

Annual Meeting of the Council – 17th May, 2007

Report of the Director of Law and Property

Appointment and Membership of Committees for 2007/08 and Related Matters

Purpose of Report

1. To consider the appointment and membership of Committees and a number of related matters for the 2007/08 municipal year.

Background

Appointment and Membership of Committees

2. The Council's Procedure Rules prescribe that the Council, at its Annual Meeting, will appoint at least one Select Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions, and will in this connection:
 - (a) decide the size and terms of reference for Committees;
 - (b) appoint Chairmen and Vice-Chairmen for Committees;
 - (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
 - (d) receive nominations of Councillors to serve on each Committee.

The proposals of the Majority Group in respect of issues (a) to (c) above and the nominations of the political groups regarding members to serve on each Committee will be circulated at the meeting.

3. There are currently three political groups represented on the Council:-

Conservative (39 seats)
Labour (28 seats)
Liberal Democrat (5 seats)

4. Under Sections 15 and 16 of the Local Government and Housing Act, 1989, the Council is required to provide for political balance on Committees. For the 2007/08 municipal year it is proposed that the composition of the following Committees be determined in accordance with political balance:

Appointments
Audit
Development Control
Disciplinary/Dismissal/Grading Appeals
Licensing and Safety
Select Committees (x5)
Taxis
Tree Preservation Orders

5. The political balance 'rules' provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council. A political group is constituted where two or more members of the Council give notice that they wish to be treated as a group.
6. However, Section 17 of the Local Government and Housing Act, 1989, authorises the Council to approve different arrangements (eg: not reflecting political balance) provided no member of the Council votes against them.
7. It is also proposed that, with the exception of any specific points and issues that may be raised at this meeting, the terms of reference and onward delegations of functions for the remaining committees listed in paragraph 4 above, as set out in the Council's Constitution, be re-affirmed for the 2007/08 Municipal Year.

Appointment of Co-opted Representatives to Serve on the Select Committee on Children's Services

8. In accordance with Section 499 of the Education Act, 1996, DFES Circular 19/99 and the Education (Parent Governor Representatives) (England) Regulations 2001, the Council has previously appointed co-opted representatives to serve on the Select Committee for Children's Services. The persons appointed in 2006/07 were as follows:-

Non-Elected Voting Members

Parent Governor Representatives
Mr S. Smith – Secondary Schools
Mr J. Jones – Primary Schools
Vacancy – Special Schools

Church Representatives
Revd. A. Wickens – Worcester Diocesan Board of Education
Mr. A. M. P. Hatton – Archdiocese of Birmingham

Non-elected, Non-voting Members

Teacher Representatives:
Mrs. M. Verdegam – Primary Education
Mr. M. Lynch – Secondary Education
Church Representative:
Mr. S. Taylor – Free Churches
Persons with experience of and interest in Education in the Borough:
Ms. K. Bradley
Mrs. G. Simms

9. For 2007/08, it is proposed that co-opted representatives be appointed to serve on the Select Committee for Children's Services on the same basis as outlined above. The names of the co-opted representatives to be appointed for 2007/08 will be submitted in the lists to be circulated at the meeting.

Licensing Act 2003 – Statutory Functions

10. In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. The arrangements adopted by the Council have been successful in the past two municipal years. It is recommended that the 15 members appointed to the Licensing and Safety Committee continue to undertake the statutory functions of the Committee under the 2003 Act, with the exception of the approval of the licensing policy and any other specific functions that may be reserved to full Council. In practice, the majority of licensing applications are dealt with by five Licensing Sub-Committees. The establishment of the Sub-Committees, together with the appointment of members and allocation of functions, will be considered at the first meeting of the main Committee in the 2007/08 municipal year.
11. The Council, at its annual meeting held on 18th May, 2006, agreed to waive the proportionality requirement in respect of the five Sub-Committees of the Licensing and Safety Committee. It is proposed that the waiver in this regard be re-affirmed for 2007/08.

Standards Committee

12. It is a requirement of the Local Government Act 2000 that the Council establish a Standards Committee with independent representatives. The political balance rules of the Local Government and Housing Act 1989 do not apply to the Standards Committee by virtue of Section 53 (10) of the Local Government Act, 2000. Proposals for the membership of the Standards Committee will be included on the lists to be circulated at the meeting.

Substitute Members of Committees

13. Council Procedure Rules 5.2, 5.3 and 5.4 currently provide for the appointment of substitute members of Committees. The arrangements for the appointment of substitute members, as set out in the Council Procedure Rules, have worked successfully and it is recommended that they be continued in 2007/08. Members should note that the Council Procedure Rules provide that a substitute member shall only be appointed in that capacity if he/she is otherwise eligible to serve on the body concerned. This would include a requirement, particularly in the case of quasi-judicial meetings (eg: Development Control Committee and Licensing Sub-Committees), that the member concerned had undertaken any necessary training as required by the Council.

