



# Epping Forest District Council

## **APPOINTMENTS PANEL** **Thursday, 10th May, 2012**

**Place:** Committee Room 2, Civic Offices, High Street, Epping

**Time:** 7.00 pm

**Democratic Services Officer** Simon Hill Tel: 01992 564249  
Democraticservices@eppingforestdc.gov.uk

**Members:**

Councillors K Angold-Stephens, D Jacobs, J Philip, Mrs C Pond, Mrs L Wagland and J M Whitehouse

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### **1. ELECTION OF CHAIRMAN**

To determine the Chairman for the duration of the meeting.

### **2. APOLOGIES FOR ABSENCE**

### **3. TERMS OF REFERENCE (Pages 9 - 10)**

To note the Terms of Reference (as attached).

### **4. GROUP LEADERS, DEPUTY GROUP LEADERS AND GROUPS 2012/13 (Pages 11 - 12)**

#### **(a) Group Leaders and Deputies**

To receive the appointments from groups.

#### **(b) Constitution of Political Groups**

To receive the position regarding submission of completed forms.

A blank form is attached for use by Groups

### **5. CHAIRMAN AND VICE-CHAIRMAN OF COUNCIL 2012/13 (Pages 13 - 14)**

The nominations process approved at the Council meeting in April 2007 provides:

#### **(a) Chairman of the Council**

The councillor nominated and appointed by the Council as Vice-Chairman of the Council shall normally become the Chairman of the following Council year (assuming he/she is still a member of the Council).

**(b) Vice-Chairman of the Council**

Nominees for Vice-Chairman shall submit a nomination form signed by not less than 12 District Councillors drawn from at least two political groups. Nominees may be drawn from any political group or any independent member serving on the Council. The process of agreeing a nomination shall be co-ordinated by the Leader of the Council in consultation with the Leaders of all political groups and independent members. The Council has now agreed that this nomination process be managed through the Appointments Panel.

A Blank Nomination form is attached. Nominations received will be circulated separately.

**6. LEADER AND CABINET (Pages 15 - 16)**

To report on the current position:

- (a) Cabinet Appointments;
- (b) Cabinet Portfolios and responsibilities
- (c) Cabinet Subcommittees and Appointments

A blank schedule is attached.

**7. APPOINTED MEMBERS FOR SUBSTITUTIONS NOTIFICATIONS**

Groups to supply names of Councillors that are appointed for the purposes of notifying substitutes for meetings.

**8. POLITICAL GROUP ALLOCATIONS (Pages 17 - 32)**

To note Counsel's advice and procedural note on Pro Rata and allocations schedule.

The pro rata allocations sheet showing the current position is also attached. A revised allocations sheet will be circulated immediately after the elections.

**9. COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE**

**Recommendations:**

**(1) To note that the Council on 27 March 2012-04-17 passed the following resolution:**

**“That, in order to provide continuity throughout the recruitment process and, subject to the results of the May District Council elections, the Council agrees that the current Chairman, Vice Chairman and members of the Committee be reappointed at the Annual Council meeting.”;**

**(2) To review the position regarding membership of this Committee in the light of the results of the elections; and**

**(3) To consider whether to re-appoint a member to replace Councillor Murray.**

1. (Assistant to the Chief Executive) The process for recruiting a Chief Executive is now underway and is aimed at the council on 18.6.12 appointing the preferred candidate of the Committee which will be conducting the “longlisting”, “shortlisting” and selection processes. The Panel will appreciate that the programme for this appointment spans the Annual Council meeting period when the Committee is due for re-appointment.
2. It has already been reported that the Council’s recruitment consultants have recommended that there should be continuity of membership throughout the process subject to the election results. Four members of the Panel are due for re-election and the results will be reported at the meeting. This Committee is not based on pro rata and the Council has already decided that if 4 members are re-elected, they should continue to form the Committee with the same Chairman and Vice Chairman.
3. The present members are as follows:  
  
Chairman: Councillor Jon Whitehouse  
Vice Chairman: Councillor C. Pond  
Members: A. Grigg, J. Philip, M. McEwen, S. Murray, L. Wagland
4. The Employment Procedure Rules require that this Committee should comprise not less than 5 members and must be drawn from all political groups and include at least one member of the Executive. At present there are 4 Conservatives, 1 each from the Liberal Democrats and Loughton Resident Association, plus 1 Independent. The waiving of pro rata was approved by the Council when the committee was first appointed. As required by the legislation, no member voted against the membership, the latter not being in accordance with pro rata.
- 4 A number of possible scenarios arise from the elections and these are summarised below:

**Scenario 1 - all members re-elected/no change in pro rata.**

5. Appointments could be made on the same basis as previously with the relevant group nominating. If one of the existing members did not wish/could not continue, then this would be fairly easy to handle by nominations.

**Scenario 2 - all members re-elected/change in pro rata.**

6. In normal circumstances, it would be necessary to appoint on the basis of the new entitlements but as the pro rata has been set aside, the current membership could continue unless someone votes against the relevant resolution. Abstentions would not affect the validity of the resolution. If no one voted against, groups could nominate within their entitlements as at present.

7. If someone did vote against, this would necessitate a proposition that pro rata be adopted or some other arrangement (no one voting against). We might then have to fall back on pro rata and the independent would have to come off with another Conservative coming on.

**Scenario 3 - not all members re-elected/no change in pro rata**

8. The relevant group would nominate existing members and replacements for those who are not re-elected within their present allocation.

**Scenario 4 - not all members re-elected/change in pro rata**

9. If the current membership is accepted, groups would then nominate to their allocation taking account of the changes.

**General Points**

10. All these scenarios can be accommodated within the present Council decision, if the principle of a non pro rata membership is accepted.

11. Councillor Murray has stated that he will be unable to participate in the work of the Committee due to school commitments. With this in mind, the Panel need to reach an understanding as to whether he should be replaced by another member, either an independent or a member of a political group.

**10. POLICE & CRIME PANEL**

**Recommendations:**

**(1) To note that one representative to the shadow Police and Crime Panel for Essex is required to be appointed at the Annual Council meeting; and**

**(2) To consider whether a Cabinet member or representative of Overview & Scrutiny is to be appointed and recommend to Council accordingly**

1. (Assistant to the Chief Executive) The Government requires that by July 2012, Essex Authorities should have in place operational arrangements for the new Police and Crime Panel for Essex so that once a Police and Crime Commissioner has been elected on 15 November 2012, the Panel can take up its statutory duties.

