
APPOINTMENT OF THE EXECUTIVE AND COMMITTEES 2020/21

1 SUMMARY

- 1.1 This report sets out proposals for the discharge of business during the 2020/21 Municipal Year.

2 INTRODUCTION

- 2.1 The Council is invited:-

- (1) To note the appointees to the Executive (including associated portfolios).
- (2) To constitute and agree the allocation of seats to Committees, including a standing Statutory Officer Personnel Committee (9 Members) and Independent Persons Panel (2 Members) with the terms of reference set out in the Appendix.
- (3) To appoint the membership of Committees.
- (4) To appoint the Chairmen and Vice-Chairmen of Committees.
- (5) To appoint an Armed Forces Covenant Champion.

3 THE EXECUTIVE

- 3.1 The Leader of the Council has responsibility for appointments to an Executive that comprises the Leader and up to nine other Members. For 2020/21 the Leader's portfolio remit will include overall strategy and policy direction, including corporate policy development; national and regional issues; community leadership; partnership and joint working development; elections; the Local Enterprise Partnership; the Local Strategic Partnership and all residual functions of the Executive. The Leader's portfolio appointments, including Deputy Leader, will be announced at the meeting.

4 COMMITTEES

- 4.1 Details of standing Committees for 2020/21 and the delegations to them are set out in Part 3A of the Constitution. The Constitution requires that the Council appoints an Overview and Scrutiny Committee (namely the Review Committee), a Standards Committee and other Committees to discharge functions that are neither reserved to Council or the Executive. The Council has a statutory duty to ensure that appointments to Committees reflect the proportion of the total number of seats on the Council held by each political group, unless otherwise agreed. Only one Member appointed to the Executive may also be appointed to the Standards Committee. If a Member is appointed to the Executive that same Member cannot be appointed to the

Review Committee.

- 4.2 In line with the Officer Employment Procedure Rules amended by Council in July 2015 and the changes to the Terms and Conditions of Service Handbook for Chief Executives in 2017, the latest advice and guidance from the Joint Negotiating Committee (JNC) is that there must be a standing Committee that can deal with discipline and severance of statutorily protected Chief Officers in line with the Local Authority (Standing Orders) (England) Regulations 2001 alongside an Independent Persons Panel as per the Council's Constitution.
- 4.3 The Council therefore needs to add a Committee to the Council's Constitution to be constituted in line with the JNC Chief Executive's Terms and Conditions of Service Handbook and the 2001 Regulations to deal with the Statutory Officer employment matters. Such a Committee would usually also be able to authorise severance of Chief Officers.
- 4.4 Proposed terms of reference for the Statutory Officer Personnel Committee and Independent Persons Panel are set out in Appendix 1 to this report in line with legislation and suggested amendment to page 3.22 of the Council's Constitution are set out in appendix 3 to the report.
- 4.5 Without the creation of a standing Statutory Officer Personnel Committee and an Independent Persons Panel should the Council need to take any decision relating to Statutory Officer employment matters then it would need to wait to put in place such a Committee and Panel, the latter of which needs to be created at least 20 days before it meets to consider a particular case.
- 4.6 The Assistant Director, Legal & Democratic has calculated the allocation of seats on Committees in accordance with the Local Government and Housing Act 1989. This sets out the following criteria that must be followed when appointing Members to Committees:-
- (1) That not all the seats are held by Members of the same political group.
 - (2) That, if a political group has a majority of the membership of the Council, then that group has the majority of the seats.
 - (3) That, subject to principles (1) and (2) above, the total number of seats each political group has on all ordinary Committees is in proportion to that group's share of the total Council elected membership.
 - (4) That, subject to principles (1), (2) and (3) above, each political group has the same proportion of seats as it holds on the Council as a whole.

The only exceptions to these criteria are Committees that the Council unanimously agrees may be constituted in some other manner.

5 MEMBERSHIP OF COMMITTEES

5.1 The current membership of the Council is as follows:-

Conservative	25
Rochford District Residents	4
Green	3
Liberal Democrat	3
Independent	2
Non Group Members/Vacancy	2

5.2 The proposed allocation of seats is as indicated in appendix 1 to this report. For ease of reference, appendix 2 sets out the membership of Committees as at 19 May 2020.

