

HAMBLETON DISTRICT COUNCIL

Report To: Annual Council
15 May 2012

From: Acting Chief Executive

**Subject: ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES AND
OUTSIDE BODIES**

1.0 SUMMARY:

1.1 The purpose of this report is to facilitate the appointment of Committees and Outside Bodies.

2.0 COMMITTEES FOR 2012/13:

2.1 In accordance with the Council's Constitution, the Council is requested to appoint the Committees as shown in Annexes 'A' and 'B'.

3.0 ALLOCATION OF SEATS:

3.1 Committees must be constituted on the basis of available seats being allocated on the Council's overall political proportionality (so far as is "reasonably practicable") unless some other basis of allocation has been approved without any Member voting against the proposal.

3.2 Normally, the allocation of seats on Committees must be in accordance with the principles set out below. In summary they provide that:-

- (i) representation on Committees must, so far as possible, be proportional to the number of Members any political Group has on the Council as a whole;
- (ii) because seats on Committees and Sub-Committees are allocated to Groups proportionally to the Group's size, the remaining seats on Committees need to be allocated to Members who are not part of a Group. However, there are currently no Members who are not part of a Group.

3.3 The allocation of seats is a two-stage process:-

- (i) Council determines seat allocation to each Group further to the rules of proportionality. The allocation is largely self-determining and depends on the size of each Group. Final adjustment is required by Council to ensure that no Group is over represented. These adjustments are decisions of the Council, which the views of Groups may assist;
- (ii) when the Council has determined the allocation of seats between Groups, the Council must decide which Members sit on which Committees. In carrying out this process the Council must follow the wishes expressed by Groups and can consider (but is not compelled to follow) the wishes of Members who are not part of a Group.

3.4 All political Groups have been notified of their proposed allocations across all Committees as described in this report which represents the best proportional fit and have been asked to express their wishes as to which Member sits on which Committees.

3.5 The total number of seats allocated to each particular Group on all Committees must be in the same proportion as is borne by the number of Members of that Group on the Council. There are currently 68 seats on Committees of the Council to which the proportionality rules would normally apply. This means seats are allocated to the political Groups on the following proportional basis:-

Conservatives	= 88% of seats	60 seats
Liberal Democrats	= 5% of seats	3 seats
Independents	= 7% of seats	5 seats

3.6 Therefore seat allocations for a total of 68 seats on Committees would be:-

Conservatives	60
Liberal Democrats	3
Independents	5

3.7 Proportionality does not apply to the appointment of the Cabinet.

3.8 The North Yorkshire Police Authority has previously had a representative of the Authority co-opted as a non-voting member on Scrutiny to assist with its role in scrutinising crime and disorder matters. It is therefore recommended that the Authority's representative continue to be co-opted on to Scrutiny Committee 2.

3.9 Area Forums comprise of Members based on the Market Towns and their hinterlands, together with the relevant North Yorkshire County Council Member for the Hambleton Area. It is requested that the Council waive the requirements for political proportionality on these Forums. Current membership is shown in Annex 'B.'

3.10 The Licensing Hearings Panel comprises the Chairman, Vice-Chairman and three Members of the Licensing and Environmental Protection Committee selected on a rota basis. It will be necessary to waive the requirement for political proportionality on this Panel.

3.11 Nominations from each of the Groups are contained in Annex 'C' to this report.

4.0 STANDARDS:

4.1 The Localism Act 2011 makes changes to the Standards regime. Council has previously agreed in principle certain changes to the arrangements for dealing with conduct matters and complaints. The existing Standards Committee and Sub-Committees will need to continue until 30 June 2012 and it is recommended that the same membership be maintained until the new legislation takes effect.

4.2 From 1 July 2012 the Standards Committee and its Sub-Committees will be dissolved and its functions transferred to a new Audit, Governance and Standards Committee. A suggested term of reference is attached as Annex 'D'.

4.3 A Standards Hearings Panel will be created comprising three elected Members drawn from a pool on a rota basis. The pool will contain six Members, four from the Conservative Group and one each from the other two Groups. The rules on proportionality will need to be waived by Council.

- 4.4 The Hearings Panel will also comprise a non-voting parish council representative drawn from a pool of three. It is recommended that the current three parish council representatives on the Standards Committee become the pool.
- 4.5 The Hearing Panel will also comprise a non-voting Independent Person. It is recommended that the current three independent members of the Standards Committee be appointed as Independent Persons and become the pool.
- 4.6 The term of office for both the Independent and Parish representatives is for a four year period in line with the term of office for District and Parish Councillors and it is recommended that this continue.
- 4.7 A proposed terms of reference for the Panel is contained in Annex 'D'.