2. The responsibilities of the Panel will comprise:

(a) requiring the Commissioner or a member of their staff to attend the Panel to answer questions;

(b) requesting the Chief Constable attends the Panel to answer questions where it has already required the Commissioner to appear before the Panel;

(c) appointing an acting Commissioner from amongst the Commissioner's staff if the Commissioner has resigned, has been disqualified from office, or is

incapacitated or suspended;

(d) vetoing the Commissioner's proposed precept if two-thirds of the members of the Panel vote in favour of doing so;

(e) vetoing the Commissioner's proposed appointment of a Chief Constable if two-thirds of the members of the Panel vote in favour of doing so;

(f) reviewing the Commissioner's draft Police and Crime Plan; and

(g) holding confirmation hearings for the Commissioner's proposed Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner appointments; and deal with complaints made about the PCC.

3. It is intended that Essex County Council will "host" the Panel. It is suggested that all authorities contribute annually to the costs of establishing and operating the Panel, with each district/borough paying £2000, the unitary authorities £6000 each and the County Council £15000. A review of the resource requirements will take place once the Panel has been operational for a 12/18 month period. Funding will be considered by this Council's Cabinet once the available financial resources have been identified.

4. It is intended that the Panel will operate in "shadow" form from June to November 2012 and to achieve this the Council was invited to nominate one representative by the end of March 2012. Councillor membership of the Panel, when taken together, should reflect the political balance of the force area.

5. At a recent Essex District/Borough Leaders and Chief Executives' meeting it was suggested that councils should nominate their Portfolio Holder covering community safety or, alternatively, a Chairman within Overview and Scrutiny Committee covering community safety.

6. This matter was considered at the Council meeting on 27 March 2012 and the proposed appointment was deferred.

## 11. LOCAL HIGHWAYS PANEL

### Recommendations:

**(1) To consider the policy to be adopted in relation to the appointment of the seven Councillors to the new LHP, bearing in mind that this Panel's terms of reference embrace the whole District; and**

**(2) To determine the numbers to be determined by each political group and to be offered to independent or sole Party member Councillors.**

1. (Assistant to the Chief Executive) A copy of the proposals of Essex County Council for new Local Highway Panels is attached. The number of District Council representatives is to match the number of local County Councillors (namely 7) who will also serve on the Panel.

2. The Safer, Cleaner, Greener Standing Scrutiny Panel has recommended that this Panel determine how the seven district seats should be dealt with, bearing in mind the presumed need for cross-District representation. It should be borne in mind that the elements of Protocol regarding pro rata representation is currently suspended insofar as it relates to outside bodies.

3. Representation on the previous Panel was one Portfolio holder with a Deputy Portfolio Holder to cover. The Panel is asked to decide the groups to nominate and the number of seats involved including the position of independent and single party members

**12. COMMITTEES ETC - NOMINATIONS (Pages 33 - 52)**

**(a) Nominations**

To discuss and agree nominations to Committees, Sub-Committees and Panels. A schedule of required appointments is attached. A combined schedule will follow after the election.

**(b) Area Plans Sub-Committee South**

To receive a report on the current position regarding members who wish to opt in to this Sub-Committee under the arrangements approved by the Council on 20 February 2007.

**(c) Overview and Scrutiny**

Nominations to the Overview and Scrutiny Standing and Task and Finish Panels are not required for the Annual Council Meeting. Nominations will be considered at the Overview and Scrutiny Committee meeting in June 2011.

A Blank nomination form is attached.

Received nominations will be circulated separately.

**13. REPRESENTATIVES ON OUTSIDE ORGANISATIONS (Pages 53 - 58)**

Appointments to the Outside Organisations carrying out

- (i) Executive Functions; and
- (ii) Non Executive functions

A blank schedule is attached for information – a combined schedule will be circulated after the elections.

**14. COUNCIL MEETING - SEATING PLAN 2012/13 (Pages 59 - 60)**

To consider a draft Council seating plan. A new proposed layout will be circulated after the elections. Last years plan is attached for information.

**15. ANY OTHER BUSINESS**



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## **APPOINTMENTS PANEL TERMS OF REFERENCE**

### **1. Title**

The Panel shall be known as the "Appointments Panel".

### **2. Terms of Reference**

(a) To receive and make recommendations to the Annual Council on nominations for the following appointments from political groups and non-affiliated members:

(i) Chairman and Vice Chairman of Council;

(ii) Leader; Deputy Leader and Cabinet members;

(iii) Chairmen; Vice-Chairmen and membership of Cabinet Subcommittees;

(iv) Chairmen; Vice-Chairmen and members of Committees and Sub-Committees (excluding Scrutiny Panels); Panels; Boards Working Groups and similar bodies;

(v) Outside body appointments falling to the Council to fill;

(b) In recommending appointments to the Council, the Panel will:

(i) Propose nominations based on the entitlement of each political group in accordance with the statutory pro rata;

(ii) Ensure that consideration is given to any nominations made by non-affiliated members for any position or appointment;

(iii) Ensure, so as far is practicable, an equitable allocation of Chairmanships and Vice Chairmanships across the political groups or to non-affiliated members having majority support that is not inconsistent with the provisions of the Council's Protocol; and

(iii) Permit schedules of recommended appointments to be circulated to all members prior to the date of the Council meeting.

(c) The Panel shall, in recommending outside body appointments to the Council, do so as to give precedence to local ward members for those that have a 'local' designation and an equitable allocation of places across the political groups of the Council;

### **3. Membership**

- (a) Each statutory Political Group on the Council shall appoint two members from to form the Panel;
- (b) Where an appointed member ceases to be a member of the Council, the appropriate Political Group Leader may nominate a substitute from within their membership;
- (c) All unaffiliated members of the Council shall have the right to attend the Panel meetings and/or submit nominations in accordance with statutory provision.

### **4. Chairman**

- (a) The Chairman of the Panel shall normally be the Leader of the Council but if the Leader is not a member or present, the Chairman shall be determined by the Panel; and
- (b) The Chairman shall be responsible for reporting the recommendations of the Panel to full Council.

