



Committee report

Committee	ANNUAL COUNCIL
Date	16 MAY 2018
Title	APPOINTMENTS, COMMITTEE STRUCTURE AND CONSTITUTIONAL ISSUES
Report of	HEAD OF LEGAL SERVICES AND MONITORING OFFICER

EXECUTIVE SUMMARY

1. This report sets out a number of actions required at the Annual Council in accordance with national legislation and the constitution.

BACKGROUND

2. In accordance with various legislative requirements and our constitution Annual Council is required in addition to those items dealt with elsewhere on the agenda for the meeting to:
 - (a) appoint at least one Scrutiny Committee and such other committees as the council considers appropriate;
 - (b) decide the size and terms of reference for those committees;
 - (c) appoint the chairman of the Scrutiny Committee and the chairman and vice chairman of any other committees or sub committees appointed by council;
 - (d) receive nominations of councillors to serve on outside bodies that are required to be appointed by the council (if any);
 - (e) re-affirm the scheme of delegation.

APPOINTMENT OF COMMITTEES, THEIR SIZE AND TERMS OF REFERENCE

3. There are no substantial changes proposed to the establishment, size and terms of reference of those committees currently within the constitution, save for two amendments. The first is a proposed small alteration to the terms of reference for the Pension Board, to allow the board members 21 days to comment on the minutes arising out of a meeting, after which they will be circulated to all members and published on the Isle of Wight Council website.
4. The second relates to the Appeals Committee. The Appeals Committee deals with a variety of matters, including the consideration of an investigating officer's report where a member is found to have breached the code of

conduct. The Appeals Committee considers such reports both in relation to members of the Isle of Wight Council and all Isle of Wight town and parish councils, as it is the principal council. When considering any report concerning a town and parish councillor currently there are no town and parish council representatives on the Appeal Committee. It is proposed to amend Article 7 of the Constitution so that when Appeals Committee is considering a Code of Conduct report in relation to a town and parish councillor, a town and parish council representative (who is not also an Isle of Wight councillor) can be co-opted on to the committee.

Appointment of chairmen and vice chairmen of committees

5. It is for council to approve the chairmen of committees. Included at appendix A is a list of the available positions of the proposed committees. All committees and panels can appoint their own vice chairman unless the council so chooses to appoint a vice chairman.

Nominations to outside bodies

6. All appointments to outside bodies were made after Annual Council in 2017 and positions filled in accordance with the framework. These were for the life of the council. Where a vacancy does arise as part of the framework all members will be consulted in accordance with current practice and will then be filled by the Head of Legal Services and Monitoring Officer in consultation with the relevant cabinet member. Members are reminded that these should be shown on their register of interests.

Scheme of delegation

7. The council is asked to affirm the scheme of delegation of powers (both cabinet members and officers) as set out in the constitution (pages 73-86). This remains the same as for last year other than the titles for officers have been amended where appropriate to reflect the existing senior management structure of the council.

Other Constitutional issues

8. At last year's Annual Council, it was agreed not to continue with Cabinet member reports at Full Council, which with fewer meetings would ensure sufficient time on agendas to deal with the business on the agenda. This was on the basis that any member can ask a question of any Cabinet member on budget and policy at any time and will receive a response within five working days, the number of questions allowed per member to be reasonable and proportionate. The response to be published on the council's website on a regular basis thereby providing the public the opportunity to review the questions and answers.
9. At Full Council on 17 January 2018 a motion seeking the re-introduction of an agenda item for member questions to Cabinet members at Full Council from February 2018 was considered, and following discussions with the leader of the council prior to the meeting, it was agreed the motion would be deferred to

the Annual Council meeting on the 16 May 2018 unless the issue had been addressed within a report to that meeting.

Leaders update report to the Council

10. It is proposed that the constitution be amended to include an agenda item for a leader's update report to Full council, (including at the Annual Council meeting). The report will be circulated in advance and after the leader has presented the report members of the council will have up to 15 minutes to ask questions of the leader arising from the report. Each member will be allowed one question unless there is time remaining for further questions. No supplemental questions will be allowed.

