

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 22 March and 19 April 2022. Attendances:

Councillor Glazier (Chair) (2)

Councillors Bennett (2), Collier (2), Simmons (2) and Tutt (2)

1. Appointment of Members to Committees, Sub-Committees, Panels and Other Bodies

1.1 In appointing members to committees, sub-committees, most panels and some outside bodies the Council must comply with section 15 of the Local Government Act 1989 and subsequent Regulations. These provide that places on committees must be allocated to political groups in proportion to the number of seats on the Council held by each group, unless there is agreement, without dissent, that the provisions of the Act should not be applied.

1.2 The allocation of places to party groups must, so far as is reasonably practicable, give effect to the following principles:

- (a) not all of the seats on the body can be allocated to the same political group;
- (b) where more than half the members of the Council belong to one political group, that group shall have a majority on all committees, sub-committees, etc;
- (c) subject to (a) and (b) above, the total number of seats on the ordinary committees (including sub-committees) allocated to a political group reflects that group's proportion of the members of the Council;
- (d) subject to (a), (b) and (c) above, the number of seats on each body allocated to a political group reflects the proportion of the seats on the Council held by the group.

1.3 The rules require seats to be allocated on a proportional basis "so far as practicable" and inevitably there must be some rounding up and rounding down. It is open to the Council to review the size and number of committees and sub-committees at any time.

1.4 Members of the Cabinet may not serve on the Scrutiny Committees or the Regulatory Committee and the Leader and Deputy Leader of the Council may not serve on the Standards Committee.

1.5 The Leader of the Council appoints the Cabinet and allocates portfolios to those Cabinet Members. Political balance provisions do not apply to the Cabinet

1.6 The principle in paragraph 1.2 (c) above applies to appointments to ordinary committees (including sub-committees). Accordingly, before considering the allocation of places to political groups the Council will need to consider whether it wishes to recommend any changes in committees, including their size. The tables in Appendix 1 show the proposed allocation of seats for 2022/23. There are no changes to the allocation agreed by the County Council in May 2021 for 2021/22. The proposals in relation to the ordinary committees and sub-committees, their total membership and the number of seats on each to which the groups will be entitled follows the principles set out in paragraph 1.2 above.

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1.7 The party group leaders and independent members have been asked to let the Assistant Chief Executive have nominations to fill the places on committees, sub-committees, panels and other bodies covered in this report provisionally allocated to their group. The final list of nominations received will be circulated to members of the County Council prior to the annual council meeting, for approval by the Council.

1.8 The allocation of seats to the Governance Committee has been proposed to take into account the importance of having one member from each of the three largest political groups. Membership of this Committee normally includes the Group Leaders.

Other Committees and Panels

1.9 There is no obligation in relation to other committees and panels to aggregate the total number of places and to adjust allocations so that the total number of places allocated to each group reflects its proportion of the members of the Council. It is proposed that places should be allocated on a proportionate basis, unless the Council agrees to waive the political balance provisions which has been the custom for certain panels over many years.

1.10 The practical effect of the proportionality rules for a committee, panel or group of members of any given size from 3 to 12 is set out in Appendix 2, together with the list of current committees and panels to which appointments will need to be made and their membership.

Chairs and Vice Chairs of Scrutiny Committees

1.11 The Council's Constitution provides that the Chairs and Vice Chairs of Scrutiny Committees and Audit Committee should be added together and the positions then allocated to groups in accordance to the number of seats they have on the Council. Within this allocation the Chair of the Audit Committee shall be appointed from the members of the largest Group not represented on the Cabinet. On this basis the allocation of the 8 places would be as follows:

Conservative – 4
Liberal Democrat – 2
Labour – 1
Green - 1
Independent Democrat - 0

1.12 The proposed list of Chairs and Vice Chairs (there are no changes to the allocation agreed in May 2021 for 2021/22) to be appointed by the County Council is:

Committee	Chair	Vice-Chair
Regulatory	Conservative	
People Scrutiny Committee	Conservative	Liberal Democrat
Place Scrutiny Committee	Conservative	Green
Audit Committee	Liberal Democrat	Conservative
Health Overview and Scrutiny Committee	Conservative	Labour

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Governance Committee	Conservative	
Planning Committee	Conservative	Conservative
Pension Committee	Conservative	
Standards Committee	Conservative	

1.13 The Committee recommends the County Council to:

☆ (1) allocate to the political and other groups the places on, and membership of, the main committees as set out in Appendix 1;

(2) allocate places on the other committees and panels as set out in Appendix 2; and

(3) allocate the Chair and Vice Chair positions on committees as set out in the table in paragraph 1.12.