### **5. Meetings**

- (a) Meetings of the Panel shall be held as required following elections each Council year at the Civic Offices, Epping at the date and time indicated on the agenda timed so as to enable the prior circulation of their recommendations for nominations to the Council.
- (b) Minutes and agenda of the Panel meetings shall be circulated to the following:
  - Panel Members
  - Group Leaders or Deputy Group Leader not members of the Panel
  - Unaffiliated Members of the Council

### **6. Effect of Nominations**

Nothing in these Terms of Reference precludes any Political Group or non-affiliated member of the Authority from making nominations directly at full Council or from any group or non-affiliated members changing or withdrawing previously made nominations.

### **7. Officers**

The Panel will be supported by the attendance of relevant officers from the Office of the Chief Executive and such other officers as may, from time to time, be required.







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## Appendix

### Council Appointments

#### (a) Leader Nominations

	2011/12	2012/13
Leader	Mrs L Wagland	

### Leader Appointments:

#### (b) Deputy Leader

	2011/12	2012/13
Deputy Leader	John Philip	

#### (c) Other Cabinet Members/Allocation of Portfolios

Portfolio Title	Portfolio Holder 2011/12	Deputy PH 2011/12	Portfolio Holder 2012/13	Portfolio Holder Assistants* 2012/13
Leader + Legal	Lesley Wagland	none		
Finance and Economic Development	Gagan Mohindra	D Johnson (Estates) A Lion (Perf. Mgt)		
Leisure and Wellbeing	Ricki Gadsby	J Lea		
Environment	John Knapman	none		
Housing	Maggie McEwen	S Watson		
Safer ,Greener and Highways	Penny Smith	K Chana		
Planning and Technology	John Philip	S Jones		
Support Services	John Wyatt	B Sandler		

\* Title changed by Council on 13 December 2011 – minute 103 refers

## **Cabinet Committee Memberships (not part of pro rata allocations)**

### **(a) Finance and Performance Management Cabinet Committee**

Leader

Finance and Economic Development Portfolio Holder (Chairman)

Housing Portfolio Holder

Planning and Technology Portfolio Holder

Safer, Greener and Highways Portfolio Holder

### **(b) North Weald Airfield and Asset Management Cabinet Committee**

Leader

Environment Portfolio Holder

Finance and Economic Development Portfolio Holder (Chairman)

Housing Portfolio Holder

Leisure and Wellbeing Portfolio Holder

### **(c) Local Plan Cabinet Committee**

Leader

Environment Portfolio Holder

Leisure and Wellbeing Portfolio Holder

Planning and Technology Portfolio Holder (Chairman)\*\*

Housing Portfolio Holder

\*\* Changed Chairmanship to Planning and Technology Portfolio Holder 14 February 2012 minute 120 refers



## ORDINARY COMMITTEES

**Council Decisions:** 23 April 1996 (Minute 94(7))

### RESOLVED:

- (1) That the refinements suggested by Counsel in tabulation, calculation method and advice to Group Leaders in connection with proportionality be adopted;
- (2) That the following supplementary rules suggested by Counsel for achieving proportionality be adopted:

#### Ordinary Committees – Individual Entitlements

- (a) that all political groups be allowed to take up the seats on individual committees (including small panels and boards) to which they are entitled, subject to any adjustment to the aggregate entitlement;
- (b) that, if there is no agreement under (a), the Council stipulates that relevant seats should be taken from any group with more seats than its entitlement but having the lowest proportion on the Council overall;

#### Ordinary Committees – Aggregate Adjustment

- (c) That, if there is disagreement over the aggregate reallocations between groups on ordinary committees, the following procedure shall apply:
  - (i) the seats to be reallocated shall comprise initially seats on committees where representation is greater than entitlement, then if necessary seats on committees where representation matches entitlement and finally, where necessary, from Committees where representation is less than entitlement;
  - (ii) reallocation of seats under (i) above be to groups due to gain seats in descending order of priority according to their proportion of seats on the Council; and
- (3) That, as advised by Counsel, no changes be made to the listing of Committees under the "ordinary" and "advisory" lists or to be procedure for appointing Sub-Committees by the full Council at its annual meeting.

**Statutory Sources:** Sections 15-17 Local Government Act 1989

**Other Sources:** Counsel's opinion dated 25 March 1996



EPPING FOREST DISTRICT COUNCIL  
LOCAL GOVERNMENT AND HOUSING ACT 1989  
PROPORTIONALITY RULES FOR COMMITTEE MEMBERSHIP

ADVICE

1. I am asked to advise on various questions relating to proportional representation on ordinary committees of the Council. They were discussed in conference on 18 March 1996.

LOCAL GOVERNMENT AND HOUSING ACT 1989

2. The 1989 Act in s.15(5) lays down four principles that are to be followed in making allocations to committees and sub-committees under the scheme in the Act. This applies when political groups have been formed (s.15(1) and (2)) and there is no unanimous agreement to do something else (s.17(1)). The Department of the Environment letter dated 5 June 1991 helpfully sets out the four principles and gives an illustration how the principles operate in practice.
3. The first principle is that not all the seats on the committee or sub-committee are allocated to the same group.
4. The second principle is that the majority of the seats on a committee or sub-committee is allocated to a particular group if that group holds a majority of seats on the Council as a whole. This principle does not, of course, apply when the Council is hung.

5. The third principle is that, subject to the above two principles, the number of seats on the total of all the ordinary committees of the Council are to be allocated in proportion to the membership of the Council. This is the aggregate entitlement. "Ordinary committee" is a decision-making committee appointed to discharge the Council's functions under s.102(1)(a) of the Local Government Act 1972 (Sch.1, para.4(1)), as opposed to an "advisory committee" appointed to advise under s.102(4) of the 1972 Act (Sch.1, 4(1)).
6. The fourth principle is that, subject to the above three principles, membership of each committee and sub-committee is to be in proportion to the membership of the Council.

#### Method

7. The method of calculating the proportional representation on the Council's committees and sub-committees is set out in Appendix 2, Paper No.4, entitled Pro-Rata Committee Membership, Exemplification Only.
8. I consider the method complies with s.15 of the 1989 Act.
9. I suggest the following refinements.
10. The requirements of the 1989 Act (at present set out at the end of the second page) should include the third principle in s.15(5)(c) (para.5 above).