5.0 OUTSIDE BODIES:

- 5.1 The constitution of the Council sets down the main role and responsibilities of Members representing the authority on Outside Bodies.
- 5.2 A list of the Outside Bodies which require an appointment to be made is attached at Annex 'E'.
- 5.3 The appointee(s) will serve on the Outside Body until the next election of the full Council unless the governing rules of the Outside Body determine a different period.
- 5.4 The Council currently has eight nominations as trustees to the Thirsk and Sowerby Swimming Baths Charity. The Leader has suggested that this be reduced to five. The Council will need to request the Charity to reduce the number. In the meantime to current trustees will continue in office.

6.0 THE NORTH YORKSHIRE BUILDING CONTROL PARTNERSHIP AND THE NORTH YORKSHIRE AUDIT PARTNERSHIP

- 6.1 The North Yorkshire Audit Partnership was a Joint Committee involving Hambleton and other North Yorkshire Councils. Hambleton had two Members on the Board. The Partnership came to an end on 31 March 2012 and has been replaced by a company known as Veritau North Yorkshire. The Council's representative on the company will be the Council's Section 151 Officer.
- 6.2 The North Yorkshire Building Control Partnership is a Joint Committee involving Hambleton and other North Yorkshire Councils. Hambleton has one Member on the Board. It is therefore recommended that the Cabinet Member for Customers be appointed as the representative on the Partnership.

7.0 THE NORTH YORKSHIRE POLICE AND CRIME PANEL

- 7.1 Council has previously approved in principle its involvement in the North Yorkshire Police and Crime Panel which will perform a scrutiny role when the new Police Commissioner takes office in November 2012. Prior to the Commissioner's election the Panel will undertake certain preparatory tasks.
- 7.2 The Panel is technically a Joint Committee of the County Council, City of York Council and each District Council in the County. Each authority will nominate one Member (to from the City of York) but the total membership of the Panel must be politically proportionate across North Yorkshire. Informal discussions have identified that if the Leader of the Council is appointed this (taken with other proposed appointments) will fit with political proportionality. It is therefore recommended that the Leader is appointed to the Joint Committee.

8.0 RECOMMENDATIONS:

8.1 It is recommended that:-

- (1) the Council appoints the Committees indicated at Annexes 'A' and 'B';
- (2) proportionality rules be waived in respect of the membership of the Licensing Hearings Panel, the Standards Hearings Panel and in respect of the Area Forums to enable the membership to be as shown in Annex 'B';
- (3) Membership of the Committees be that shown at Annex 'C';
- (4) The Terms of Reference for the Audit, Governance and Standards Committee and the Standards Hearings Panel be as set out in Annex 'D'.
- (5) the Council appoints Mr B Ferguson, Mr R C Pennington and Mr J E White as the Council's Independent members of the Standards Committee and Councillors Ms C Artingstoll, Ms J Crampton and Mr E Dennison as Parish Council representatives on the Standards Committee until the Standards Committee ceases to exist when the Localism Act 2011 provisions come into effect;
- (6) the Council appoints Mr B Ferguson, Mr R C Pennington and Mr J E White as its pool of Independent Persons and Councillors Ms C Artingstoll, Ms J Crampton and Mr E Dennison as its pool of Parish Council representatives on the Standards Hearings Panel from the date the Standards provisions in the Localism Act 2011 come fully into effect;
- (7) the Council appoints Members as the Council's representatives on Outside Bodies detailed within Annex 'E';
- (8) the Thirsk and Sowerby Baths Charity be requested to reduce the number of Council nominees as trustees to five;
- (9) a representative of the North Yorkshire Police Authority be co-opted as a non voting Member of Scrutiny Committee 2;
- (10) the Cabinet Member for Customers be appointed as the representative on the North Yorkshire Building Control Partnership;
- (11) the Leader of the Council be appointed as the District Council's Member of the North Yorkshire Police and Crime Panel.

