

7. EX-OFFICIO APPOINTMENTS TO COMMITTEES

1. Purpose of the report

At the meeting of the Authority held on 5 June 2015 Cllr P Brady moved a motion seconded by Cllr Mrs J Twigg, proposing amendments to the Standing Orders relating to the key appointments and Ex-Officio Committee Membership. At that meeting, in accordance with Standing Orders, consideration of the motion was adjourned to this meeting. As submitted the motion was split into Part A which addressed issues relating to Ex-Officio appointments and Part B which included proposals to replace the existing appointment principles with “democratic principles”

Following a discussion with the Chair of the Authority and Councillor Brady as the mover of the motion we have concluded that Part A of the motion should be considered and any amendments approved before making appointments to Committees at this Annual Meeting. As the Member Appointments Process Panel has reviewed this year’s expressions of interest against the existing appointment principles, Part B of the motion will therefore be considered after this year’s appointments have been made.

Key Issues

- Standing Orders set out the arrangements for appointing the Chair and Deputy Chair of the Authority, Committee Chairs and Vice-Chairs and appointments to Committees. As the relevant standing orders are discretionary the Authority has the ability to amend or revoke them.
- The Authority has previously asked the Member Appointments Process Panel to review expressions of interest for key roles and consider them in the context of the existing appointment principles.
- A notice of motion was moved and seconded at the 5 June 2015 meeting of the Authority which included a proposal to end Ex-Officio appointments to Standing Committees and to replace the existing appointment principles with “democratic principles”
- As the motion included proposals to amend standing orders, once it was moved and seconded discussion and voting was adjourned to this meeting. The motion submitted was split into Parts A and B. This report only relates to the Part A proposals relating to Ex-Officio appointments.
- This report includes Officers comments on the proposed amendments if Members wish to adopt any of the suggestions in this report Members would need to move, debate and vote on proposals to amend the motion.
- At the June Authority meeting Officers asked Members for a steer on whether there was support for the proposals relating to ending ex-officio appointments and fixing the size of Committees to 15 Members. As there was support for the proposal the report of the Member Appointments Process Panel has been prepared on this basis.
- The motion and this report needs to be considered before Committee appointments are made because a decision on the Ex-Officio appointments may impact on the size of each Committee.
- To facilitate appointments later in the meeting this report also asks Members to determine the allocation of places on Planning Committee to Local Authority Members.

2. Recommendation

1. To consider Part A of the motion moved by Cllr P Brady and take into account the comments in this report when discussing and voting on the Notice of Motion.
2. If the proposals to end Ex-Officio Appointments to Committees is approved, to agree that the Local Authority places on Planning Committee be allocated as follows:

Derbyshire CC	1
Derbyshire Dales DC	1
High Peak BC	1
Cheshire East BC	1
Staffordshire CC/Staffordshire Moorlands DC	1
Metropolitan District Councils/N E Derbyshire DC	3
Total	8

3. How does this contribute to our policies and legal obligations?

Part 1 of Standing Orders relates to Meetings and Proceedings of the Authority. These include the arrangements for appointing the Chair and Deputy Chair of the Authority, Committee Chairs and Vice-Chairs and appointments to Committees. Most of the orders are discretionary however they must comply with the requirements set out in Schedule 7 of the Environment Act which state that to be quorate a Committee meeting must have at least one Local Authority Member and one Secretary of State Member and Committee places must be allocated between Local Authority and Secretary of State Members in the same proportions as the whole Authority Membership – 53.3% Local Authority and 46.7% Secretary of State (Including Parish Members).

4. Background

At the meeting of the Authority held on 5 June 2014 Cllr P Brady moved a motion that he had submitted in accordance with Standing Order 1.14 (Notices of Motion). As the motion proposed amendments to Part 1 of Standing Orders (Meetings and Procedures once it was moved by Cllr P Brady and seconded by Cllr Mrs J Twigg, in accordance with Standing Order 1.25 (Variation and revocation of Standing Orders), discussion and voting on the motion was adjourned.