11. It would be helpful to explain "ordinary committee". See para.5 above.
12. I suggest the fourth principle is set out as in para.6 above. The principle is subject to the previous three principles. It applies to all committees and sub-committees. In the case of committees, it applies subject to adjustments to reflect aggregate entitlement.
13. I suggest it is stated that it is for the Council by majority to decide on which ordinary committees adjustments are to be made to reflect aggregate entitlement under the third principle (see the DoE letter, para.17).
14. The requirements of the Act should be set out at the start, because they govern what follows. In para.2(a), which works out the aggregate entitlement to ordinary committee seats, the reference to "sub-committees" should be deleted.
15. I understand that the Council has decided to calculate proportions to one decimal place. I consider proportions should be calculated, where necessary, to three decimal places, as in the DoE letter, to give precise proportions, where one decimal place would show equal proportions. I give an example below.
16. As regards a schedule of pro rata entitlement on ordinary committees, I find it helpful to have entries against the headings "Total of Individual Entitlements, with actual number of Seats Held in brackets" and "Changes Necessary". I prefer "Aggregate

Entitlement" as a heading, rather than "Adjusted Aggregate Entitlement" as the adjustments are made under "Changes Necessary". See Appendices 3 and 4.

17. In the schedule of pro rata entitlement I suggest the groups are listed in order of proportion, so "LD" should be switched with "LRA".

#### Allocations

18. Appendix 3 dated 12 December 1995 shows the May 1995 allocations to ordinary committees taking into account the transfer of an Independent to Labour in December 1995.
19. Appendix 4 dated 16 January 1996 shows the position after ERA had been given one seat on the Development Committee, to which they were entitled; and had given up one seat on the Staff Appeals Panel, to which they were not entitled.
20. I believe the January 1996 allocations were fair, as they were agreed by the Council.
21. I suggest the following refinements. I stress that these are suggestions, as it is for the Council to decide on its own rules.

#### Aggregate Entitlement

22. Appendix 3 sets out the Aggregate Entitlement and Changes Necessary. The Aggregate Entitlement totals on rounding up 174 seats, as compared with the actual

number of 173 ordinary committee seats. CON and LRA are each shown to be due another seat. CON's entitlement was 61.6, rounded up to 62. LRA's was 20.6, rounded up to 21. I understand it was agreed that CON and LRA should draw lots as to which should have the extra seat, leaving the total number of seats at 173.

23. The alternative would be to allocate the extra seat to the group with the largest aggregate over the break point of .5, calculated to three decimal points.
24. On this basis CON's aggregate is 61.575, while LRA's is 21.52. So CON gets the extra seat.
25. It could be made a rule that calculations are made to one decimal point, except when it is necessary to establish more precise proportions, in which case calculations should be made to three decimal points (as in the DoE letter).

#### Individual Committee entitlement

- × 26. I consider a group should be entitled to take up the seats to which it is entitled on an individual Committee (fourth principle), subject to adjustment for aggregate entitlement (third principle).
27. So, as was accepted in January 1996, ERA were entitled to their seat on the Development Committee.

28. The Council could make a rule to the effect of para.26 above.
29. In passing, I understand it was agreed that LAB should give up a seat on the Development Committee to ERA.
- X 30. In the absence of agreement, a possible solution would have been to take the seat from the group with more seats on the Committee than its entitlement, but having the lowest proportion on the Council. In which case, the seat would have come from LRA.

Panel entitlement

- X 31. I consider that, subject to agreement, on Panels (5 and 11 seats) a group should be required to take up its entitlement, rather than forego its entitlement, thereby requiring another group with no entitlement to take a seat. In effect, the larger groups should play their part on the Panels.
32. So, subject to agreement, I consider LD should take up its seat on Housing Management Appeals (5 seats), rather than ERA with no entitlement having a seat. Subject to agreement, I think the same should have applied to Staff Appeals (5 seats). In fact, by agreement in January ERA's seat went to LAB.
33. On the Licensing Panel (11 seats) CON have one seat more than their entitlement and LD one seat less, presumably by agreement.



34. A rule could be made to the effect of para.31 above.

Changes necessary to reflect aggregate entitlement

35. Where changes are necessary to reflect aggregate entitlement, I understand Mr Willett informs group leaders of the necessary adjustment. They notify him which seats they wish to gain and which lose. The Council then decides. So far there has not been disagreement.
- X 36. If there were disagreement, I consider that priority should go in turn to groups entitled to gain seats, in descending order of proportion of seats on the Council. The seats would be available from groups due to lose seats. I suggest the pool of available seats should start with seats on Committees where representation is greater than entitlement, then seats on Committees where representation equals entitlement, and so on as necessary.

Rules

37. It is a matter for the Council whether they wish to resolve to turn into rules any of these suggestions or other suggestions which Officers may make.
38. If the Council do so wish, I leave detailed drafting of my suggestions to Officers. They may well have amendments to meet the situations which I have not considered.

LIST OF ORDINARY COMMITTEES

39. I do not consider that the Housing Management Appeals and Staff Appeals Panels should be transferred from the list of ordinary committees to the list of advisory committees.
40. It is clear from the terms of reference for the two Panels in Appendices 6 and 7 that they have decision-making powers for the purpose of discharging functions of the Council. This is not altered by the fact that they also have advisory powers.
41. Plans Sub-Committees A and B should not be transferred from the advisory list to the ordinary list. Although their terms of references in Appendix 8 show that they have substantial delegated decision-making powers and do not routinely need to submit their decisions to their parent Development Committee, nevertheless they are sub-committees in the hierarchy. Therefore s.15(5)(c) of the 1989 Act in respect of ordinary committees does not apply to them. They should not be listed with ordinary committees to which the third principle of aggregate entitlement in s.15(5)(c) applies.

APPOINTMENT OF THE COMMITTEES, SUB-COMMITTEES, WORKING GROUPS, PANELS AND BOARDS

42. The Standing Orders in Appendix 9 comply with s.102 of the 1972 Act. Since the 1989 Act the Council has had power to appoint ordinary sub-committees as well as committees (s.102(1)(a)) and advisory sub-committees as well as committees (s.102(4A)).

43. The Council has power to appoint Chairmen and Vice-Chairmen of Committees and Sub-Committees. See Knowles, *The Law & Practice of Local Authority Meetings*, 2nd ed, 1993, para.11.9, which includes a draft standing order.

