

Dear Councillor,

Annual Council - 27 May 2015


I enclose for consideration at the Annual Council meeting on 27 May 2015, the following reports that were unavailable when the agenda was printed.

- 9 To Appoint the Interim Chief Executive and Head of Paid Service (Pages 1 – 4)**
- 10 Appointment of Monitoring Officer (Pages 5 – 8)**
- 12 Allocation of committee seats and committee appointments (Pages 9 – 18)**

This report and accompanying Appendix 1 (allocation of seats on Committees) have been revised since publication to reflect changes in Political Proportionality.

The original report remains publicly available on the Council website, in addition to the revised report and Appendix 1 contained within this supplementary agenda that Council are asked to consider.

Yours sincerely,



Graham Farrant, Chief Executive

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27 May 2015	ITEM: 9
Annual Council	
To Appoint the Interim Chief Executive and Head of Paid Service	
Wards and communities affected: N/A	Key Decision: N/A
Report of: Leader of the Council	
Accountable Head of Service: N/A	
Accountable Director: Graham Farrant, Chief Executive	
This report is Public	

Executive Summary

The Council is required to appoint a Head of Paid Service under Section 4 of the Local Government and Housing Act 1989. Thurrock's Council has been designated this function under Article 4 of the Constitution.

1. Recommendation(s)

1.1 That David Bull be appointed as Interim Chief Executive (and Head of Paid Service) of Thurrock Council with effect from 1 June 2015.

2. Introduction and Background

2.1 Following the resignation of Graham Farrant the current Chief Executive (and Head of Paid Service) Council approved General Services Committee to make arrangements for the replacement of the Head of Paid Service including any interim arrangements.

2.2 Recruitment of a permanent Chief Executive and Head of Paid Service is underway with the intention of bringing a recommendation forward to the Council meeting in June. To comply with our statutory duty and avoid a break in continuity an Interim Head of Paid Service is required.

2.3 This report seeks Councils formal approval to appoint Mr David Bull as interim Chief Executive and Head of Paid Service following a meeting of the General Services Committee on 21 May, which unanimously agreed to recommend Council to appoint him to the post.

2.4 As an interim appointment Mr Bull will be paid in accordance with the Pay Policy on the entry rate for Chief Executive which at the current time is £155,000 per annum.

3. Issues, Options and Analysis of Options

3.1 Under Section 4 of the Local Government and Housing Act 1989, the Council has a statutory duty to appoint a designated Chief Executive and Head of Paid Service.

4. Reasons for Recommendation

4.1 To appoint an Interim Chief Executive and Head of Paid Service of Thurrock Council.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 The recommendation in this report is the outcome of a formal recruitment process to appoint the Interim Chief Executive and Head of Paid Service.

5.2 The recommendation from the General Services Committee has to be cleared by members of the Cabinet and this process is underway at the time of drafting this report. The Leader will update the position at the Council meeting. This procedure conforms to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Council's Employment Procedure Rules (in Chapter 10 of the Authority's Constitution) and confirms that there are no objections from Cabinet Members to the offer of appointment.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The recruitment of an interim Chief Executive and Head of Paid Service is essential to the Council to maintain the momentum for change and the delivery of a balanced Budget

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

A budget for the senior management team has been agreed although savings need to be identified going forward to meet the loss of income as a result of the shared services relationship with LBBD ending. The interim position being filled internally will support this.

7.2 Legal

Implications verified by: **Fiona Taylor**
Head of Legal Services

The Council is required to appoint a Chief Executive and Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, as amended. Thurrock's full Council has been designated this function under Article 4 of its Constitution and pursuant to the 2001 Standing Orders (England) Regulations as amended, Regs 3 and 5 and Schedule 1, Part 2, paragraph 4 (1), which makes this a mandatory Standing order for Leader/ Cabinet Authorities.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

The Council is under a statutory obligation to ensure that appropriate equality consideration is given in the exercise of its services and functions.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

N/A

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

9. Appendices to the report

- N/A

Report Author:

Graham Farrant
Chief Executive

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27 May 2015	ITEM: 10
Annual Council	
Appointment of Monitoring Officer	
Wards and communities affected: All	Key Decision: Non-key
Report of: Councillor John Kent, Leader of the Council	
Accountable Head of Service: Jackie Hinchliffe, Head of HR, OD & Transformation	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

This report seeks the agreement of Council to recruit a Monitoring Officer.