The purpose of an adjournment under Standing Order 1.25 is to allow the Authority to reflect on the full implications of a decision before approving changes to Standing Orders. The purpose of this report is to assess the impact of the changes and highlight issues that Members should consider before making these changes. This report does not amend the original motion as moved and seconded at the previous meeting, however Members are able to move, debate and vote on amendments in the usual way.

When Cllr Brady submitted the Notice of Motion it was accompanied by a discussion paper which provided background information setting out the reasons for the proposed changes. According to this information a small group of Members had been given the task to look at issues relating to Standing Order 1.4 (2) and 1.39(2) which state that the appointment of the Chair and Deputy Chair of the Authority and the Chair and Vice Chair of each of the Standing Committees should normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of

State Member. The group had therefore discussed:

- a) Whether the “normally rule” as drafted was still appropriate;
- b) Why Secretary of State and Parish Members were classed together for the purpose of applying it;
- c) The difficulty caused with the balance of Committee Membership when the “normally rule” is not followed; and
- d) The importance of each Member being able to exercise their vote to the best of their judgement.

As part of the discussion of c) above the group concluded that this issue was caused by the requirement in Standing Order 1.45 that the Chair, Deputy Chair of the Authority and Chairs of Committees be appointed as Ex-Officio Members of the Standing Committees. The group also suggested that as the “normally rule” was “vague and possibly misleading” it should be abolished and instead:

- a) A new Standing Order be added requiring that the “principles of democracy”, or the relevant part of them, be drawn to members’ attention before appointments are made, and that;
- b) The existing principles be expanded to cover the election of the Chair and other appointments and also to clarify their meaning intent and format.

The purpose of the motion under consideration was to implement the group’s conclusions.

PART A of the motion submitted is as follows:

1. That a new Standing Order 1.3A be introduced to read as follows:
 - a) The Authority shall approve and thereafter keep under review a statement, to be known as “the Democratic Principles”, the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.
 - b) Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.
2. That Standing Orders 1.4(2) and 1.39(2) be omitted.
3. That Standing Order 1.40 (Appointment of Standing Committees) be amended by the deletion of:
 - a) Para 3(i) (The Chair and Deputy Chair of the Authority to be ex-officio)
 - b) Para 3(iii) (The Chair of the other Standing Committees to be ex-officio)
 - c) Para 4 (The Vice-Chair to attend ex-officio if the Chair is absent)
4. That there be substituted for Standing Order 1.45 (Ex-officio Membership of

Committees and Sub-committees) the following:

- (1) On the basis set out in Paras (2) and (4) below, Chair and Deputy Chair of the Authority or the Chairs and Vice-Chairs of Standing Committees may attend meetings of Standing Committees other than those to which they have been appointed subject to the normal rules governing debate and participation in meetings, and may take part in the discussion (but may not vote nor propose a motion or amendment) unless:
 - (i) it would be unlawful or contrary to any of the Authority's procedures, codes or other protocols to do so; or
 - (ii) the Authority or, in the case of the appointment of a Sub-committee, the Committee in a particular case determines otherwise.
- (2) The Chair and Deputy Chair of the Authority and a Chair of a Committee may attend a meeting of a Standing Committee;
- (3) The Chair of a Committee may attend a meeting of a Sub-committee appointed by the Committee on the same basis as in Para (1) above;
- (4) Under Paras (2) and (3), the Chair of a Committee may appoint the Vice-Chair to attend in his/her place.

5. Proposals

- 5.1 A full explanation of the Officers conclusions on Part A of the motion is set out in the paragraphs below however to try and help the discussion a summary of suggested amendments is provided below. (Additions are highlighted in **bold** and deletions with **strikethrough**)

~~1. That a new Standing Order 1.3A be introduced to read as follows:~~

~~The Authority shall approve and thereafter keep under review a statement, to be known as "the Democratic Principles", the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.~~

- ~~a) Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.~~

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2.1. That Standing Orders 1.4(2) and 1.39(2) be omitted.