GENERALLY

44. If there are queries on this advice, please do not hesitate to raise them.



MICHAEL BURRELL

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mb\lepping

25 March 1996



## **Appointments for Annual Meeting of Council**

### **Pro rata explained:**

1. The statutory basis for pro rata memberships comes from the Local Government and Housing Act 1989 (LGHA). In essence there are four main principles for appointments to 'ordinary committees':
  - (a) not all seats to be allocated to the same group;
  - (b) if a group has a majority on the Council, it must have a majority of seats on Committees;
  - (c) subject to (a) and (b) above, the total number of seats on Committees must be allocated in the same proportions as the group memberships bear to the Council's membership;
  - (d) subject to (a) and (c) above, the number of seats on each Committee must be proportional to each group's membership of the Council;

The method by which the Council elects to Ordinary Committees was subject to report on 23 April 1996. A copy of that minute together with the Counsels opinion is attached:

2. The Council agreed:

### **Ordinary Committees - Individual Entitlements**

- "(a) That all political groups be allowed to take up the seats on individual committees (including small panels and boards) to which they are entitled, subject to any adjustment to the aggregate entitlement;
- (b) That, if there is no agreement under (a), the Council stipulates that relevant seats should be taken from any group with more seats than its entitlement but having the lowest proportion on the Council overall;

### **Ordinary Committees - Aggregate Adjustment**

- (c) That, if there is disagreement over the aggregate reallocations between groups on ordinary committees, the following procedure shall apply:
  - (i) The seats to be reallocated shall comprise initially seats on committees where representation is greater than entitlement, then if necessary seats on committees where representation matches entitlement and finally, where necessary, from Committees where representation is less than entitlement;
  - (ii) Reallocation of seats under (c) (i) above be to groups due to gain seats in descending order of priority according to their proportion of seats on the Council; ...."

### **Ordinary Committees – Non affiliated members**

3. Regulations made in 1990, (The Local Government (Committees and Political Groups ) Regulations 1990) inserted an additional section into the LGHA as follows:

"S 16 (2A) Where appointments fail to be made to seats on body to which [pro rata] applies otherwise than in accordance with a determination under [those rules] it shall be the duty of the authority or the committee, as the case may be, so as to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group"

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# Epping Forest District Council - Pro Rata Memberships

Political Affiliation	Places	Gode	Rounded %	Cons	Rounded %	Lib Dem	Rounded %	LRA	Rounded %	Morgan	Rounded %	Murray	Rounded %	Richardson	Rounded %	Collier	Rounded %	Totals	Comments
No of Councillors		1		37		6		10		1		1		1		1		58	
Percentage		1.724		63.793		10.345		17.241		1.724		1.724		1.724		1.724		100	
Overall % places		0.879		32.534		5.276		8.793		0.879		0.879		0.879		0.879			

## Cttees:

Licensing Committee	15	0.259	0	9.569	10	1.552	2	2.586	3	0.259	0	0.259	0	0.259	0	0.259	0	15	
Housing Appeals and Review Panel	5	0.086	0	3.190	3	0.517	1	0.862	1	0.086	0	0.086	0	0.086	0	0.086	0	5	
Staff Appeals Panel**	5	0.086	0	3.190	3	0.517	1	0.862	1	0.086	0	0.086	0	0.086	0	0.086	0	5	
Complaints Panel: (pool)*	11	0.190	0	7.017	7	1.138	1	1.897	2	0.190	0	0.190	0	0.190	0	0.190	0	10	check allocation
District Development Control	15	0.259	0	9.569	10	1.552	2	2.586	3	0.259	0	0.259	0	0.259	0	0.259	0	15	
<b>Total Seats</b>	51		0		33		7		10		0		0		0		0	50	check allocation
Aggregated Entitlement		0.879		32.534		5.276		8.793		0.879		0.879		0.879		0.879			
rounded aggregated entitlements			1		33		5		9		1		1		1		1	52	check allocation
Changes Required			1		0		-2		-1		1		1		1		-1	0	rounded all.

Overview & Scrutiny Committee	11	0.190	0	7.017	7	1.138	1	1.897	2	0.190	0	0.190	0	0.190	0	0.190	0	10	check allocation
Joint Consultative Committee	9	0.155	0	5.741	6	0.931	1	1.552	2	0.155	0	0.155	0	0.155	0	0.155	0	9	
Elections and Com Gov	5	0.086	0	3.190	3	0.517	1	0.862	1	0.086	0	0.086	0	0.086	0	0.086	0	5	
Chief Exec Appointment	7	0.121	0	4.466	4	0.724	1	1.207	1	0.121	0	0.121	0	0.121	0	0.121	0	6	check allocation
Essex Localism Init- Local Highways Panel	14	0.241	0	8.931	9	1.448	1	2.414	2	0.241	0	0.241	0	0.241	0	0.241	0	12	check allocation
<b>Total Seats</b>	46																	42	check allocation

\* Membership will be five drawn from the pool of eleven

\*\* Five Deputies also need appointment

Chairmanships	19	0.328	0	12.121	12	1.966	2	3.276	3	0.328	0	0.328	0	0.328	0	0.328	0	17	check allocation
Vice-Chairmanships	13	0.224	0	8.293	8	1.345	1	2.241	2	0.224	0	0.224	0	0.224	0	0.224	0	11	check allocation

## Membership of Planning Subcommittees

Political Affiliation	Places	Gode	Cons	Lib Dem	LRA	Morgan	Murray	Richardson	Collier	Totals
Cttees:										
Area Plans Subcommittee South**	25	0	10	3	10	0	1	1	0	25
Area Plans Subcommittee East	19	1	14	3	0	1	0	0	0	19
Area Plans Subcommittee West	14	0	13	0	0	0	0	0	1	14

\* in the last column indicates either over or under allocation

\*\* Subject to Councillors opting in at Annual meeting.

Please note that a separate pro rata table has been produced for the Overview and Scrutiny Committee in relation to Standing Panels.