1. Recommendation(s)

1.1 General Services Committee to consider and make arrangements for the replacement of the Monitoring Officer.

2. Introduction and Background

2.1 The Council's shared Legal Services with Barking and Dagenham Council and Brentwood Borough Council has a proven track record of providing an in house, resilient legal service that has created significant traded income over recent years and cost savings for the Authority. The service has also recently received national recognition by being highly commended in last year's MJ Awards.

2.2 The current Monitoring Officer, Fiona Taylor (who is also the Head of Legal Services across the shared service) is seconded part-time under a section 113 agreement from the London Borough of Barking & Dagenham since September 2012. Due to her current workload and responsibilities across both boroughs and the continued success of the shared legal service, it is proposed that a useful amendment to the sharing arrangement is for each borough to have their own dedicated Monitoring Officer.

2.3 It is proposed that the appointment be made from amongst Thurrock Council's existing senior legal officers, as an additional function to any such officer's substantive post. General Services Committee should consider and make

arrangements for the replacement of the Monitoring Officer function at Thurrock. The new Monitoring Officer will continue to work within the shared legal team under the Head of Legal Services Fiona Taylor.

3. Issues, Options and Analysis of Options

- 3.1 The Council is required to appoint a Monitoring Officer.
- 3.2 General Services Committee has responsibility for the discharge of employment functions including the selection and recommendation to Council of the Monitoring Officer.
- 3.3 It is proposed that the appointment be made from amongst Thurrock Council's existing senior legal officers, as an additional function to any such officer's substantive post.

4. Reasons for Recommendation

- 4.1 To ensure the arrangements for the appointment of the Monitoring Officer are not delayed it is recommended that General Services Committee progress the selection process and make a recommendation to June Council.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 None

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 None

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

The cost of the Monitoring Officer post will be contained within the existing legal services budget.

7.2 Legal

Implications verified by: **Fiona Taylor**
Head of Legal Services

Under the Local Government and Housing Act 1989 (as amended) the Council has a statutory duty to appoint a Monitoring Officer. In accordance

with delegated authority the General Services Committee will advise and make arrangements for the appointment of this post. The final decision on the appointment of a Monitoring Officer shall be by resolution of full Council upon the recommendation of the General Services Committee.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development & Equalities
Manager

Recruitment to the post of Monitoring will be in accordance with the Council's policies

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

Jackie Hinchliffe
Head of HR, OD & Transformation
Chief Executive's Office

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27 May 2015		ITEM: 12 Revised Version to be tabled at the meeting.
Annual Council		
Allocation of committee seats and committee appointments		
Wards and communities affected: None	Key Decision: Not Applicable	
Report of: Graham Farrant, Chief Executive		
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services and Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is public.		

Executive Summary

This report requests the Council to confirm the calculations relating to the allocation of seats on committees and to appoint the nominations of political groups to committees. The report also requests the Council to appoint the Chairs and Vice-Chairs of certain committees.

1. Recommendation(s)

1.1 That the allocation of seats, as set out in Appendix 1, be approved.

1.2 That the nominations of the political groups to seats on committees be approved, as set out in Appendix 2 (to be tabled when nominations are received).

1.3 That, further to recommendation 1.2 above, those Members appointed to the following committees be required to undertake a DBS check prior to taking their seats:

- **Children's Services Overview and Scrutiny Committee**
- **Health and Wellbeing Overview and Scrutiny Committee**
- **Standards and Audit Committee**
- **Corporate Parenting Committee**

1.4 That the non-voting co-opted members of the Planning Committee, the Standards and Audit Committee, the Health and Well-being Overview and Scrutiny Committee, the Housing Overview and Scrutiny Committee and the Corporate Parenting Committee be appointed, as set out in Appendix 2.

1.5 That the Chairs and Vice-Chairs of committees be appointed, as set out in Appendix 3 (to be tabled when nominations are received).

2. Introduction and Background

2.1 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.

2.2 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority at the annual meeting, or as soon as possible after it, to review the allocation of seats on the committees of the Council between the political groups. The Council may carry out such a review and any other time and may do so if requested by a political group.

2.3 The following principles apply to the allocation of seats:

- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
- (b) That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- (d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

2.4 Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.