5.3 Each Group Leader has been asked to provide a list of Members to serve on Committees and details received of proposed membership will follow. The Council is reminded that, in appointing Members to Committees, it is obliged to give effect to the wishes of the political groups.

5.4 The Members who will make up the Executive, which will include the Deputy Leader, will be circulated to Members as an addendum to this report.

6 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

6.1 The Council is invited to appoint the Chairmen and Vice-Chairmen of Committees. Group Leaders have been asked to submit nominations for Members to serve as Chairmen and Vice-Chairmen. Details of these will follow.

6.2 Council has previously determined that any Member of the Council who is not a member of the majority Group can be nominated for the position of Chairman of the Review Committee. Political Group Leaders have been asked to submit nominations for Members to serve as Chairman and Vice-Chairman of the Review Committee. Details of these will follow.

7 ARMED FORCES COVENANT CHAMPION

7.1 In 2012 Rochford District Council signed up to the Armed Forces Covenant. The aims of the covenant include: raising public awareness of issues affecting the armed forces community; reducing any disadvantages suffered by armed forces personnel as a result of their service; recognising sacrifices made by the armed forces; and encouraging activities which help to integrate the armed forces community with the wider community.

7.2 Following receipt of a letter from Minister for Housing and Homelessness and the Parliamentary under Secretary of State and Minister for Defence of People and Veterans, it is proposed that Council appoints an Armed Forces Covenant Champion to work closely with officers to develop a series of

actions and initiatives to support the principles of the Covenant. The Leader of the Council announced at the Council meeting of 17 December 2019 that Cllr Mrs L A Butcher had agreed to undertake this role and there is a need for this appointment to be ratified by the Council.

8 ENVIRONMENTAL IMPLICATIONS

8.1 None.

9 RESOURCE IMPLICATIONS

9.1 Provision is made within the 2020/21 estimates for the anticipated costs that will arise from the proposals contained within this report. The new Statutory Officer Personnel Committee will need to have sufficient resources available to appoint an independent investigator and secure legal and financial support for any decisions required from time to time.

10 LEGAL IMPLICATIONS

10.1 None other than set out in the report.

11 EQUALITY AND DIVERSITY IMPLICATIONS

11.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups, as defined under the Equality Act 2010.

12 RECOMMENDATION

12.1 It is proposed that Council **RESOLVES**

- (1) That appointees to the Executive (including Deputy Leader and associated portfolios) be noted.
- (2) That Committees be constituted as set out in appendix 1 to this report and that the suggested amendments to page 3.22 of the Constitution, as set out in appendix 3 to this report, be approved.
- (3) That Members be appointed to serve on Committees for the 2020/21 Municipal Year.
- (4) That the Chairmen and Vice-Chairmen of Committees be appointed.
- (5) That Cllr Mrs L A Butcher be appointed as Armed Forces Covenant Champion for the 2020/21 Municipal Year.



Angela Law

Assistant Director, Legal & Democratic

Background Papers:-

None.

For further information please contact Sonia Worthington (Principal Democratic & Corporate Services Officer) on:-

Phone: 01702 318141

Email: sonia.worthington@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.

COMMITTEE SEAT ALLOCATIONS AS AT 9 JULY 2020

Committee	No. of Seats	Conservative (64.10%)	Rochford District Residents (10.26%)	Green (7.69%)	Liberal Democrat (7.69%)	Independent (5.13%)	Non-Group / Vacancy (5.13%)
Audit	11	7	1	1	1	1	0
Chief Officer Appointments	9	6	1	1	1	0	0
Development	13	8*	1*	1	1	1	0
Investment Board	13	8*	1*	1	1	1	0
Licensing & Appeals	15	10	2	1	1	1	0
Planning Policy	6	4	1	1**		0	0
Review	15	10	2	1	1	1	0
Standards	8	5	1	1	1	0	0
Statutory Officer Personnel	9	6	1	1	1	0	0
Total No. of Seats	99	65 *	12 *	8.5	8.5	5	0

* Note: Conservative and Rochford District Resident Groups can each nominate to 1 additional seat on either Development Committee or Investment Board.