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Committee Appointments 2011-12

Area Plans Sub-Committee East (19 Members)					
		Conservatives	Liberal Democrats	LRA	Independent
MEMBERSHIP 2011/12	Chairman/Vice Chair	A Boyce (Chair) S Jones (V/C)			
		K Avey	D Jacobs		R Morgan
		W Breare-Hall	J H Whitehouse		P Gode (Lab)
		D Collins	J M Whitehouse		
		A Grigg			
		P Keska			
		M McEwen			
		S Packford			
		J Philip			
		B Rolfe			
		D Stallan			
		C Whitbread			
		G Waller			
MEMBERSHIP 2011/12	Chairman/Vice Chair				
		K Avey	D Jacobs		P Gode (Lab)
		W Breare-Hall	J H Whitehouse		
		A Grigg			
		S Jones			
		P Keska			
		J Philip			
		B Rolfe			
		D Stallan			
		G Waller			

**Area Plans Sub-Committee West (14 Members)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	J Wyatt (Chair) E Webster (V/C)			
		R Bassett			J Collier
		R Gadsby			
		D Johnson			
		Y Knight			
		J Lea			
		A Mitchell			
		W Pryor			
		M Sartin			
		P Smith			
		S Stavrou			
		A Watts			
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				
		R Bassett			
		R Gadsby			
		D Johnson			
		Y Knight			
		A Mitchell			
		M Sartin			
		P Smith			
		S Stavrou			
		A Watts			





**Committee for the Appointment of the Chief Executive (7 members cross party)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair		Jon Whitehouse (Ch)	C Pond (VC)	
		A Grigg			S Murray
		M McEwen			
		J Philip			
		L Wagland			
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				



**District Development Control Committee (15 members)**

		Conservatives	Liberal Democrats	LRA	Independent
MEMBERSHIP 2011/12	Chairman/Vice Chair	B Sandler (Chair) R Bassett (V/C)			
		A Boyce	D Dodeja	C Finn	
		K Chana	J M Whitehouse	J Markham	
		J Hart		C Pond	
		S Jones			
		J Philip			
		H Ulkun			
		S Watson			
		J Wyatt			
MEMBERSHIP 2012/13	Chairman/Vice Chair				

**Electoral and Community Governance Review (5 members and five deputies)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP</b> 2011/12	Chairman/Vice Chair	C Whitbread (Chair) D Stallan (V/C)			
		J Philip	D Jacobs	C Finn	
		M Sartin (Deputy)	J M Whitehouse (Deputy)	C Pond (Deputy)	
		S Watson (Deputy)			
		L Webster (Deputy)			
<b>MEMBERSHIP</b> 2011/12	Chairman/Vice Chair				



**Housing Appeals and Review Panel (5 members and 5 substitutes)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	B Rolfe (Chair)	J Sutcliffe (V/C)		
		R Gadsby		Jennie Hart	
		Y Knight			
		P Keska (substitute)	J H Whitehouse (substitute)	T Cochrane (substitute)	
		J Lea (substitute)			
		A Mitchell (substitute)			
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				

NB Area Plans Sub Chairs must be members of DDCC

**Joint Consultative Committee (9 members plus 9 staff side representatives)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	G Mohindra (V/C)			
		D Johnson	J H Whitehouse	T Cochrane	
		A Lion		Jennie Hart	
		J Philip			
		G Waller			
		J Wyatt			
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				

**Licensing Committee (15 members)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	A Lion (V/C)			R Morgan (Chair)
		A Boyce	D Dodeja	K Angold-Stephens	
		K Chana	J Sutcliffe	L Leonard	
		R Gadsby		D Wixley	
		M McEwen			
		W Pryor			
		M Sartin			
		P Smith			
		G Waller			
Sub-Committee Chairs		M McEwen, P Smith, M Sartin		K Angold-Stephens D Wixley	R Morgan
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				
Sub-Committee Chairs					

**Overview and Scrutiny Committee (11 members)**

		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	R Bassett (Chair)		D Wixley (V/C)	
		K Chana	D Jacobs	R Brookes	S Murray
		D Johnson			
		S Jones			
		M Sartin			
		D Stallan			
		G Waller			
<b>MEMBERSHIP 2012/13</b>	Chairman/Vice Chair				



# Other Bodies

Leisure Management – Contract Monitoring Board (6 members)					
		Conservatives	Liberal Democrats	LRA	Independent
MEMBERSHIP 2011/12	Chairman/Vice Chair				
		G Mohindra	J M Whitehouse	R Brookes	
		R Gadsby			
		J Knapman			
		S Packford			
MEMBERSHIP 2012/13	Chairman/Vice Chair				

“Olympic Champion”					
		Conservatives	Liberal Democrats	LRA	Independent
MEM. 2011/12		E Webster			
MEM. 2012/13					

<b>Standards Committee (3 members plus 3 Independent members plus 3 local council representatives)</b>					
		Conservatives	Liberal Democrats	LRA	Independent
<b>MEM 2011/12</b>	Chairman/Vice Chair				
		A Grigg	J H Whitehouse		
		A Mitchell			
<b>MEM 2012/13</b>	Chairman/Vice Chair				

<b>Waste Management Partnership Board (2 Members plus 2 Officers and 4 representatives of the Council's Waste Management Contractor)</b>					
		Conservatives	Liberal Democrats	LRA	Independent
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair	J Knapman (Chair)			
		G Waller			
<b>MEMBERSHIP 2011/12</b>	Chairman/Vice Chair				

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## Scrutiny Standing Panels Nominations for 2012/13

### Standing Panels

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#### Constitution and Member Services Panel

Membership 2011/12	Nominations 2012/13
<b>Chairman – D Stallan</b> <b>Vice-Chairman – D Johnson</b>	
<b>Conservative Group (7):</b> D Stallan; Mrs M Sartin; D Johnson; J Philip; Mrs S Watson; Mrs M McEwan; B Rolfe  <b>Liberal Democrats Group (1):</b> Mrs J H Whitehouse  <b>LRA Group (2):</b> R Cohen; J Markham  <b>Other Nominations (1):</b> R Morgan	

#### Finance and Performance Management

Membership 2011/12	Nominations 2012/13
<b>Chairman – D Jacobs</b> <b>Vice-Chairman – G Waller</b>	
<b>Members –</b>  <b>Conservative Group (7):</b> P Keska; R Bassett; W Pryor; James Hart; G Waller; K Chana; Ms S Packford  <b>Liberal Democrats Group (1):</b> D Jacobs  <b>LRA Group (2):</b> K Angold-Stephens; R Cohen  <b>Other Nominations (1):</b> S Murray	

## Housing

Membership 2011/12	Nominations 2012/13
<b>Chairman – S Murray</b> <b>Vice-Chairman – Mrs A Mitchell</b>	
<b>Conservative Group (7):</b> Mrs A Mitchell; D Stallan; Mrs A Grigg; K Chana; Mrs S Jones; H Ulkan; W Pryor  <b>Liberal Democrats Group (1):</b> Mrs J H Whitehouse  <b>LRA Group (2):</b> Jennie Hart; Ms R Brookes  <b>Other Nominations (1):</b> S Murray	