2.5 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

2.6 Any non-aligned members are to be appointed to available seats on committees by the Council.

- 2.7 The Cabinet and the Health and Wellbeing Board are not required to be proportional and so are outside of the political balance calculation. Likewise, the Council decided that the Joint Appointments Committee was not required to be proportional and so this too is also outside of the calculation.
- 2.8 The Leader of the Council appoints the Cabinet and, in accordance with the Terms of Reference, will also make nominations to the 4 places available on the Health and Wellbeing Board, with the latter to be agreed by the Council.
- 2.9 It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political proportionality

- 2.10 The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

$$\frac{\text{No. of Group Members} \times 100}{49}$$

- 2.11 Following the local elections held on 7 May 2015, the political balance of the Council set out in Table 1 below:

Group	Councillors	%
Labour	18	36.73%
Conservative	17	34.69%
UKIP	12	24.49%
Ungrouped	2	4.09%
Total	49	100

- 2.12 The calculation to determine the strict entitlement of political groups to seats on committees is as follows:

$$\frac{\text{\% from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

- 2.13 Those members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.
- 2.14 The LGA Independent Group has taken the view that in the true spirit of the Act, that morally or democratically, non-aligned councillors are entitled to fair representation. Groups are not entitled to have more than their share and thus they cannot exclude councillors that are not grouped i.e. single party councillors or non-aligned Independent councillors. For example in an authority of 49 councillors with one non-grouped councillor, the council must make 1/49 of the places available.

3. Issues, Options and Analysis of Options

- 3.1 The number of seats on committees that are available to be allocated amongst the political groups represented on the Council is 81.
- 3.2 Each of the political groups (formed when 2 or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group) are entitled to a certain number of seats on committees. This is based upon their percentage representation on the Council as a whole, as detailed in Table 1 at paragraph 2.11 above.
- 3.3 The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

- 3.4 After undertaking the above calculation for each of the political groups represented on the Council, the entitlement to seats is as follows:

- Labour 30 seats
- Conservative 28 seats
- UKIP 20 seats
- Independent 3 seats

- 3.5 Each of the political groups are only entitled to their proportion of seats.
- 3.6 In order to ascertain the number of seats to be allocated to political groups on each committee, the following calculation is required to be undertaken:

$$\frac{\% \text{ from Table 1}}{100} \times \text{No. of committee places available}$$

- 3.7 After applying the above calculation to each of the committees that have been established at Agenda Item 11, the following results can be seen:

- (a) 6 member committee – applies to all **Overview & Scrutiny committees and the Standards & Audit Committee**

• Lab	$36.73 / 100 \times 6 =$	2.20	=	2 seat(s)
• Con	$34.69 / 100 \times 6 =$	2.08	=	2 seat(s)
• UKIP	$24.49 / 100 \times 6 =$	1.47	=	1 seat(s)
• Ind	$4.09 / 100 \times 6 =$	0.25	=	0 seat(s)

From the calculations set out above, a manual adjustment is required, as explained in paragraph **3.9** of this report.

- (b) 7 member committee – applies to the **General Services Committee**

• Lab	$36.73 / 100 \times 7 =$	2.57	=	3 seat(s)
• Con	$34.69 / 100 \times 7 =$	2.43	=	2 seat(s)
• UKIP	$24.49 / 100 \times 7 =$	1.71	=	2 seat(s)
• Ind	$4.09 / 100 \times 7 =$	0.29	=	0 seat(s)

- (c) 8 member committee – applies to the **Corporate Parenting Committee**

• Lab	$36.73 / 100 \times 8 =$	2.94	=	3 seat(s)
• Con	$34.69 / 100 \times 8 =$	2.78	=	3 seat(s)
• UKIP	$24.49 / 100 \times 8 =$	1.96	=	2 seat(s)
• Ind	$4.09 / 100 \times 8 =$	0.33	=	0 seat(s)

- (d) 9 member committee – applies to the **Planning Committee**

• Lab	$36.73 / 100 \times 9 =$	3.31	=	3 seat(s)
• Con	$34.69 / 100 \times 9 =$	3.12	=	3 seat(s)
• UKIP	$24.49 / 100 \times 9 =$	2.20	=	2 seat(s)
• Ind	$4.09 / 100 \times 9 =$	0.37	=	0 seat(s)

From the calculations set out above, a manual adjustment is required, as explained in paragraph **3.9** of this report.

