

Protocol for selection of Panel Membership – Uttlesford District Council

The Council has different types of Committees, Sub-Committees, Working Groups and Panels made up of Councillors, as determined both by the Constitution and at times by law related to particular statutory functions (e.g. Environmental Health and Licensing Committee).

Which Councillors sit on the Cabinet is in the gift of the Leader of the Council, who shall announce their Cabinet after they have been elected by full Council. The Cabinet can contain members of any party, and is required by law to contain between 3 and 10 Members, including the Leader and a nominated Deputy Leader.

There are various standing Committees provided for in the Council's Constitution and (in some cases) as required by law, including:

- Planning Committee
- Licensing and Environmental Health Committee
- Audit and Standards Committee
- Scrutiny Committee
- Chief Officers' Investigatory Disciplinary Committee
- Chief Officers' Appeals Committee
- Appointments Committee (for chief officers and statutory officers)

The Membership of those standing Committees are determined by full Council, on an overall proportionate basis to reflect the overall numbers in the authority's different political groups. It is for each party to nominate its own Members to those Committees up to their entitlement on each Committee.

Various of those Standing Committees may appoint Working Groups from time to time from amongst their membership, to consider certain aspects of their duties. For example, the Planning Committee has in recent times operated a Planning Working Group, and the Planning Committee has appointed its membership from amongst its numbers, again in approximate proportion to the overall numbers of seats held by different parties.

The Cabinet also routinely operates a number of Working Groups, either on a task and finish basis, or on an ongoing basis, currently including:

- Housing Board
- Local Plan Leadership Group

It is entirely in the gift of the Cabinet which Councillors it appoints to such Working Groups, but the membership of each need not be in proportion to overall group numbers, and could be made up of only majority group members if it so chose.

These appointment rules are well evidenced, but there are not clearly documented or agreed appointment rules for the following Panels of Councillors needed from time to time.

- Licensing and Environmental Health Panels
- Appointments Panels
- Standards Panels

The purpose of this document is to set out a clear and agreed process for selecting the membership of these three sets of ad hoc/task-and-finish Panels of Councillors.

The main role of the statutory Licensing and Environmental Health Committee is to consider policy issues in this subject area. As such, in the last year, this Committee has only needed to meet on three occasions, and for relatively brief meetings. Section 6.1 of the Licensing Act 2003 requires that there are 10-15 Members on this Committee. Individual licensing applications considered under relevant legislation that are for Members to determine rather than delegated to Officers (under the Schedule of Delegated Powers) are heard by three Member panels, drawn from the parent Licensing and Environmental Health Committee. In the last year, there have been 11 such Panels convened. On each of those 11 occasions, Officers have selected which Members take part, subject to their availability, and this has proved uncontroversial.

The Appointments Committee of seven Members appointed by full Council is only convened when there is a vacancy to fill in any of the Chief Officer or Statutory Officer roles – Chief Executive, Director of Planning, Director of Finance & Corporate Services (and Section 151 Officer), Head of Legal Services (and Monitoring Officer) etc. When the Appointments Committee determines that the interviews for any of these roles are better undertaken by a Panel of less than 7 Members, it forms a Panel of a lower number. The majority group is entitled to a majority on any such panels, but has at times sought to offer one of its seats to other groups, but there has been no certain process for determining or governing this, and on a recent occasion, the Chief Executive drew names from a hat, as witnessed by the [then] Conservative and Liberal Democrat Group Leaders, which resulted in a panel of one Residents for Uttlesford, one Conservative and one Liberal Democrat Member.

The Audit and Standards Committee considers policy issues, but individual Standards Complaint hearings are heard by panels of three, drawn from the overall Committee membership and/or Substitutes list. One particular recent Standards Complaint hearing has highlighted the problematic nature of the effective discretion left to Officers in selecting the membership of three for any particular panel. Standards Panels also contain a fourth, non-voting Member, drawn from the pool of Independent Persons retained by the Council to assist with Standards processes, members who are subject to complaint under investigation are excluded.

As such, this paper sets out as below how the membership of those three sets of Panels shall from time to time be determined by officers, following these established principles.

Panels for Licensing and Environmental Health and also for Standards complaints shall be of three members. In contrast, the Appointments Committee has flexibility to determine the size of any Appointments Panels for particular vacancies as it sees fit, e.g. a panel of 3, a panel of 5 or the full Committee interviewing for a Chief Executive

vacancy – so for Appointments Panels of other than 3 Members, the same principles shall apply as below, but with the numbers proportionately adjusted.

On each occasion a Panel is required for a Licensing and Environmental Health Panel, an Appointments Panel, or a Standards Panel, first, the pool of qualified members shall be established.

To qualify, a Member must be a full or substitute Member of the parent Committee, duly appointed by full Council. They must also have undertaken all necessary training to enable them to sit on the Panel – though flexibility should be deployed so as to enable a Member to sit on the relevant Panel if it is reasonably practicable to put them through the training before the relevant meeting. They must not be disqualified by having any material interest in the issue to be considered – e.g. a relationship with a job applicant, a pecuniary or other registerable interest with a licensing applicant, or any interest in the matter being considered by the Standards Complaint (e.g. as a witness, or anything else that would stop them from being able to consider the matter even-handedly, objectively and without predetermination). Any Member subject to a live Standards Complaint themselves shall not be eligible to sit on any Standards Panel. The Monitoring Officer will make the determination as to eligibility to qualify for the pool.

Officers shall then default, in the circumstance of there being a majority group overall on the Council, to filling two of the seats on each panel with qualified Members of the majority group, as nominated by the Leader of the Council, taking into account their availability.

Officers shall then by default offer the third seat on each Panel to a qualified Member of the largest opposition group, as nominated by the Leader of the Opposition.

The Leader of the Council or the Leader of the Opposition shall have the right to offer any of their Panel seat entitlements to any other qualified Member from any smaller group of their choice, where they choose to want to involve other smaller party groups who would not otherwise be entitled to seats on a proportionate basis.

Where either the majority group or the largest opposition group cannot field their full entitlement of qualified candidates, and have not voluntarily reassigned their seat entitlements, any remaining vacant seats shall be offered in turn for nomination by the Leader of each subsequent group, in size order, from amongst their qualified candidates.