## Safer, Cleaner, Greener

Membership 2011/12	Nominations 2012/13
<b>Chairman - Mrs M Sartin</b> <b>Vice-Chairman – Mrs C Pond</b>	
<b>Conservative Group (7):</b> Mrs M Sartin; G Mohindra; K Avey; Mrs L Webster; Mrs A Mitchell; W Breare-Hall; Ms Y Knight  <b>Liberal Democrats Group (1):</b> P Spencer  <b>LRA Group (2):</b> Ms T Cochrane; Mrs C Pond	

## Planning Services

Membership 2011/12	Nominations 2012/13
<b>Chairman – H Ulkan</b> <b>Vice Chairman – A Watts</b>	
<b>Conservative Group (7):</b> H Ulkan; A Watts; Ms Y Knight; A Boyce; P Keska; B Sandler; A Lion  <b>Liberal Democrats Group (1):</b> Mrs J Sutcliffe  <b>LRA Group (2):</b> C Finn; J Markham	

## Task and Finish Panels

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### Overview and Scrutiny Review – New for 2012/13

Nominations 2012/13
<b>Chairman</b> <b>Vice Chairman</b>

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## APPENDIX

### Leader Appointments

#### Representation on Outside Organisations – Appointments by Leader Organisations Carrying Out Executive Functions

Organisation and Allocation Category		Representation for 2011/12	Representation for 2012/13
1.	Civil Enforcement of Parking and Traffic Regulations Outside London (PATROL) – Adjudication Joint Committee (Executive)	Mrs P Smith	
2.	Crime and Disorder Strategy Panel (Executive)	Mrs P Smith J Knapman (deputy)	
3.	East of England Local Government Association (Executive)	Mrs L Wagland	
4.	Enfield Essex Herts Border Liaison Group (Executive/Local)	R Bassett Mrs P Smith Mrs M Sartin (Mrs J Lea, W Pryor, J Wyatt as deputies)	
5.	Epping Forest District Local Strategic Partnership (Executive) (a) LSP Board  (b) Health Equalities Group (c) Safer Communities Partnership (d) Sustainable Communities Group (e) Epping Forest Children's Partnership	(a) Mrs L Wagland, J Philip (b) B Sandler (c) Mrs P Smith  (d) Mrs S Jones  (e) R Barrett	
6.	Essex On-Line Partnership (Executive)	J Philip	
7.	Harlow Stansted Gateway Transportation Board (HSGTB) (Executive)	G Mohindra J Knapman (deputy)	
8.	Highways Panel (West Area) (Executive)	Mrs P Smith K Chana (deputy)	

Organisation and Allocation Category		Representation for 2011/12	Representation for 2012/13
9.	Housing Repairs Advisory Group (Executive)	M McEwen - Housing Portfolio Holder G Mohindra - Finance and Economic Development Portfolio Holder Chairman Housing Scrutiny Panel Vice Chairman Housing Scrutiny Panel	
10.	Local Government Association - General Assembly (Executive)	Mrs L Wagland J Philip (Deputy)	
11.	Local Government Information Unit Management Committee (Executive)	Mrs L Wagland J Philip	
12.	Northern Essex Parking Partnership (Executive)	P Smith J Knapman (Deputy)	
13.	Waste Partnership Member Board (Executive)	J Knapman P Smith (deputy)	
14.	Waste Partnership - Inter-Authority Member Working Group (Executive)	J Knapman P Smith (deputy)	

## APPENDIX

### Council Appointments

#### Representation on Outside Organisations

#### Organisations Carrying Out Council Regulatory or Non-Cabinet Functions

Organisation and Allocation Category		Representation for 2011/12	Nominations for 2012/13
1.	Care and Repair - Management Committee	K Avey S Watson J H Whitehouse	
2.	Epping Forest Citizens' Advice Bureau	R Cohen S Packford (A Mitchell and W Pryor deputies)	
3.	Campaign to Protect Rural England (Essex Branch)	A Boyce Y Knight (deputy)	
4.	Epping Forest Community Transport Steering Group	A Lion	
5.	Epping Forest Housing Aid Committee	S Watson	
6.	Grange Farm Managing Trustees	Appointment for the period 1 June 2011 for four years: D Johnson B Scrutton P Smith	Not required this year
7.	Lee Valley Regional Park Authority (Term to 30/6/2013)	M Sartin S Stavrou R Bassett (Deputy) J Wyatt (Deputy)	NOT REQUIRED THIS YEAR

Organisation and Allocation Category		Representation for 2011/12	Nominations for 2012/13
8.	Leisure Centres Liaison Groups  -Ongar Leisure Centre  - Epping Sports Centre  - Loughton Leisure Centre  - Waltham Abbey Swimming Pool	D Jacobs P Keska  K Avey W Breare-Hall  R Barrett R Brookes  D Johnson W Pryor	
9.	Local Councils' Liaison Committee	K Angold-Stephens R Morgan B Rolfe P Smith B Sandler	
10.	Local Government Association - Rural Commission	A Boyce (voting member) M McEwen	
11.	Museums in Essex Committee	R Gadsby	
12.	Police and Community Consultative Group – Epping Forest	K Chana H Ulkun	
13.	Police and Crime Panel	n/a	
14.	Princess Alexandra Hospital - Partnership Governor	G Waller	
15.	Roding Valley Meadows Local Nature Reserve  (a) Management Committee  (b) Working Group	S Murray  S Murray	(a)  (b) Officer representative see officer schedule *
16.	Stansted Airport Consultative Committee	M Sartin G Waller	



<b>Organisation and Allocation Category</b>		<b>Representation for 2011/12</b>	<b>Nominations for 2012/13</b>
17.	Stansted Airport Community Trust Fund	R Morgan	
18.	Town Centre Partnerships  (a) Buckhurst Hill Town Centre Partnership  (b) Epping Town Centre Partnership  (c) Loughton Broadway Town Centre Partnership  (d) Loughton High Road Town Centre Partnership  (e) Ongar Town Forum - Steering Group  (f) Waltham Abbey Town Partnership	J Sutcliffe H Ulkun  W Breare-Hall S Packford  Jennie Hart J Knapman  R Barrett D Wixley  D Jacobs P Keska  R Gadsby J Lea	
19.	Voluntary Action Epping Forest	W Pryor	
20.	Waltham Abbey Royal Gunpowder Mills Ltd	W Pryor	
21.	Waltham Abbey Tourist Information Centre - Joint Management Committee	J Lea A Mitchell E Webster	
22.	Waste Management and Street Cleansing – Loughton Stakeholders' Group	R Barrett C Finn L Leonard	

#### **Representation on Outside Organisations - Appointments Held by Officers**

#### **Appointments by Leader – Organisations Carrying Out Executive Functions**

The following appointments to be made by the Leader of the Council in accordance with Council minute 121 – 17 February 2009 as they fall within the 'Executive' category.

