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**MEETING:** ANNUAL COUNCIL

**DATE:** 23 JUNE 2004

**SUBJECT:** ANNUAL APPOINTMENTS 2004/2005

**REPORT FROM:** Leader of the Council

**CONTACT OFFICER:** Director of Legal and Democratic Services

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**TYPE OF DECISION:** Council Decision

**REPORT STATUS:** For Publication

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**PURPOSE/SUMMARY:**

This report deals with:-

- a) the notification of Political Group Leaders and Deputy Leaders, the appointment of the Leader, Deputy Leader and Members of the Executive, the allocation of Portfolios to Executive Members and the allocation of Lead Member Roles for the 2004/2005 Municipal Year;
- b) the appointment of Regulatory Committees, Scrutiny Panels/Commissions and other bodies affected by the political balance rules contained in the Local Government and Housing Act 1989;
- c) the appointment of the Standards Committee, Area Boards and other bodies not covered or exempted from the political balance rules for the 2004/2005 Municipal Year;
- d) the appointment of representatives on Joint Authorities;
- e) the appointment of other internal bodies not covered by the political balance rules; and
- f) appointments to outside bodies

## **OPTIONS AND RECOMMENDATION OPTION (with reasons):**

Recommended option

1. That the appointment of the Political Group Leaders and Deputy Leaders as set out in Appendix A to this report be received.
2. That the appointment of the Leader, Deputy Leader and Executive Members, including the allocation of Portfolios, and the appointment of Lead Members and allocation of the Lead Member Roles for the 2004/2005 Municipal Year be as set out in Appendix B to this report.
3. That the appointment of the Regulatory Committees, Scrutiny Panels/Commissions and other bodies covered by the political balance rules, including the appointment of Chairs where stated, be as set out in Appendix C to this report as amended by the proposed changes at paragraph 1.3.7 of the report.
4. That the appointment of the Standards Committee, Area Boards and other bodies not covered by or exempted from the political balance rules, including the appointment of Chairs where stated, be as set out in Appendix D to the report as amended by the proposed changes at paragraph 1.4.3 of the report.
5. That the appointments to the Greater Manchester Joint Authorities be as set out in Appendix E to the report.
6. That the appointments to the various other internal bodies, including the appointment of Chairs where stated, be set out in Appendix F to the report.
7. That the appointments to outside bodies be as set out in Appendix G to the report.
8. That, if necessary, the Council Constitution be amended to take into account the above recommendations.
9. That the Chief Executive, in consultation with the Leaders of the three political groups on the Council, be authorised to determine any appointments to bodies which remain to be filled and any changes in appointments or any new appointments to be made during the 2004/2005 Municipal Year and that any such appointments be reported to the Executive for information.

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## **IMPLICATIONS -**

### **Financial Implications and Risk Considerations**

There are no direct financial implications

### **Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes

Are there any legal implications? Yes

**Considered by Monitoring Officer:** Yes

The appointment of the various bodies indicated in the report complies with the provisions of the Council Constitution adopted under the provisions of the Local

Government Act 2000 and its related regulations and directions and also with the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990 as amended in respect of the political balance rules.

**Statement by Director of Finance and E-Government:**

No direct financial implications

**Staffing/ICT/Property:**

N/A

**Wards Affected:**

All Wards

**Scrutiny Interest:**

Resource

**TRACKING/PROCESS DIRECTOR: LEGAL AND DEMOCRATIC SERVICES**

| Chief Executive/<br>Management Board | Executive<br>Member/<br>Chair | Political Group<br>Leaders | Partners     |
|--------------------------------------|-------------------------------|----------------------------|--------------|
| 24 May 2004                          | 27 May 2004                   | 14 June 2004               |              |
| Scrutiny Panel                       | Executive                     | Committee                  | Council      |
|                                      |                               |                            | 23 June 2004 |

**1.0 ISSUES**

**1.1 POLITICAL GROUP LEADERS AND DEPUTY LEADERS**

1.1.1 The appointment by the Political Groups on the Council of their Leaders and Deputy Leaders has been notified and the details are set out in Appendix A to this report.

**1.2 THE EXECUTIVE**

1.2.1 The Council Constitution made under the provisions of the Local Government Act 2000 and its associated regulations and directions and adopted by the Council on 21 November 2001, as amended, provides for the Council to appoint the Leader and Executive Members to form the Executive.

