations/applications from Members for appointment to a particular body, including relevant knowledge or experience to enable Council (or the Council Business Committee) to make appropriate appointments within the constraints of the numbers in 3.6.2 above.

3.6.4 If Council wish to pursue Option 4 with a PR calculation across the board, then consideration will also need to be given to how new applications are dealt with. During the course of a 4 year term there are inevitably changes with new bodies being established and others being discontinued. It would not be practical to recalculate on every occasion and Council need to have in place an agreed process for deciding who should be appointed or allow nominations from any Group with the PR calculation being undertaken only on a four yearly basis following Council elections when any equalisation can be put in place in line with the election results.

4.0 Details of Consultation

4.1 No consultation has been undertaken but details have been obtained of how appointments are made to outside bodies in other Lancashire Authorities.

5.0 Conclusion

5.1 At the present time the City Council appoints representatives onto a large number of Outside Bodies, Partnerships and Boards using a combination of proportional

representation and in line with a Member's role such as Ward Councillor, Cabinet member, Overview & Scrutiny member, etc.

- 5.2 This does not always result in the most appropriate Member in terms of knowledge or experience being appointed to represent the Council on a particular body. Committee is requested to consider whether it wishes to change the current protocol in any way to allow a more flexible approach than is currently in place and if so whether any element of political balance should be retained and to recommend to Council accordingly.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Members of Outside Bodies are entitled to travel expenses. Costs resulting from these appointments are met from democratic representation budgets (£7,200 in 2008/09) and changes to the method of appointment will not affect costs.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Rules on political balance are set out in the Local Government (Committees & Political Groups) Regulations 1990 and S15 of the Local Government & Housing Act 1989. The duty on Local Authorities to apply these rules is set out in Schedule 1 of the Local Government & Housing Act 1989 and there is no requirement for PR to be applied in the case of appointments to outside bodies.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Letter from United Utilities dated 28th July 2008

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