Members Question Time of the Leader

11. It is proposed that the constitution be amended to include an agenda item for Members Question Time of the Leader to Full council (including at the Annual Council meeting). This will provide for written questions of the leader on any subject, to be submitted in advance. Members of the council will have up to 30 minutes to ask written questions and receive responses. Members can submit more than one question, but may only ask one unless there is time remaining for further questions. One supplemental question will be allowed.

Budget meetings

12. To amend Procedural Rule 1, para 1.9 - Budget Meetings to include that all alternative budgets/proposals must be provided following prior consultation with the s.151 officer five clear working days of the Council Budget meeting, any submission not capable of being adopted by the Council as a lawful budget will not be allowed, and those not received within five clear working days of the meeting may not be allowed. It is also proposed to clarify the order of speeches within para 1.9 so that speeches at the beginning of the debate occur in the order the proposals were received, with the order being reversed for speeches at the end of the debate.

Named votes

13. That the option for named votes which can be exercised by four members present at the meeting to request names be recorded continues subject to an amendment to Procedure Rule 16 para 3.4, that removes named votes on procedural decisions.

Motions

14. That the opportunity to consider motions at Annual Council be included in Procedure Rule 1 of the council's standing orders and that motions that directly relate to the operation of the council or Island life are considered first, before other motions.

STRATEGIC CONTEXT

15. Good governance arrangements are essential to the delivery of the council's services and the decision making process that supports this.

CONSULTATION

16. As this report is not proposing any significant changes to the constitution no specific consultation has been undertaken.

FINANCIAL / BUDGET IMPLICATIONS

17. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by Full Council in February 2018.
18. Under the members allowance scheme (as set out in the constitution) a number of council appointments are entitled to receive a special responsibility allowance (SRA) in recognition of undertaking a role. The council is free to determine if any of the posts should have a SRA but any changes outside of the existing scheme will need to be on the basis that they are subject to consideration by the Independent Remuneration Panel, a panel of independent external people appointed by the council which makes recommendations on members' remuneration. Any expenditure on members' allowances must be met from within the existing budget.
19. The Independent Remuneration Panel review (in the autumn) the allowances scheme on an annual basis and it is recommended that Council asks the Independent Remuneration Panel to undertake this year's review taking into account any changes to the members' roles etc that may be agreed at this meeting.
20. If council wish to agree to additional meetings or change the committee structure or limit existing delegations to officers significantly, the resource implications will have to be assessed to be taken into account before any final decision on implementation can be taken.

LEGAL IMPLICATIONS

21. All the above are requirements specified within the council's Constitution and the Local Government Act 2000 and subsequent legislation.

EQUALITY AND DIVERSITY

22. The rules around political proportionality ensure that the council's decision making structure reflects the make up of the democratically elected representatives of the Island's voting population.

OPTIONS

23. Appointment of committees

- (a) To agree that the existing arrangements (as set out in the Constitution) remain; or
- (b) To agree that the existing arrangements (as set out in the Constitution) remain but that there be:
 - (i) an amendment to the terms of reference for the Pension Board, to allow the board members 21 days to comment on the minutes arising out of a meeting, after which they will be circulated to all members and published on the Isle of Wight Council website.
 - (ii) an amendment to Article 7 of the Constitution, that when the Appeals Committee is considering a code of conduct report in relation to a town and parish councillor, a town and parish council representative (who is not also an Isle of Wight councillor) can be co-opted on to the committee.

24. Appointment of chairman and vice chairman of committees

- (a) To appoint the chairmen, and where required, vice chairmen to the positions contained in appendix A.
- (b) Not to appoint to these positions which would create difficulties in the calling of meetings.

25. Scheme of delegation

- (a) To agree the scheme of delegation as set out at pages 73-86 of the constitution.
- (b) To agree an amended scheme of delegation.

26. Constitution

To make the following amendments:

27. **Leaders update report to Full Council and Members Question Time of the Leader**

- (a) Leaders update report to the Council
 - It is proposed that the constitution be amended to include an agenda item after the chairman's official announcement for a leader's update report to Full council, (including at the Annual Council meeting). The report will be circulated with the agenda.
 - The leader will have up to five minutes to present the report.