1.2.2 The allocation of Portfolios to Executive Members and the appointment of the Deputy Leader are also the responsibility of the Council.

1.2.3 The Political Balance rules do not apply to the Executive.

**1.3 REGULATORY COMMITTEES, SCRUTINY PANELS/COMMISSIONS AND OTHER BODIES COVERED BY THE POLITICAL BALANCE RULES**

1.3.1 The rules and requirements for securing political balance on the Regulatory Committees (and Sub-Committees), Scrutiny Panels/Commissions, Advisory Committees and certain other bodies appointed by local authorities as set out

in Appendix C of this report are contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, as amended.

1.3.2 The general effects of the balance rules on this Council are that it is under a duty:-

- (a) to ensure that the membership of those bodies covered by the rules reflects the political composition of the Council as far as practicable;
- (b) to allocate seats on these bodies to the political groups in proportion to their numerical strength on the Council as far as practicable;
- (c) to accept the nominations made by the Groups for the filling of seats allocated to them; and
- (d) to review the allocation of seats to political groups at, or as soon as practicable after, the Annual Council Meeting and at certain other specified times.

1.3.3 In determining the allocation of seats to the political groups, the Council must apply the following four principles **so far as is reasonably practicable**:-

- (A) Not all seats on a body are to be allocated to the same political group;
- (B) The group with a majority of seats on the Council shall be allocated a majority of seats on a body.

Having first satisfied (A) and (B) above, then:-

- (C) The total of all seats on ordinary Committees shall be allocated to the groups in proportion to their respective political strengths on the Council.

Once (A), (B) and (C) above have been satisfied then:-

- (D) The number of seats on other affected "bodies" (Sub-Committees/Other Bodies) shall also be allocated to the political groups in proportion to their respective political strengths on the Council.

1.3.4 **The proportions** which each political group bears to the total number of Councillors on the Council are as follows:-

| <b>Group</b> | <b>Council Seats</b> | <b>Proportion</b> |
|--------------|----------------------|-------------------|
| Labour       | 27                   | 0.5294            |
| Conservative | 19                   | 0.3725            |
| Lib/Dem      | 5                    | 0.0980            |

1.3.5 **Aggregate entitlements (proportional)** of the groups to seats on Committees etc, based on the recommended number and size of Committees, are as follows:-

| <b>Group</b>      | <b>Committees</b> | <b>Sub Committees/ Other Bodies</b> | <b>Total Seats</b> |
|-------------------|-------------------|-------------------------------------|--------------------|
| Labour            | 77                | 8                                   | 85                 |
| Conservative      | 54                | 6                                   | 60                 |
| Liberal Democrats | 14                | 1                                   | 15                 |
| <b>TOTALS</b>     | <b>145</b>        | <b>15</b>                           | <b>160</b>         |

1.3.6 **Recommended seat allocations (actual)** to the groups are shown against each body listed in the Schedule. Based on the approved sizes of “bodies” and bearing in mind that the principles referred to above, the actual seat allocations for the main Committees are as follows:-

| <b>Group</b>      | <b>Committees</b> | <b>Sub Committees/ Other Bodies</b> | <b>Total Seats</b> |
|-------------------|-------------------|-------------------------------------|--------------------|
| Labour            | 79                | 9                                   | 88                 |
| Conservative      | 52                | 5                                   | 57                 |
| Liberal Democrats | 14                | 1                                   | 15                 |
| <b>TOTALS</b>     | <b>145</b>        | <b>15</b>                           | <b>160</b>         |

### 1.3.7 **Proposed Changes for 2004/2005**

**(a) Audit Sub-Committee**

To replace the Audit Sub-Committee as a sub-committee of Standards Committee by a stand alone Audit Committee (as a Regulatory Committee of the Council). That Committee to be allocated the current delegations of the Audit Sub-Committee, together with the oversight of internal and external audit currently allocated to the Standards Committee.

**(b) Economy, Environment and Transport Scrutiny Commission**

To add a co-opted member from the Chamber Business Connections (formerly Bolton Bury Chamber of Commerce).

**(c) Scrutiny Panels/Commissions – Youth Cabinet Co-opteds**

To discontinue the two Youth Cabinet co-opted members’ seats on each Scrutiny Panel/Commission as no nominations were received for

any of these places in 2003/2004 and no attendances at meetings were recorded in 2002/2003.

If the Youth Cabinet ever wished to have a seat(s) on Panels/Commissions then places could be created as and when required.