PHILLIP MORTON

Background papers: None

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ANNEX 'A'

Committee	Conservative	Independent	Liberal Democrat	TOTAL
Scrutiny Committee 1	13	1	1	15
Scrutiny Committee 2	12	1	1	14
Planning Committee	11	2	1	14
Licensing and Environmental Protection Committee	10	0	0	10
Appeals Committee	7	1	0	8
Audit, Governance and Standards Committee	6	1	0	7
	59	6	3	68

Committee	Conservative	Independent	Liberal Democrat	<u>Total:</u>
Standards Hearings Panel	4	1	1	6
Licensing Hearings Panel	N/A	N/A	N/A	5

AREA FORUMS – WARDS

Bedale:

Bedale
Crakehall
Leeming
Leeming Bar
Tanfield
North Yorkshire County Council Member

Stokesley:

Broughton and Greenhow
Great Ayton
Rudby
Stokesley
Swainby
North Yorkshire County Council Members

Easingwold:

Easingwold
Helperby
Huby and Sutton
Shipton
Stillington
Tollerton
White Horse
North Yorkshire County Council Member

Thirsk:

Sowerby
Thirsk
The Thorntons
Topcliffe
Whitstonecliffe
North Yorkshire County Council Members

(Tanfield and White Horse)

Northallerton:

Brompton
The Cowtons
Morton-on-Swale
Northallerton Broomfield
Northallerton Central
Northallerton North
Osmotherley
Romanby
North Yorkshire County Council Member

(Rudby)

Scrutiny 1 (15)

<u>Conservative</u> (13)	<u>Independent</u> (1)	<u>Liberal Democrats</u> (1)
D Adamson R A Baker K Billings D M Blades Mrs C S Cookman G W Ellis N A Knapton J Noone C R Rooke Mrs S A Shepherd P G Sowray D A Webster A W Wood	D H Smith	Mrs J A Griffiths

Scrutiny 2 (14)

<u>Conservative</u> (12)	<u>Independent</u> (1)	<u>Liberal Democrats</u> (1)
P Bardon A W Barker Mrs F M Greenwell K G Hardisty R W Hudson J D Hugill M J Prest Mrs I Sanderson Mrs M Skilbeck J N Smith A Wake S Watson	M Rigby	B Griffiths

Audit, Governance and Standards Committee (7)

<u>Conservative</u> (6)	<u>Independent</u> (1)	<u>Liberal Democrats</u> (0)
D E Adamson Mrs C S Cookman G Dadd Mrs B S Fortune R W Hudson J N Smith	M Rigby	

Standards Committee (5) (Until the Localism Act 2011 provisions take effect)

<u>Conservative (2)</u>	<u>Independent (2)</u>	<u>Liberal Democrats (1)</u>
C A Les P G Sowray	J Coulson M Rigby	B Griffiths

Planning Committee (14)

<u>Conservative (11)</u>	<u>Independent (2)</u>	<u>Liberal Democrats (1)</u>
D E Adamson G W Ellis Mrs B S Fortune K G Hardisty M J Prest M S Robson Mrs I Sanderson Mrs M Skilbeck P G Sowray D A Webster A W Wood	J Coulson D H Smith	Mrs J A Griffiths

Licensing and Environmental Protection Committee (10)

<u>Conservative (10)</u>	<u>Independent (0)</u>	<u>Liberal Democrats (0)</u>
R A Baker D M Blades S P Dickins Mrs F Greenwell K G Hardisty C A Les J Noone A Robinson Mrs I Sanderson Mrs S A Shepherd		

Licensing Hearings Panel (5)

Chairman and Vice-Chairman of Licensing and Environmental Protection Committee plus 3 Members of that Committee selected on a rota basis by the Chief Executive.
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Standards Hearings Panels Pool (6) (Once the Localism Act 2011 provisions take effect)

<u>Conservative (4)</u>	<u>Independent (1)</u>	<u>Liberal Democrats (1)</u>
Chairman and Vice-Chairman of Audit, Governance and Standards Committee. G W Dadd Mrs B S Fortune	To be advised	To be advised

Appeals Committee (8)

<u>Conservative (7)</u>	<u>Independent (1)</u>	<u>Liberal Democrats (0)</u>
P Bardon G W Dadd A W Hall M J Prest A P Wake S Watson D A Webster	D H Smith	

**PROPOSED TERMS OF REFERENCE FOR AUDIT, GOVERNANCE
AND STANDARDS COMMITTEE AND THE STANDARDS HEARINGS PANEL**

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Matters which may be determined by the Committee:

Audit and Governance:

- Reviewing and approval of the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- All aspects of internal audit including:-
 - consideration of the North Yorkshire Audit Partnership's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
 - consideration of summaries of specific internal audit reports as requested;
 - approval and monitoring of the annual Audit Plan;
 - consideration of reports dealing with the management and performance of the providers of internal audit services;
 - consideration of reports from the North Yorkshire Audit Partnership on agreed recommendations not implemented within a reasonable timescale;
 - the commissioning of work from the North Yorkshire Audit Partnership;
- all aspects of external audit, including:-
 - consideration of the external auditor's annual letter, relevant reports and the report to those charged with governance;
 - consideration of specific reports as agreed with the external auditor;
 - commenting on the scope and depth of external audit work and to ensure that it gives value for money;
 - liaison with the Audit Commission over the appointment of the Council's external auditor;
 - the commissioning of work from external audit;
 - consideration of the external auditor's report to those charged with governance on issues arising from the audit of accounts;
- The review of any issue referred to it by the Chief Executive or an Executive Director, or any Council body.

- All aspects of counter fraud and anti-corruption, including:-
 - monitoring of Council policies on “Raising Concerns at Work” & the anti-fraud and anti-corruption strategy & the Council’s complaints process.
 - Monitoring the effective development and operation of risk management in the Council.
 - Overseeing the production of the Authority’s Annual Governance Statement to recommend its adoption.
 - Consideration of the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- All matters related to the Regulation of Investigatory Powers Act 2000.

Standards:

- To promote and maintain high standards of conduct by Members of the Council.
- To assist Members and co-opted Members of the Council to observe the Council’s Code of Conduct.
- To monitor the operation of the Council’s Member Code of Conduct and Planning Code.
- To advise, train or arrange training for Members and co-opted Members of the Council on matters relating to the Council’s Member Code of Conduct and Planning Code.
- To formulate advice to Members and Officers on declarations of gifts and hospitality. To monitor and keep under review the arrangements for recording interests, gifts and hospitality.
- To review arrangements for designating politically restricted posts.
- To review the operation of the Council’s complaints procedures.
- To carry out all of the Council’s functions under the Local Government Act 2000 in connection with Parish and Town Councils.

Matters for determination by Cabinet:

Audit and Governance:

- Report to Cabinet as it deems necessary on matters of concern.

Matters for determination by Council:

Audit and Governance:

- All aspects of Corporate Governance, including:-
 - reviewing & making recommendations on changes to the Code of Corporate Governance;
 - monitoring compliance with the Code of Corporate Governance;
 - maintaining an overview of the Council’s Constitution including those in respect of procurement procedure rules & financial regulations.

- The review & scrutiny of recommendations made by Cabinet to Council in respect of the Council's Annual Treasury Management Policy including the Annual Investment Strategy.

Standards:

- To advise the Council on the adoption or revision of a Code of Member Conduct and Planning Code.
- To formulate and recommend Codes of Conduct for Officers and keep them under review.
- To recommend protocols on Member/employee relations and to review its operation.

STANDARDS HEARINGS PANEL

Matters which may be determined by the Panel:

- Determination of complaints under the Council's Complaints Procedure.
- Investigation and determination in respect of allegations under Codes of Member Conduct for the District Council and (where requested) Parish/Town Councils.

Matters which may be determined by Cabinet:

- To make recommendations to Cabinet in respect of any matters relating to Council practice and procedures arising out of Panel determinations and which cannot appropriately be dealt with by Officers.

BODIES APPOINTED BY COUNCIL

Term of Office Expires May 2013 Unless Stated or Otherwise Specified by the Outside Body

Name of Body	No of Places	Representative or Independent	Appointee 2012/2013
Business Support and Development	1	Independent	Councillor Mrs M Skilbeck 2 Yr appointment until AM 2014
Hambleton and Richmondshire Community Addiction Services	1	Representative	Councillor K Hardisty Appointed until August 2013
Hambleton and Richmondshire Joint Strategic Forum	1	Representative	Leader (or nominated Cabinet Member)
Hambleton Arts	1	Representative	Cabinet Member for Leisure and Health Term expires AM 2015
Hambleton Citizens' Advice Bureau (Board of Trustees)	1	Independent	Councillor A W Hall (on Board of Trustees) Appointed until Oct/Nov 13
Hambleton Community Safety Partnership	1	Representative	Cabinet Member for Partnerships
Hambleton Over 50s Forum	1	Representative	Cabinet Member for Partnerships 2 Year Term expires AM 2014
Internal Drainage Boards (One appointee represents all the IDB's)	1	Independent	Councillor R A Baker 3 Year Term expires AM 2014
Local Government Association	1	Representative	Leader of Council
Local Government Association Rural Commission	1	Representative	Leader of Council
Local Government North Yorkshire and York	1	Representative	Leader Substitute: Deputy Leader
Local Government North Yorkshire and York Housing Board	1	Representative	Cabinet Member for Housing and Planning
Local Government North Yorkshire and York Transport Member Board	1	Representative	Deputy Leader of Council