Area Committees

14. The Council is asked to confirm the current arrangements for the appointment of all ward representatives to serve on Area Committees, as set out below:-

Stourbridge

Amblecote
Lye and Wollescote
Norton
Pedmore & Stourbridge East
Wollaston & Stourbridge Town

Halesowen

Belle Vale
Cradley & Foxcote
Halesowen North
Halesowen South
Hayley Green & Cradley South

Brierley Hill

Brierley Hill
Brockmoor & Pensnett
Kingswinford North & Wall Heath
Kingswinford South
Wordsley

Central Dudley

Castle & Priory
Netherton Woodside & St Andrew's
St James's
St Thomas's
Quarry Bank & Dudley Wood

North Dudley

Coseley East
Gornal
Sedgley
Upper Gornal & Woodsetton

15. The political balance rules do not apply to Area Committees because the voting members of these Committees will be ward councillors who will be discharging functions or advising the Council in respect of matters that apply to their area.
16. The election of the Chairmen and Vice-Chairmen of Area Committees will be considered at the first meetings of each Committee in the municipal year, together with the question of the appointment of any non-elected co-opted representatives.

Finance

17. The financial implications arising from the above proposals will be met from existing resources.

Law

18. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act, 1972.

19. Seats on Committees must be allocated to political groups on a proportional basis in accordance with Section 15 of the Local Government and Housing Act, 1989 and the Local Government (Committees and Political Groups) Regulations, 1990.
20. However, if it so wishes the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no member of the Council voting against it (Section 17 of the 1989 Act).
21. The rules on proportionality do not apply to Area Committees because the voting members of these Committees will be ward councillors who will be discharging functions or advising the Council in respect of matters that apply to their area.
22. The proportionality rules do not apply to the Standards Committee by virtue of Section 53(10) of the Local Government Act, 2000.
23. The duty to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the duty to apply proportionality does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act (eg functions under the Gambling Act 2005). The Council has previously agreed that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring member determination.
24. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000 together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
25. The effects of Section 499 of the Education Act, 1996, DFES Circular 19/99 and the Education (Parent Governor Representatives) Regulations, 2001 are reflected in the proposals in respect of the appointment of co-opted representatives to serve on the Select Committee for Children's Services.

Equality Impact

26. This report has no direct implications for the Council's policies with regard to equality and diversity. Decisions taken by the Council and its Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and in relation to children and young people. The issue of appointing co-opted members to Area Committees will be considered by each Area Committee during the next cycle of meetings. Area Committees have the option of reserving a place amongst the co-opted members for representative groups (including young people).

Recommendations

27. That the structure of Committees for 2007/08 be approved on the basis set out in this report.
28. That the terms of reference and onward delegation of functions of the Committees referred to in this report, and as set out in the Council's Constitution, be reaffirmed for the 2007/08 municipal year.

29. That, except for the Standards Committee and Area Committees, the composition and membership of Committees for the 2007/08 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act, 1989, as shown on the lists to be circulated at the meeting.
30. That with regard to the Select Committee on Children's Services, the proposals in relation to co-opted representatives, as described in paragraphs 8 and 9 above, be endorsed.
31. That the 15 members of the Licensing and Safety Committee continue to undertake the statutory Committee functions in accordance with the Licensing Act 2003, as referred to in paragraph 10 of this report.
32. That the Council confirm that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Sub-Committees established by the Licensing and Safety Committee as referred to in paragraph 11.
33. That the composition and membership of the Standards Committee for the 2007/08 municipal year be as shown on the lists to be circulated at the meeting.
34. That the terms of reference of the Standards Committee, as set out in the Council's Constitution, be reaffirmed for the 2007/08 municipal year.
35. That the arrangements for substitutes on Committees, as set out in Council Procedure Rules 5.2 to 5.4, be reaffirmed for the 2007/08 municipal year.
36. That Area Committees be appointed for the 2007/08 municipal year in accordance with paragraph 14 above; that the Committees comprise the Ward Councillors for the areas referred to and that the functions and protocols of Area Committees, as set out in the Council's Constitution, be reaffirmed.
37. That the Chairmen and Vice Chairmen of Committees (except Area Committees, who appoint their own) be approved in accordance with the list to be circulated at the meeting.

John Pym

.....
Director of Law and Property

Background Papers

The Council's Constitution.