** Note: Green and Liberal Democrat Groups can nominate to 1 of 1 available seat on Planning Policy Committee.

Committee Terms of Reference

Committee	Terms of Reference
Audit Committee	<p>Those functions in relation to: -</p> <ul style="list-style-type: none"> • matters arising out of internal audit and control reports, • the scope of internal audit activity, • review of the adequacy of governance and risk management arrangements and internal control, and • consideration of matters arising from external audit as are referred to it by the External Auditor. <p>scrutiny of the treasury management strategy and policies.</p>
Chief Officer Appointments Committee	To make recommendations in respect of the Head of Paid Service role, to appoint to any Chief Officer vacancies and determine any Chief Officer appointment matters that may arise during the Municipal Year.
Development Committee	Those functions in relation to town and country planning and development control as specified in this Part and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
Investment Board	<p>Those functions in relation to: -</p> <ul style="list-style-type: none"> • ensuring best use is made of sites and property. • monitoring the co-ordinated delivery of major schemes and projects to support property development and community facilities within the District. <p>shaping challenging and reviewing business cases in relation to transformation and service development that require new investment in excess of £25,000.</p>

Committee	Terms of Reference
Licensing & Appeals Committee	Those functions in relation to appeals, licensing and registration and those functions under the Licensing Act 2003, the Gambling Act 2005, Animal Welfare Act 2018 and all associated or amending legislation as specified in this part and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
Planning Policy Committee	To review and report on the contents of evidence base documents, supplementary planning documents and the new Local Plan.
Review Committee	The performance of all overview and scrutiny functions on behalf of the Council.
Standards Committee	All matters set out in paragraph 9.04 of Article 9 of this Constitution
Statutory Officer Personnel Committee	<p>To be the Committee responsible for Statutory Officer discipline (relating to the Head of Paid Service; the Monitoring Officer; and the Chief Finance Officer), to have the powers of the Investigation and Disciplinary Committee in the JNC Chief Executive's Terms and Conditions of Service Handbook and the Local Authorities (Standing Orders)(England) Regulations 2001, including for capability and grievances;</p> <p>To appoint independent investigators and independent advisers, as required;</p> <p>To suspend a Statutory Officer, if considered appropriate;</p> <p>To determine disciplinary and other action as considered appropriate;</p> <p>To agree severance terms for Statutory Officers, including where any severance package exceeds £100,000 and Members consider that it would be appropriate for the Committee to decide rather than report to Full Council</p>
<p>Independent Persons Panel *</p> <p>Minimum of 2 Independent Persons appointed by the Council (under section 28(7) of the Localism Act 2011 and, if at the relevant time there are fewer than two such Persons who are able to attend, then Independent Persons</p>	<p>In accordance with paragraph 6 of the Officer Employment Procedure Rules:</p> <ul style="list-style-type: none"> • To hear, consider, ask questions and comment in respect of Council procedures on Statutory Officer discipline (relating to the Head of Paid Service; the Monitoring Officer; and the Chief Finance Officer) that could lead to dismissal; and • Make a report and recommendation to Full Council in accordance with the Council's policies and Officer Employment Procedure Rules. <p>The Panel shall have access to external legal and professional advice as necessary, via</p>

Committee	Terms of Reference
appointed by another neighbouring Council shall be invited to attend	the Monitoring Officer (or Deputy as appropriate). For the avoidance of doubt the Independent Persons Panel may, if considered expedient, meet concurrently with the Statutory Officer Personnel Committee hearing of a matter set out above; or may meet separately.

* Note: this Panel is made up of Independent Persons, not Members of the Council

COMMITTEE MEMBERSHIPS AS OF 19 MAY 2020

COMMITTEE	APPOINTEES
Audit (11)	Chairman: Cllr Mrs L A Butcher Vice-Chairman: Cllr D Merrick Cllr Mrs T L Carter Cllr M Hoy Cllr G J Ioannou Cllr M J Lucas-Gill Cllr R Milne Cllr J E Newport Cllr Mrs L Shaw Cllr P J Shaw Cllr D J Sperring
Chief Officer Appointments Committee (9)	Chairman: Cllr Mrs C E Roe Vice-Chairman: Cllr Mrs L Shaw Cllr Mrs T L Carter Cllr M Hoy Cllr D Merrick Cllr R Milne Cllr J E Newport Cllr I H Ward Cllr S E Wootton
Development Committee (13)	Chairman: Cllr S P Smith Vice-Chairman: Cllr Mrs L Shaw Cllr D S Efde Cllr A H Eves Cllr N J Hookway Cllr G J Ioannou Cllr D Merrick Cllr P J Shaw Cllr C M Stanley Cllr Mrs C A Weston Cllr A L Williams Cllr S A Wilson Cllr S E Wootton