- Members of the council will have up to 15 minutes to ask the leader questions, without notice, on any matter arising out of his report.
- The leader may nominate another member of the council to answer any question.
- No supplemental question will be allowed.
- Each member will be allowed one question only unless there is still time remaining within the 15 minutes, in which case members will be allowed a further question until the time expires.

Members Question Time of the Leader

- It is proposed that the constitution be amended to include an agenda item after motions for Members Question Time of the Leader to Full Council (including at the Annual Council meeting).
 - Members may ask written questions of the leader on any subject. Written questions to be submitted by noon on the fourth working day before Full Council (the thursday before a normal meeting).
 - Questions will be published in advance of the meeting and will be put in the order received.
 - The leader may nominate another member of the council to answer any question.
 - The total time set aside for questions and answers will be up to 30 minutes
 - Members may submit more than one written question but every member who has submitted a question(s) may only put one question to the leader unless sufficient time remains to put a further question(s). One supplemental question (from the member who put the original question) may be asked which must be on the subject of the original question.
 - Any questions not answered in the time allowed will be answered in writing within five days of the meeting.
- (b) Not to amend the constitution to include agenda items for Leaders update report to Full Council and Members Question time of the Leader.

28. **Budget meeting**

- (a) Further amend the budget meeting procedure set out in Procedure rule 1 to include –
- All alternative budgets/proposals that any group/member wishes to be considered by budget council must be provided in final form, following prior consultation with the S.151 Officer five clear working days in advance of the Council Budget meeting to ensure that any amendment is capable of being adopted by the Council.

- Any submissions not prepared in a form acceptable to the S.151 Officer as being capable of being adopted by the Council as a lawful budget will not be allowed.
 - Any submissions not received within five clear working days of the budget council meeting may not be allowed.
 - Amend 1.9(ii) and (iv) that deal with the order of speeches, to confirm that speeches at the beginning of the debate will depend on the order in which the budget proposals are received by the s.151 officer, ie the first received will speak first etc, and that this order will be reversed for speeches at the end of the debate.
- (b) Not to amend the budget meeting procedure set out in procedure rule one.

29. Named Votes

- (a) That the option for named votes which can be exercised by four members present at the meeting to request names be recorded continues subject to an amendment to Procedure Rule 16 para 3.4, that removes named votes on procedural decisions.
- (b) Not to amend Procedural Rule 16 para 3.4 relating to named votes.

30. Motions

- (a) That the opportunity to consider motions at Annual Council be included in the procedure rule one of the council's standing orders and that motions that directly relate to the operation of the council or Island life are considered first, before other motions.
- (b) That motions are not included at meetings of Annual Council and no change is made to the order in which they are considered.

31. THAT the monitoring officer be authorised to amend the constitution to reflect any agreed changes.

RISK MANAGEMENT

32. All the recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision making process by way of judicial review or other such legal action.

EVALUATION

33. The majority of the recommendations are required under the council's constitution. However, an effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of the various committees and the implementation of the supporting processes seeks to do this.

RECOMMENDATION

33. To agree that the existing arrangements (as set out in the constitution) remain but that there be:-
- (i) an amendment to the terms of reference for the Pension Board, to allow the board members 21 days to comment on the minutes arising out of a meeting, after which they will be circulated to all members and published on the Isle of Wight Council website.
 - (ii) an amendment to Article 7 of the Constitution, that when the Appeals Committee is considering a code of conduct report in relation to a town and parish councillor, a town and parish council representative (who is not also an Isle of Wight councillor) can be co-opted on to the committee.
34. To appoint the chairmen, and where required, vice chairmen to the positions contained in appendix A.
35. To agree the scheme of delegation as set out at pages 73-86 of the constitution.
36. To agree that the constitution be amended to include an agenda item after the chairman's official announcements for a leader's update report to Full council, (including at the Annual Council meeting)
- The report will be circulated with the agenda
 - The leader will have up to five minutes to present the report.
 - Members of the council will have up to 15 minutes to ask the leader questions, without notice, on any matter arising out of his report.
 - The leader may nominate another member of the council to answer any question.
 - No supplemental question will be allowed.
 - Each member will be allowed one question only unless there is still time remaining within the 15 minutes, in which case members will be allowed a further question until the time expires.
37. To agree that the constitution be amended to include an agenda item after motions for Members Question Time of the Leader at Full Council (including at the Annual Council meeting)
- Members may ask written questions of the leader on any subject. Written questions to be submitted by noon on the fourth working day before Full Council (the thursday before a normal meeting).
 - Questions will be published in advance of the meeting and will be put in the order received.