Name of Body	No of Places	Representative or Independent	Appointee 2012/2013
Local Government, Yorkshire and Humber	1 + Sub	Representative	Leader of Council
Local Government, Yorkshire and Humber Employers' Forum	1	Representative	Deputy Leader of Council
North York Moors National Park Committee	1	Representative	Councillor D Hugill Term expires AM 2015
North Yorkshire County Council Hambleton Area Committee	4	Independent	Councillors: D E Adamson M J Prest D H Smith A Wake 4 Year Term expires AM 2013
North Yorkshire Culture	1	Independent	Cabinet Member for Leisure and Health
North Yorkshire Pension Fund Advisory Panel	1	Representative	Deputy Leader of Council
North Yorkshire Scrutiny of Health Committee	1 + 2 sub	Representative	Councillors Mrs S Shepherd Substitutes: Councillors: P Bardon D Blades
Northallerton and District Voluntary Services Association	1	Representative	Councillor J Noone 3 Year Term expires AM 2015
Reserve Forces and Cadets Association for Yorkshire and The Humber	1	Representative	Councillor Mrs B S Fortune 5 Year Term expires March 2015 Member must be under 70
Rural Action Yorkshire	1	Independent	Councillor N A Knapton
Supporting People Group	1	Representative	Cabinet Member for Housing and Planning Term expires AM 2015

Name of Body	No of Places	Representative or Independent	Appointee 2012/2013
Tees Valley Health Scrutiny Joint Committee	1	Representative	Councillor Mrs M Skilbeck
Thirsk and Sowerby Swimming Baths Charity	8	Representative	Councillors: D A Adamson R A Baker P Bardon N D Clack G Dadd N W Huxtable M Robson D A Webster
Welcome to Yorkshire	1	Independent	Cabinet Member for Partnerships Term expires AM 2015
York and North Yorkshire Playing Fields Association	1	Independent	Cabinet Member for Leisure and Health
Yorkshire Energy Partnership Ltd (formerly Sustainability 4 Yorkshire)	1	Representative	Councillor S Watson

BODIES APPOINTED BY AREA FORUMS

Term of Office Expires May 2013 Unless Stated or Otherwise Specified by the Outside Body

Name of Body	No of Places	Representative or Independent	Current Reprs
Bedale Hall Management Committee (Appointed by the Bedale Area Forum)	2	Independent	Councillor C A Les Councillor D H Smith Appointed until October 2013
Bedale Minibus Sub-Committee (Appointed by the Bedale Area Forum)	1		Councillor J Noone 5 Year Term expires AM 2015
Captain Cook Schoolroom Museum Trust (Appointed by the Stokesley Area Forum)	1	Independent	Councillor Mrs F M Greenwell
Captain Cook Tourism (Appointed by the Stokesley Area Forum)	1	Independent	Councillor Mrs F M Greenwell
Durham Tees Valley Airport Consultative Committee (Appointed by the Stokesley Area Forum)	1 + sub	Representative	Councillor Mrs B S Fortune Substitute: Councillor Mrs F M Greenwell
Easingwold Community Care Association (Appointed by the Easingwold Area Forum)	1	Representative	Councillor Mrs C S Cookman Appointed until October 2013
East Thirsk Community Association (Appointed by the Thirsk Area Forum)	1	Independent	Councillor D E Adamson
Howardian Hills AONB (Appointed by the Easingwold Area Forum)	1	Representative	Councillor Mrs C S Cookman Term expires AM 2015
Stokesley and District Community Care Association (Appointed by the Stokesley Area Forum)	2	Independent	Councillor Mrs M Skilbeck Term expires AM 2015
Thirsk, Sowerby and District Community Care Association (Appointed by the Thirsk Area Forum)	1	Representative	Councillor D E Adamson 3 Year Term expires AM 2014