

# ANNUAL COUNCIL

26 MAY 2021

<b>SUBJECT:</b>	<b>APPOINTMENT OF COMMITTEES 2021/2022</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

## REPORT SUMMARY

The purpose of this report is for Council to determine such committees as it considers appropriate for the municipal year and, having done so, determine the number of members to form the committees, the allocation of political balance to those committees that are not exempted from the requirements and to appoint Members to those committees.

With regard to panels and statutory / advisory committees, which fall under the remit of some of these committees, the Council is requested to delegate their appointment to the relevant committees, as appropriate.

## RECOMMENDATIONS

It is recommended that Council:

- (1) Agrees to the formation of those Committees set out in Part 3(B) of the Constitution:
  - (a) Notes that Council determined on 28<sup>th</sup> September 2020 and 19<sup>th</sup> October 2020 respectively that the following meetings are exempt from political balance requirements:
    - (i) Constitution and Standards Committee (Council minute 8 (20/21) refers);
    - (ii) Senior Officer Appointments and Staffing Sub-Committee and associated sub-committees of the Policy and Resources Committee (Council minute 8 (20/21) refers); and
    - (iii) Local Plan Sub-Committee of the Policy and Resources Committee (Council minute 21 (20/21) refers); and
  - (b) Allocates seats on the Committees as set out in Appendix 1
- (2) Authorises the Monitoring Officer as proper officer to carry out the wishes of the Leaders of Political Groups in allocating Members to membership and substitute membership of the committees or other authorities, and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

- (3) Delegates the appointment of sub-committees, panels and statutory/advisory committees to the appropriate parent Committee of Council.
- (4) Delegates authority to the Director of Law and Governance, to appoint Members to the Regulatory Panel of the Regulatory and General Purposes Committee and appoint Members to the Licensing Panel of the Licensing Committee, in consultation with the Chair and Spokespersons of these Committees, to enable meetings of either, or both, of these panels, if required, prior to their appointment at the first meetings of each of these committees.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Annual Meeting of the Council is required to make appointments to Committees of the Council, Statutory / Advisory Committees and Panels, and outside organisations.
- 1.2 It may be necessary for either, or both, the Regulatory Panel of the Regulatory and General Purposes Committee and the Licensing Panel of the Licensing Committee, to meet in advance of either of these panels being appointed by its parent committee at the first meetings of each committee, on 17 June.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Options for appointments and the numbers of committee places have been discussed within the Group Leaders' Meeting, operating as a working group.

### **3.0 BACKGROUND INFORMATION**

#### **3.1 Committees**

- 3.1.1 The Constitution contains a number of ordinary and statutory committees. These are identified in the Summary (Part 1), Articles (Part 2) and set out in detail with Terms of Reference at Part 3B.
- 3.1.2 The Constitution establishes most of these committees with a membership of eleven (11) Members of the Council, but which may be altered to accommodate the overall political balance calculation.

#### **3.2 Proportionality**

- 3.2.1 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989 (LGHA), and the relevant regulations concerning political balance on committees and sub-committees.
- 3.2.2 The political composition of the Council following the local elections on 6 May, 2021, is as follows:

Labour	30 seats	(45.45% of the 66 seats)
Conservative	23 seats	(34.85%)
Liberal Democrat	6 seats	(9.09%)
Green	5 seats	(7.58%)
Independent	2 seats	(3.03%)

- 3.2.3 The determination of political balance must, so far as reasonably practicable, give effect to the principles:
  - (a) that not all the seats on the body to which appointments are made are allocated to the same political group;

- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
- (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.

3.2.4 Based on the proposed numbers of committees, the total number of committee places may be best allocated in accordance with the above percentages at 166 committee places, as set out in Appendix 1.

### **3.3 Exemption**

3.3.1 The Council has previously exempted from political balance requirements a committee and two sub-committees as they would better perform their roles outside of the political balance calculations. To do so the Council was required to pass a resolution based upon no Member voting against the proposition at full Council.

3.3.2 The first such is the Constitution and Standards Committee, which terms of reference are set out at section 14.1 of Part 3(B) of the Constitution. It was considered must have a voice from all political groups on the Council which would not otherwise be achievable without enlarging the Committee. This way, the Committee remains at its target 11.

3.3.3 The Senior Officer Appointments and Staffing Sub-Committee of the Policy and Resources Committee, which terms of reference are set out at section 1.3 and 1.4 of Part 3(B) of the Constitution. The primary function of the Sub-Committee is to make appointments or recommendations to Council on appointments regarding chief officers of the Council. In its alternative form, the sub-committee(s) exist to deal with disciplinary matters and appeals. There was considered to be an optimum size for such sub-committees and, again, it was agreed on the basis that it was important that all political groups on the Council had a vote on these matters.

3.3.4 The Local Plan Sub-Committee of the Policy and Resources Committee, which terms of reference are set out at section 1.7 of Part 3(B) of the Constitution. The Sub-Committee is time limited until the adoption of the Local Plan by Council, at which point the responsibility for these matters transfers to the Economy, Regeneration and Development Committee.

3.3.5 Section 17 of the Local Government and Housing Act 1989 permits an ordinary committee or sub-committee to not comply with political balance rules but only where approved by the Authority in such manner as may be prescribed by regulations made by the Secretary of State and without any Member of the Authority voting against them.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are none arising directly from this report.

#### **5.0 LEGAL IMPLICATIONS AND DELEGATED AUTHORITY**

5.1 Once a determination has been made that complies with s.15 of the LGHA, under s.16 it becomes the duty of the Authority or committee to exercise the power to make appointments as soon as practicable thereafter, and to give effect to such wishes about who is to be appointed to the seats allocated to a particular political group as are expressed by that group. For this reason, nominations have been requested for noting for this Council but authority is recommended to the proper officer to make the appointments in fulfilment of the statutory duty.

#### **6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS**

6.1 There are none arising directly from this report.

#### **7.0 RELEVANT RISKS**

7.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to Committees, and to panels, advisory committees and to outside organisations, unless otherwise delegated.

#### **8.0 ENGAGEMENT / CONSULTATION**

8.1 It is for political groups to decide how they wish to allocate their committee places and appointments.

#### **9.0 EQUALITIES IMPLICATIONS**

9.1 There are none arising directly from this report.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are none arising directly from this report.

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#### **APPENDICES**

1. Calculation of Committee Places

## **BACKGROUND PAPERS**

Previous reports on the appointment of committees and the Council's Constitution. Agenda and outcome notes from the Governance Member Working Group and Group Leaders' Meeting (Committee System)

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>28 September 2020</b>
<b>Council</b>	<b>14 May 2019</b>
<b>Council</b>	<b>15 May 2018</b>