

Council Issues

1. Committee Seat Allocation

The creation of the Police, Fire and Crime Commissioner as the Fire Authority for Essex has meant that Essex County Council is neither required to appoint members to sit on the Authority nor manage standards by having a joint committee.

At the October 2017 Full Council meeting it was agreed that the current Audit Committee and the Standards function would be reconstituted as the Audit, Governance and Standards Committee.

To increase the size of the Audit, Governance and Standards Committee from seven to 10 members would reflect the increased importance of the committee and would allow all groups to be represented on it.

Group	Current Committee Seat allocation	Proposed 10 Member Committee
Conservative	5	7 (+2)
Liberal Democrat	1	1
Labour	1	1
Non-aligned	0	1 (+1)

Recommendation

- (1) Amend paragraph 8.1.2 of the Constitution that relates to Audit, Governance and Standards Committee, by replacing 'Seven Members' with 'Ten Members'.
- (2) Allocate the additional places on the Committee to political groups as indicated above

2. Motion amendment deadlines

The deadline for the receipt of amendments to motions at full Council is currently 9:00am on the morning of the meeting. Paragraph 16.9.8(ii) of the constitution 'amendments to motions' states:

- '(ii) No amendment may be moved unless:
- (a) it has been put in writing and handed to the Chairman by no later than 9am on the morning of the meeting in a format to be specified by the Monitoring Officer;'

A number of members had suggested that bringing forward the deadline would more easily facilitate the amendments to be circulated electronically in advance and allow

sufficient time for their proper consideration at group pre-meetings on the morning of full Council.

Recommendation

That paragraph 16.9.8(ii) of the Constitution be amended to read:

‘(ii) No amendment may be moved unless:
(a) it has been put in writing and handed to the Head of Democracy and Transparency or their nominee no later than 12:00 midday on the working day before the meeting in a format to be specified by the Monitoring Officer;’

3. Changes to Membership of Committees – for noting

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group:

- Councillor Mike Garnett replaced Councillor Carole Weston as a member of the Corporate Policy and Scrutiny Committee.
- Councillor Anthony Hedley replaced Councillor Gagan Mohindra as a member of the Essex Pension Strategy Board.
- Councillors Penny Channer and Andy Erskine will be the additional members of the Audit, Standards and Governance Committee if the Committee increase is agreed. Councillors Malcolm Maddocks and Andrew Sheldon are named substitutes.

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Non-Aligned Group:

- Councillor Dave Blackwell replaces Councillor James Abbott on Development and Regulation Committee
- Councillor Kerry Smith replaces Councillor Colin Sargent on Corporate Policy and Scrutiny Committee
- Councillor James Abbott will be the Non-aligned Group member of the Audit, Standards and Governance Committee if the Committee increase is agreed
- Investment Steering Committee – representative to be notified.

4. Appointment of a Sub-Committee of the Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers

Executive Directors are usually Chief Officers and Directors are usually Deputy Chief Officers, though this is not always the case. For example, the Director of Adult Social Services is a Chief Officer and a Director.

The Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers is responsible for the appointment, dismissal and pay of Chief and Deputy Chief Officers as well as appeals brought by these officers against decisions affecting them.

The Committee has five members. At present it is able to appoint sub-committees of three Members to deal with particular appointments, dismissals or appeals, but it only has the power to act when authorised by the committee.

The Council has historically operated using a five member committee other than at times of significant restructure where a three member committee has been given delegated authority to deal with director appointments in order to reduce the demands on panel members.

This has been done by a specific report to the committee at the start of the restructure process. However, it is suggested that using a three member sub-committee to appoint Deputy Chief Officers is a proportionate way to proceed. This will make it easier to convene panels in a way convenient to members and avoid delays to recruitment.

However, to do so requires a change to the Constitution because the sub-committee will be used generally for Deputy Chief Officers, rather than being used for particular appointments.

Recommendation

1. That the Sub-Committee be created with general power to deal with appointments, dismissals or appeals relating to Deputy Chief Officers.
2. That the Constitution is amended at 8.1.3 as follows:

8.1.3 Committee to determine the Terms and Conditions of employment of Chief and Deputy Chief Officers

Membership: Five Members of the Council to include the appropriate Cabinet Member.

(i) subject to (iv) below, to be responsible for the appointment and dismissal of Chief/Deputy Chief Officers and appeals against dismissal of such persons with the power:

(a) to appoint sub-committees of three Members to deal with particular appointments, dismissals or appeals; and

(b) to authorise the Chief Executive or his nominee to deal with a particular appointment or dismissal;

(ii) to resolve any issue relating to the terms or conditions of employment of Chief/Deputy Chief Officers not already covered by the Council's Officer Employment Procedure Rules; and

(iii) to decide the level of performance pay to be awarded to the Chief Executive and members of the Corporate Leadership Team.

(iv) The Committee is not authorised to dismiss the Head of Paid Service, the Monitoring Officer or the Section 151 Officer.