COMMITTEE	APPOINTEES
Investment Board (13)	Chairman: Cllr M J Steptoe Vice-Chairman: Cllr A L Williams Cllr D S Efde Cllr A H Eves Cllr Mrs J R Gooding Cllr G J Ioannou Cllr M J Lucas-Gill Cllr J E Newport Cllr Mrs L Shaw Cllr D J Sperring Cllr I H Ward Cllr S A Wilson Cllr S E Wootton
Licensing & Appeals (15)	Chairman: Cllr Mrs C A Weston Vice-Chairman: Cllr Mrs J R Gooding Cllr C C Cannell Cllr D S Efde Cllr B T Hazlewood Cllr N J Hookway Cllr M Hoy Cllr M J Lucas-Gill Cllr Mrs J E McPherson Cllr Mrs C M Mason Cllr D Merrick Cllr Mrs L Shaw Cllr P J Shaw Cllr M G Wilkinson Cllr A L Williams
Planning Policy (6)	Chairman: Cllr D J Sperring Cllr M Hoy Cllr Mrs J R Lumley Cllr Mrs C M Mason Cllr Mrs C A Weston Cllr S E Wootton

COMMITTEE	APPOINTEES
Review (15)	Chairman: Cllr J C Burton Vice-Chairman: Cllr D J Sperring Cllr Mrs D L Belton Cllr C C Cannell Cllr Mrs J R Gooding Cllr B T Hazlewood Cllr N J Hookway Cllr Mrs D Hoy Cllr Mrs J E McPherson Cllr Mrs C M Mason Cllr R Milne Cllr Mrs C A Pavelin Cllr Mrs L Shaw Cllr P J Shaw Cllr M G Wilkinson
Standards (8)	Chairman: Cllr Mrs J E McPherson Vice-Chairman: Cllr Mrs J R Lumley Cllr Mrs J R Gooding Cllr Mrs D Hoy Cllr M J Lucas-Gill Cllr Mrs C M Mason Cllr C M Stanley Cllr Mrs C A Weston

Council: 16 July 2019 Annual Council: 9 July 2020

<u>Statutory Officer Personnel Committee</u>	<u>9 Members of the Authority</u>	<p><u>To be the Committee responsible for Statutory Officer discipline (relating to the Head of Paid Service; the Monitoring Officer; and the Chief Finance Officer), to have the powers of the Investigation and Disciplinary Committee in the JNC Chief Executive's Terms and Conditions of Service Handbook and the Local Authorities (Standing Orders)(England) Regulations 2001, including for capability and grievances;</u></p> <p><u>To appoint independent investigators and independent advisers, as required;</u></p> <p><u>To suspend a Statutory Officer, if considered appropriate;</u></p> <p><u>To determine disciplinary and other action as considered appropriate;</u></p> <p><u>To agree severance terms for Statutory Officers, including where any severance package exceeds £100,000 and Members consider that it would be appropriate for the Committee to decide rather than report to Full Council</u></p>
<u>Independent Persons Panel</u>	<p><u>Minimum of 2 Independent Persons appointed by the Council (under section 28(7) of the Localism Act 2011 and, if at the relevant time there are fewer than two such Persons who are able to attend, then Independent Persons appointed by another neighbouring Council shall be invited to attend</u></p>	<p><u>In accordance with paragraph 6 of the Officer Employment Procedure Rules:</u></p> <ul style="list-style-type: none"> <u>• To hear, consider, ask questions and comment in respect of Council procedures on Statutory Officer discipline (relating to the Head of Paid Service; the Monitoring Officer; and the Chief Finance Officer) that could lead to dismissal; and</u> <u>• Make a report and recommendation to Full Council in accordance with the Council's policies and Officer Employment Procedure Rules.</u> <p><u>The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer (or Deputy as appropriate).</u></p> <p><u>For the avoidance of doubt the Independent Persons Panel may, if considered expedient, meet concurrently with the Statutory Officer Personnel Committee hearing of a matter set out above; or may meet separately.</u></p>

Note: The above additional wording shown with tracked changes will be inserted at the top of Constitution page 3.22 and the existing wording on page 3.22 will follow on after this addition.