



COUNCIL

Report of: Chief Executive

Report to:	Council
Date:	15 June 2017
Subject:	Appointments to Committees, Overview and Scrutiny Committees and Panels of the Council (Ref: LDS217)

Decision Proposal:	Council Decision
Relevant Cabinet Member:	Councillor Kelham Cooke Cabinet Member, Business Transformation and Commissioning
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SUMMARY

Following the Council's Annual General Meeting on 20 April 2017 a new political group has been formed (the SK Independents). The creation of the new group has changed the political balance of the Council and consequently adjustments are required to bring appointments to committees in line with the revised proportionality set out in Appendix 1 of this report.

RECOMMENDATION

1. That the following adjustments are made so that the Council's appointments to committees are politically balanced in accordance with the proportionality set out in Appendix 1 of this report:
 - **Development Management (Subject to Committee decision at Agenda item 6.2) Committee:** replacement of one Conservative Member with an SK Independent Member
 - **Constitution Committee:** no change
 - **Governance and Audit Committee:** replacement of Labour Member with an SK Independent Member
 - **Licensing Committee:** replacement of one Conservative Member with an SK Independent Member
 - **Overview and Scrutiny Committees:** Replacement of Labour Member on each Committee with an SK Independent Member
 - **Shareholder Committee:** no change
 - **Chief Executive's Remuneration Panel (no requirement for change subject to decision at Agenda item 6.2):** replacement of one Conservative Member with an SK Independent Member. This change will not be required if Council approve the recommendations from the Constitution Committee relating to the creation of an Employment Committee.
 - **(Subject to decision at Agenda item 6.2) Appeals Panel:** replacement of one Conservative Member with an SK Independent Member
2. Subject to the approval of the recommendations from the Constitution Committee at item 6.2 on the Agenda, appoint Members to the Employment Committee in accordance with recommendation 2 made in report LDS221.
3. That Councillor Dilks replaces Councillor Morgan as the Council's representative on the Development Control Committee

1. BACKGROUND TO REPORT

1.1 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the Council as a whole is divided. Those appointments to which the rules of political balance apply are:

- Ordinary committees or subcommittees of the authority
- Advisory committees and any subcommittees appointed by an advisory committee
- Specified prescribed bodies where at least three seats have to be filled by the relevant authority.

1.2 The legislation also requires that in appointing members on a politically proportional basis, it should, as far as possible conform with the following principles:

- (a) That not all seats are appointed to the same political group
- (b) That a political group with an overall council majority gets a majority of seats allocated
- (c) Subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership
- (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole

1.3 Under these regulations, to constitute a political group, members have to sign to state that they wish to be treated as a member of a political group and to inform the Chief Executive who the leader of that group is to be. The Regulations mean that members who do not align themselves to a political group (i.e. non-aligned members) do not have any right to be appointed to any Council Committee. The decision made by members regarding their membership of any group on this Council is entirely unrelated to any membership of any national political party or to any statement on their nomination form/ballot paper.

1.4 Since the annual meeting of the Council on 20 April 2017 the Chief Executive has been notified of the creation of a new group, the SK Independents, which has 4 members. As a result, the political balance of the Council has been recalculated (appendix 1) and the following consequent adjustments are required:

- **Development Management (subject to decision at Agenda item 6.2) Committee:** replacement of one Conservative Member with an SK Independent Member
- **Constitution Committee:** no change
- **Governance and Audit Committee:** replacement of Labour Member with an SK Independent Member
- **Licensing Committee:** replacement of one Conservative Member with an SK Independent Member
- **Overview and Scrutiny Committees:** Replacement of Labour Member on each Committee with an SK Independent Member
- **Shareholder Committee:** no change
- **Chief Executive's Remuneration Panel (no requirement for change subject to decision at Agenda item 6.2):** replacement of one Conservative Member with an SK Independent Member. This proposal is made subject to the approval by Council of the recommendations made by the Constitution Committee relating to the provision of an Employment Committee.
- **(Subject to decision at Agenda item 6.2) Appeals Panel:** replacement of one Conservative Member with an SK Independent Member