<b>Number:</b>	<b>Organisation and Committee Responsible</b>	<b>Representative 2011-12</b>	<b>Representative 2012-13</b>
1	Access Group – Joint Management Team	Special Needs Manager	

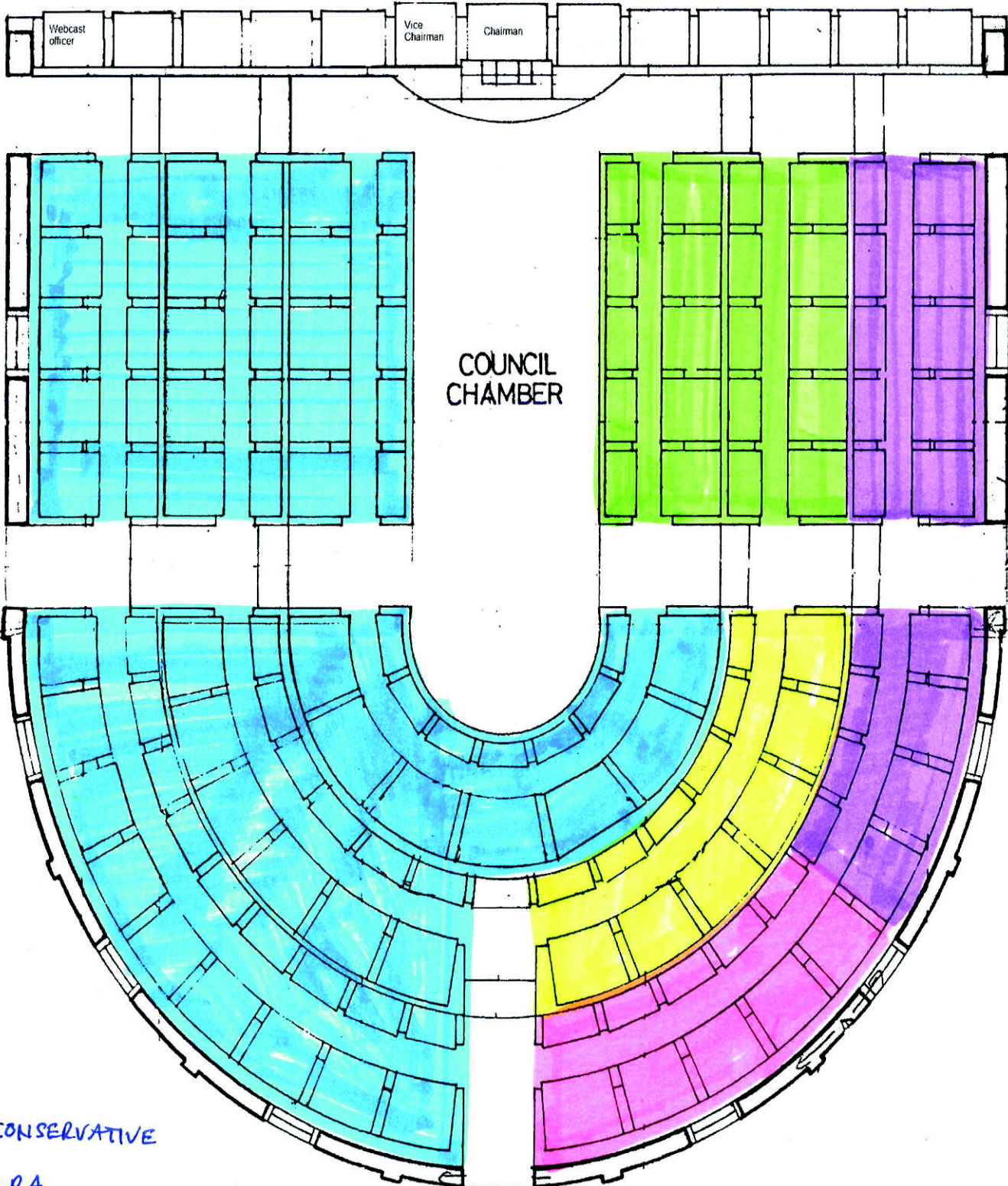
<b>Number:</b>	<b>Organisation and Committee Responsible</b>	<b>Representative 2011-12</b>	<b>Representative 2012-13</b>
NEW	Association of Retained Council Housing (ARCH)	A Hall – Director of Housing	
2	Essex Archaeological and Historical Congress	Epping Forest District Museum Officer	
3	Museum Service (South Eastern)	Epping Forest District Museum Officer	
4	National Society for Clean Air (SE Division)	Director of Environment and Street Scene (or representative)	
5	Standing Conference – Investigation of Air Pollution	Director of Environment and Street Scene (or representative)	
6	Roding Valley Meadow Local Nature Reserve Working Group	Director of Planning and Economic Development (or representative)	

### **Organisations Carrying Out Council Regulatory or Non-Executive Functions**

This Appendix indicates those organisations where the Council determined on 25 April 1995 that the representatives should be officers.

<b>Number:</b>	<b>Organisation and Committee Responsible</b>	<b>Representative</b>
1	East Anglian Home Safety Committee	Director of Environment and Street Scene (or representative)
2	Essex Water Safety Liaison Committee	Director of Environment and Street Scene (or representative)
3	Victoria County History Association	Epping Forest District Museum Officer
4	Voluntary Action Epping Forest (see also member appointments schedule)	Policy Officer (+ 1 member delegate)

# Layout – Council Meetings



- CONSERVATIVE
- LRA
- LIBERAL DEMOCRAT
- INDEPENDENTS
- 1 GUEST.

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