- (e) 15 member committee – applies to the **Licensing Committee**

• Lab	$36.73 / 100 \times 15 =$	5.51	=	6 seat(s)
• Con	$34.69 / 100 \times 15 =$	5.20	=	5 seat(s)
• UKIP	$24.49 / 100 \times 15 =$	3.67	=	4 seat(s)
• Ind	$4.09 / 100 \times 15 =$	0.61	=	0 seat(s)

3.8 **Appendix 1** shows a rounded allocation of seats to each political group. This is then required to be manually adjusted to ensure that the number of seats

allocated to a particular political group matches and does not exceed their entitlement.

- 3.9 From the figures set out in **Appendix 1**, the following manual adjustments are required:

UKIP need to gain 3 seats across committees, Labour need to gain 1 seat across committees and the Conservatives need to gain 1 seat across committees. Following discussions amongst the group leaders it was agreed that the Conservatives would relinquish their 1 seat gain to UKIP.

Therefore, UKIP will gain 1 seat in each of the following committees:

- Cleaner, Greener and Safer Overview and Scrutiny Committee
- Health and Well-being Overview and Scrutiny Committee
- Planning, Transport and Regeneration Overview and Scrutiny Committee
- Housing Overview and Scrutiny Committee

Labour will gain 1 seat on the following Committee:

- Children's Services Overview and Scrutiny Committee

The two ungrouped Members have an entitlement to 3 seats across committees and will be eligible to take 1 seat on the following committees:

- Corporate Overview and Scrutiny Committee
- Standards and Audit Committee
- Planning Committee

The two ungrouped Members will need to decide amongst themselves how they share these seats.

- 3.10 Group Leaders have been consulted in respect of the calculations set out at **Appendix 1**, together with the manual adjustments that are required in order to ensure that seats on committees are correctly allocated to each of the political groups.
- 3.11 Group Leaders have also been requested to provide nominations to the places on committees to which their respective groups are entitled.
- 3.12 The nominations of political groups to seats on committees and the nominations for Chair and Vice Chair of committees will be circulated at the meeting.

4. Reasons for Recommendation

- 4.1 The Council is required to make the required appointments to those committees that have been established to facilitate the efficient discharge of its functions, as set out in Agenda Item 11.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations are put before Council for approval.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Appointing members to those committees established at Agenda Item 11, in accordance with the political balance of the Council and associated allocation of seats on committees, will enable the Council to properly discharge its functions.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

The cost of servicing these committees will be met through the existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

These are set out in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None.

9. **Appendices to the report**

There are the following appendices to this report:

- **Appendix 1** – Allocation of seats
- **Appendix 2** – Nominations of political groups to seats on Committees (to be circulated at the meeting)
- **Appendix 3** – Appointment of Chairs and Vice-Chairs of Committees (to be circulated at the meeting)

Report Author:

Matthew Boulter

Principal Democratic Services Officer

Legal and Democratic Services

Thurrock Council
**No-Majority
 Proportionality**

Party Group

Number of members
 Overall proportionality
 Total strict entitlement
 Total rounded entitlement

Total
 49

		Conservative		Labour		UKIP				Ungrouped / Seats to allocate	
		17		18		12		0		2	
		0.346938776	34.69%	0.367346939	36.73%	0.244897959	24.49%	0	0.00%		
		28.10204082		29.75510204		19.83673469		0			
		28		30		20		0		78 3	
Committee	Size of Committee	Strict entitlement	Rounded Entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement	Total Rounded Entitlement	
Children's O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Cleaner & Greener O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Corporate O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Health O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Housing O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Planning, Transport & Regeneration O&S	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Planning	9	3.12	3	3.31	3	2.20	2	0.00	0	8	1
Licensing	15	5.20	5	5.51	6	3.67	4	0.00	0	15	0
General Services	7	2.43	2	2.57	3	1.71	2	0.00	0	7	0
Corporate Parenting	8	2.78	3	2.94	3	1.96	2	0.00	0	8	0
Standards & Audit	6	2.08	2	2.20	2	1.47	1	0.00	0	5	1
Total seats	81		27		29		17		0	73	8

Adjustments

1 1 3 0

Notes:

- 1 The total rounded entitlement of each party group is compared with the total number of seats allocated to that group. The allocations are then adjusted manually to ensure that the number of seats allocated to a particular group matches their entitlement.
- 2 Compare total rounded entitlement of each party group (Row 7) with the total number of seats allocated to that group in Row 20. Then adjust the allocations manually to ensure that the number in Row 20 matches that in Row 7

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