**(d) Licensing and Safety Panel**

In order to facilitate the implementation of provisions of the Licensing Act 2003, the operational date of which has been further delayed until October/November 2004 or possibly January 2005, it is proposed:-

- i) That the Licensing and Safety Panel be given authority to discharge all matters relating to licensing functions covered by the Act.
- ii) That the Licensing and Safety Panel be organised as follows to deal with applications for licences:-
  - (a) the full Panel to deal with all policy and monitoring matters relating to licensing.
  - (b) three members of the Panel to be selected to form individual politically balanced (where possible) Licensing Panels (to act as sub-committees) to deal with individual applications for licences. (**Note:** It is anticipated that meetings of these Panels will be held during the daytime and occasionally at weekends).
  - (c) members of individual Panels to be selected by the Chief Executive or his representative, in consultation with the Chair of the full Panel.
  - (d) Members should not be selected for individual Panels dealing with premises' licences in respect of premises within the ward for which they were elected.
- iii) That the Chair of the full Panel chair any individual Panel at which he/she is present but that, where the Chair of the full Panel has not been selected for an individual Panel, then the individual Panel shall select a Chair for the meeting.
- iv) That the Licensing and Safety Panel be authorised to determine the list of functions which arise from the Licensing Act 2003 to be allocated to the Panel, the delegations to the full Panel, individual Panels and officers, and that such list be submitted to the Council for information.

**1.4 STANDARDS COMMITTEE, AREA BOARDS AND OTHER BODIES NOT COVERED BY THE POLITICAL BALANCE RULES**

- 1.4.1 The appointment of the Standards Committee, Area Boards and certain other bodies are not covered by the political balance rules.

1.4.2. Different rules may apply to the appointment of these bodies particularly the Standards Committee.

#### 1.4.3 **Proposed Changes for 2004/2005**

##### **(a) Standards Committee – Responsibility for Functions**

To delete the following delegation to the Standards Committee in Paragraph 3.2.(C) Part 3 (Responsibility for Functions) of the Constitution:-

'11. To make recommendations to Council on the Members Allowance Scheme having regard to the report of the Independent Remuneration Panel on the level of Members' Allowances.'

And to amend Paragraph 4.01 (2) (b) of Article 4 (Full Council) to read:-

'(b) To adopt or amend the Members' Allowance Scheme under Article 2.05 having regard to recommendations of the Independent Remuneration Panel on the level of Members' Allowances.'

This change will have the effect of allocating responsibility for Members' Allowances and for consideration of reports of the Independent Panel to the Full Council and not on the recommendation of the Standards Committee.

##### **(b) Audit Sub-Committee**

See paragraph 1.3.7(a) above.

#### **1.5. REPRESENTATIVES ON GREATER MANCHESTER JOINT AUTHORITIES**

1.5.1. The Council is entitled to appoint representatives to serve on the Greater Manchester Joint Authorities for 2004/2005 and to nominate, from amongst the appointed representatives, spokespersons to answer any questions (duly notified at Council meetings) on the functions of the Joint Authorities on which they serve.

#### **1.6 APPOINTMENTS OF OTHER INTERNAL BODIES NOT GOVERNED BY THE POLITICAL BALANCE RULES**

1.6.1 Attached to this report as Appendix F is a schedule giving details of the appointment of other internal bodies not covered by the political balance rules.

#### **1.7 APPOINTMENTS TO OUTSIDE BODIES**

1.7.1 Attached to this report as Appendix G is a schedule giving details of appointments to be made to outside bodies.

#### **2.0 CONCLUSION**

2.1 Appendix A contains details of appointments of Group Leaders/Deputy Leaders.

2.2 Appendix B contains details of appointments relating to the Executive.

- 2.3. Appendix C contains details of the Regulatory Committees and Sub-Committees/Other Bodies to be appointed in accordance with the political balance rules.
  - 2.4 Appendix D contains details for the appointment of the Standards Committee, Area Boards and other bodies not covered by the political balance rules.
  - 2.5 Appendix E contains details of appointments of representatives on the Greater Manchester Joint Authorities.
  - 2.6 Appendix F contains details of appointments of other internal bodies not covered by the political balance rules.
  - 2.7 Appendix G contains details of appointments to outside bodies.
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**List of Background Papers:-**

None.

**Contact Details:-**

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Democratic Services  
June 2004  
KC/BB