3.2. That Standing Order 1.40 (Appointment of Standing Committees) be amended by the deletion of:

- a. Para 3(i) (The Chair and Deputy Chair of the Authority to be ex-officio)

- b. Para 3(iii) (The Chair of the other Standing Committees to be ex-officio)
- c. Para 4 (The Vice-Chair to attend ex-officio if the Chair is absent)

4.3 That there be substituted for Standing Order 1.45 (Ex-officio Membership of Committees and Sub-committees) the following:

- (1) On the basis set out in Paras (2) and (4) below, Chair and Deputy Chair of the Authority or the Chairs and Vice-Chairs of Standing Committees may attend meetings of Standing Committees other than those to which they have been appointed subject to the normal rules governing debate and participation in meetings, and may take part in the discussion (but may not vote nor propose a motion or amendment) unless:
 - (i) it would be unlawful or contrary to any of the Authority's procedures, codes or other protocols to do so; or
 - (ii) the Authority or, in the case of the appointment of a Sub-committee, the Committee in a particular case determines otherwise.
- (2) The Chair and Deputy Chair of the Authority and a Chair of a Committee may attend a meeting of a Standing Committee;
- (3) The Chair of a Committee may attend a meeting of a Sub-Committee appointed by the Committee on the same basis as in Para (1) above;
- (4) Under Paras (2) and (3), the Chair of a Committee may appoint the Vice-Chair to attend in his/her place.

5.2 **4. To delete the heading before Standing Order 1.45 "EX-OFFICIO ATTENDANCE AT COMMITTEES AND SUB COMMITTEES" and place the revised Standing Order 1.45 under the heading "MEMBERS RIGHTS TO ATTEND AND SPEAK AT COMMITTEES AND SUB-COMMITTEES" ²**

5. To review the impact of the changes at the 2016 Annual Meeting. ³

The following paragraphs set out Officers views on the proposals as set out in the motion.

Ex-Officio Appointments.

5.3 The arrangements for making Ex-Officio appointments were part of the Authority's Standing Orders at the time of the Shadow Authority being established. It is only in recent years that this has caused the "difficulty" referred to in the report from the group. The perceived difficulty being that when more Secretary of State Members than Local Authority Members are appointed to key positions, as happened at the 2015 AGM, some Local Authority Members had to be appointed to two Committees to maintain the proportions of local authority and secretary of state members required by Environment Act. This has therefore resulted in both of the Standing Committees being larger than the ideal and some Members having to invest a significant amount of time attending and travelling to and from meetings. Ex-Officio Members are included in the proportionality

calculation because they are full Members of the Committee with the full rights to speak and vote.

- 5.4 While appreciating the benefits of Ex-Officio appointments, Officers support the proposal as set out in the motion as it allows the Authority to fix the size of its Committees to 15 Members and enables the Authority to make appointments to key positions without having to consider how that might impact upon Committee sizes. Officers also support the proposal to allow the Chair and Deputy Chair of the Authority and Committee Chairs to attend and speak at meetings of Committees that they are not appointed to, but not move motions, amendments or vote. The proposed changes to Standing Order 1.40 included in the motion would need to be approved to allow the Authority to limit the size of Committees and maintain the proportionality duty.

The only observations on this element are as follows:

1. Paragraph 1 of the motion should be deleted and considered during the discussions on Part B of the Notice of Motion.
2. To avoid confusion the reference to Ex-Officio appointments within Standing Orders should be removed completely and the proposed new arrangements be included within Standing Order 1.46 which clarifies the rights of Members to attend and speak at Committees.”
3. A review at the 2016 AGM should be included in the resolution.

Are there any corporate implications members should be concerned about?

6. **Financial:**
No direct costs arise however smaller fixed size Committees will reduce the cost of each meeting in terms of travel and subsistence and printing and postage.
7. **Risk Management:**
None
8. **Sustainability:**
None
9. **Equality:**
Any principles agreed by the Authority on appointments to key positions must make sure that all Members are able to be considered for appointment if they wish to do so and that the final appointments are made in an open and transparent way.
10. **Background papers (not previously published)**
Discussion Paper - Peak District Members' Group – Circulated by Cllr P Brady

Appendices

None

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 25 June 2015
jason.spencer@peakdistrict.gov.uk