- The leader may nominate another member of the council to answer any question
 - The total time set aside for questions and answers will be up to 30 minutes
 - Members may submit more than one written question but every member who has submitted a question(s) may only put one question to the leader unless sufficient time remains to put a further question(s). One supplemental question (from the member who put the original question) may be asked which must be on the subject of the original question.
 - Any questions not answered in the time allowed will be answered in writing within five working days of the meeting.
38. Further amend the budget meeting procedure set out in procedure rule one to include:
- All alternative budgets/proposals that any group/member wishes to be considered by budget council must be provided in final form, following prior consultation with the S.151 Officer five clear working days in advance of the Council Budget meeting to ensure that any amendment is capable of being adopted by the Council.
 - Any submissions not prepared in a form acceptable to the S.151 Officer as being capable of being adopted by the Council as a lawful budget will not be allowed.
 - Any submissions not received within five clear working days of the budget council meeting may not be allowed.
 - Amend 1.9(ii) and (iv) that deal with the order of speeches, to confirm that speeches at the beginning of the debate will depend on the order in which the budget proposals are received by the s.151 officer, ie the first received will speak first etc, and that this order will be reversed for speeches at the end of the debate.
39. That the option for named votes which can be exercised by four members present at the meeting to request names be recorded continues subject to an amendment to Procedure Rule 16 para 3.4, that removes named votes on procedural decisions.
40. That the opportunity to consider motions at Annual Council be included in the Procedure Rule one of the council's Standing orders and that motions that directly relate to the operation of the council or Island life are considered first, before other motions.
41. That the Monitoring Officer be authorised to amend the constitution to reflect any agreed changes.

BACKGROUND PAPER

[Isle of Wight Council Constitution](#)

APPENDICES ATTACHED

Appendix A – List of council committees, sizes and chairman

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HELEN MILES
Head of Legal Services and Monitoring Officer

APPENDIX A

Annual Council 16 May 2018 - List of committees and chairman

Committee structure	chairman	Existing Position Holder
Cabinet	Leader, elected at annual council 2017 for four years. The leader has appointed other cabinet members including the deputy leader.	Cllr Dave Stewart
Scrutiny Committee	Chairman appointed at annual council. Must not be a member of the majority group. The vice chairman is normally appointed by the Committee.	Cllr Paul Fuller
Policy and Scrutiny Committee for Children's Services	Chairman appointed at annual council. Cannot be a member of the Cabinet.	Cllr Vanessa Churchman
Policy and Scrutiny Committee for Adult Social Care and Health.	Chairman appointed at annual council. Cannot be a member of the Cabinet.	Cllr John Nicholson
Policy and Scrutiny Committee for Regeneration, Planning, Housing and the Environment.	Chairman appointed at annual council. Cannot be a member of the Cabinet	Cllr Tig Outlaw
Audit Committee	Chairman appointed at annual council	Cllr Adrian Axford
Planning Committee	Chairman to be appointed at annual council	Cllr Christopher Quirk
Vice Chairman Planning Committee	Vice Chairman to be appointed at annual council	Cllr Matthew Price
Licensing Committee	Chairman appointed at annual council	Cllr Charles Chapman
Appeals Committee	Chairman appointed at annual council	Cllr John Kilpatrick
Appointments Committee	Chairman is the Leader	Cllr Dave Stewart
Health and Wellbeing Board	Chairman is the Leader	Cllr Dave Stewart
IW Pension Fund Committee	Chairman to be appointed at annual council.	Cllr Adrian Axford
Harbour Board	Chairman is the Cabinet Member	Cllr John Hobart