Appointments Sub-Committee – Terms of Reference

Membership: Three Members of the Council to include the appropriate Cabinet Member.

1. To exercise any of the Committee's powers with respect to Deputy Chief Officers.

5. Reconstitution of the Essex Fire Authority

On 30 September 2017 the Police, Fire and Crime Commissioner became the Essex Fire Authority. As a result ECC no longer appoints members to the fire authority. The recommendations in this report are designed to tidy up the constitution to reflect this and the fact that the Police and Crime Panel is now the Police, Fire and Crime Panel:

Recommendations

1. That in Part 1, Summary and Explanation the text :

'(viii) Other Public Bodies

The Council is also required to appoint Members to the Essex County Fire and Rescue Authority.'

be amended to:

'(viii) Other Public Bodies

The Council is also required to appoint a representative to the Essex Police, Fire and Crime Panel.'

2. That paragraph 6.3 (vii) which reads:

'(vii) appointing Members to the Essex County Fire and Rescue Authority and the Essex Police and Crime Panel;'

be amended to read:

‘(vii) appointing a representative to the Essex Police, Fire and Crime Panel;’

3. That the table under paragraph 8.1.8, Non-Voting Members:

‘Essex Police and Crime Commissioner’ be amended to:

‘Essex Police, Fire and Crime Commissioner’

4. That paragraph 16.12.7 of the constitution which reads:

‘Essex Police and Crime Panel and/or Essex Fire Authority.

A Member may ask any question of the representative of either the Essex Police and Crime Panel or the Essex Fire Authority relevant to the business of the bodies.’

be amended to:

‘Essex Police, Fire and Crime Panel.

A Member may ask any question of the representative of the Essex Police, Fire and Crime Panel.’

5. That item 60 in Appendix 3 to the constitution, the **List of Approved Bodies**

‘Fire Authority’ be amended to

‘Essex Police, Fire and Crime Panel’

6. Amendments to the Membership of the Essex Health and Wellbeing Board

On 7 November 2017 there was published a decision by the Leader of the Council to amend the membership of the Health and Wellbeing Board with a view to allowing greater oversight by the Board of key decisions taken within the health and voluntary sectors for local communities across Essex.

The Board is established in accordance with Section 194 of the Health and Social Care Act 2012 and constituted to meet local requirements.

The membership is amended to be:

Voting Members	
Statutory Members	How Nominated or Appointed
3 County Councillors	As nominated by County Council Leader
Essex County Council Director of Adult	By appointment to post

Social Care (DASS)	
Essex County Council Director of Children's Services (DCS)	By appointment to post
Essex County Council Director of Public Health (DPH)	By appointment to post
Representative of Health Watch Essex	Appointed by Health Watch Essex
Representative of North East Essex CCG	Appointed by North East Essex CCG
Representative of Mid Essex CCG	Appointed by Mid Essex CCG
Representative of West Essex CCG	Appointed by West Essex CCG
Representative of Basildon & Brentwood CCG	Appointed by Basildon & Brentwood CCG
Representative of Castle Point and Rochford CCG	Appointed by Castle Point and Rochford CCG
Other Members	How Nominated or Appointed
Chief Executive of Essex County Council	By appointment to post
4 Borough/City/District Council Representatives	Appointed by the Board on the nomination of the Borough/City/District Council Leaders and Chief Executives Group
3 Voluntary Sector representatives	Appointed by the Board on the nomination of Borough/City/District Council Leaders and Chief Executives Group
NHS Commissioning Board Essex LAT Director	By appointment to post
3 Representatives of Essex Acute Hospital Trusts	Appointed by the Board on the nomination of the Trusts
2 Representatives from Essex mental health and non-acute providers	Appointed by the Board on the nomination of the Trusts
1 Representative from Mid and South Essex Clinical Commissioning Groups in common	Appointed by the Board on the nomination of Mid and South Essex Clinical Commissioning Groups Joint Committee in Common
Non-Voting Members	
Essex Police, Fire and Crime Commissioner	By election to post
Independent Chair of the Essex Safeguarding Children's and Adults Boards	By appointment to posts

Recommendation

To note the amendments to the membership of the Essex Health and Wellbeing Board and that this has been reflected in the constitution.

7. Additional Approved Body to those listed in the Constitution

At the Annual Meeting of Council in May 2016, Members approved Appendix 3 to the Scheme of Allowances that lists those bodies, not part of the Council's Committee structure, where attendance at meetings is deemed to be an approved duty. The expectation is that the list is updated regularly and the Veolia Pitsea Marshes Maintenance Trust is not currently shown in the list.

Recommendation

To add Veolia Pitsea Marshes Maintenance Trust to the list of Approved Bodies as set out in Appendix 3 to the Scheme of Allowances in the constitution.

8. Changes to Post Title

On 13 December the post of Head of Democratic Services will be replaced with the post of Head of Democracy and Transparency. The constitution needs to be updated accordingly:

Recommendation

That references to 'Head of Democratic Services' are replaced with 'Head of Democracy and Transparency' wherever they occur in the Constitution.