2 Amendment to the Constitution – Debate on the Cabinet priorities

2.1 Standing Order 45 of the Constitution sets out that at the annual meeting of the Council in May up to 90 minutes shall be set aside for a debate on the Cabinet priorities for the year ahead (and past achievements). At a meeting in June/July then Cabinet considers a report on Reconciling Policy, Performance and Resources – State of the County which is reported to the County Council (usually October).

2.2 It is considered that it would be preferable to have the Full Council debates on the State of the County report and the Cabinet priorities at the same meeting as the report could inform the priorities debate. It is therefore proposed that the Constitution be amended to have the debate on the Council priorities at the July Council meeting. It is proposed that an exception to this be in a year of Full Council elections when the debate of priorities would take place at the annual meeting in order that the administration can set out its priorities at the earliest opportunity.

2.3 It is therefore proposed that the amendments be made to the following Standing Orders:

- a) Standing order 10 (11)

At the **July annual** meeting, to debate the Cabinet's priorities for the year ahead, **with the exception of a year of Full Council elections when the debate will be held at the annual meeting**

- b) Standing Order 23 (2)

No speech shall exceed five minutes except there the Leader of the Council and the Leaders of the Opposition Groups are speaking at the start of the debate **at the annual meeting** on the Cabinet's priorities. In this instance, each Leader shall be permitted to speak for up to 11 minutes – see Standing Order 45.

- c) Standing Order 32.8

The Leader of the Council shall have a right of reply to the debate **at the annual meeting** on the Cabinet's priorities for the year ahead.

d) Standing Order 45

DEBATE OF CABINET'S PRIORITIES FOR YEAR AHEAD

At the ~~annual~~ **July** annual meeting of the Council up to 90 minutes shall be set aside for a debate of the Cabinet's priorities for the year ahead (and its past achievements) **with the exception of a year of Full Council elections when the debate will be held at the annual meeting.** The Leader of the Council and the Leaders of the Opposition Groups shall be entitled to speak first and shall each be permitted to speak for up to 11 minutes. Any extension must be agreed by the Council. Otherwise the normal restrictions on the length of speeches shall apply. No motions may be moved during this debate. At the end of the 90 minutes' period (or sooner if the debate is concluded in less time) the Leader of the Council shall be entitled to reply to the debate.

2.4 In order to facilitate the Cabinet priorities debate being held at the same meeting as the debate on the State of the County Report (with the exception of a year of Full Council elections) it is proposed that the Committee recommend the changes to the Constitution set out in paragraph 1.3 to the Council for approval

2.5 The Committee recommends the County Council to:

✧ approve the proposed amendments to the Constitution set out in paragraph 2.3 of this report.

3 Adoption Agency Delegation

3.1 The Director of Children's Services has delegated authority to undertake all the powers and duties of the County Council as an adoption agency having regard to the recommendations of the Adoption Panel and to approve the charge for home-study assessments for inter-country adoptions in accordance with the policy agreed by Cabinet. This includes acting as the Agency Decision Maker in respect of whether a proposed care plan is the right decision for the child.

3.2 The National Minimum Standards for Adoption (last updated 25 July 2014) require that the person undertaking the role of Agency Decision Maker is a qualified social worker.

3.3 It is proposed that authority to exercise these powers and functions also be delegated to the Head of Children's Safeguards and Quality Assurance, a role which does require a social work qualification

3.4 The Committee recommends the County Council to:

✧ agree to delegate authority to the Head of Children's Safeguards and Quality Assurance to exercise the powers, functions and duties of the County Council as an Adoption Agency, which includes acting as Agency Decision Maker.

19 April 2022

KEITH GLAZIER
(Chair)