1.5 The Constitution Committee has considered an amendment to the Constitution to include the provision of an Employment Committee as a committee of the Council to carry out the functions set out in Report LDS216 to the Constitution Committee and Report LDS219 which is included in the agenda to this Council meeting (15.06.17) at item 6(2). The Constitution Committee recommends cross

party presentation on the Employment Committee of 4 Conservative Group Members, 1 Independent Group Member, 1 SK Independent Group Member and 1 Labour Group Member. If approved, the political balance requirements will not be met and an unanimous vote of the Council will be required.

1.6 When making appointments, there are a number of factors that must be taken into consideration:

- In order to demonstrate a robust and effective scrutiny process, no member of the Cabinet may sit on an Overview and Scrutiny Committee
- The membership of each of the Chief Executive's Panels must include at least one member of the Cabinet, with the Leader sitting on the Chief Executive's Performance Panel

1.7 The Labour Group has also given notice that it wishes to update its appointed member on the Development Control (Management) Committee from Councillor Charmaine Morgan to Councillor Phil Dilks.

2. OTHER OPTIONS CONSIDERED

2.1 The Council must either comply with the provisions of the Local Government and Housing Act 1989 and apply the principles of political balance as set out in Appendix 1 or agree to make alternative arrangements.

3. RESOURCE IMPLICATIONS

3.1 There are no resource implications arising from this report.

4. RISK AND MITIGATION

4.1 No significant risks were identified in the preparation of this report.

5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY & DIVERSITY)

5.1 An equality analysis is not applicable.

6. CRIME AND DISORDER IMPLICATIONS

6.1 None

7. COMMENTS OF FINANCIAL SERVICES

7.1 No financial comments arising as a result of this report.

8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

8.1 In making appointments to its committees and panels, the Council is required to comply with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. These set out requirements relating to political balance and the application of this principle to prescribed categories of meeting and makes provision for alternative arrangements. To agree alternative arrangements, no members of the authority

present at the meeting may vote against the alternative arrangements. This means that abstentions would not defeat the vote.

8.2 If no alternative arrangements can be agreed, the requirements to address political balance must be put in place.

8.3 If the membership of the Employment Committee is agreed as proposed in agenda item 6(2) its composition would not comply with political balance requirements and therefore a unanimous vote to agree alternative arrangements would be required.

9. COMMENTS OF OTHER RELEVANT SERVICES

9.1 None

10. APPENDICES

- Appendix 1 – political balance calculations

11. BACKGROUND PAPERS

- Local Government and Housing Act 1989 (<http://www.legislation.gov.uk/ukpga/1989/42/part/I/crossheading/political-balance-on-committees-etc>)
- Local Government (Committees and Political Groups) Regulations 1990 (<http://www.legislation.gov.uk/uksi/1990/1553/contents/made>)
- Report LDS219 to Constitution Committee – 22.05.17
<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=497&MIId=3423&Ver=4>

Appendix 1

Political balance of the Council

Group	Seats	%
Conservative	42	75%
Independent	6	11%
SK Independent	4	7%
Labour	3	5%
Unaligned	1	N/A

Committees of the Council

Development

Control(Management) Committee

Total seats 15

Group	Proportional entitlement	Entitlement rounded
Conservative	11.25	11
Independent	1.607142857	2
SK Independent	1.071428571	1
Labour	0.803571429	1
Unaligned	N/A	N/A
		15

Constitution Committee

Total seats 5

Group	Proportional entitlement	Entitlement rounded
Conservative	3.75	4
Independent	0.535714286	1
SK Independent	0.357142857	0
Labour	0.27	0
Unaligned	N/A	N/A
		5

Governance & Audit Committee

Total seats 7

Group	Proportional entitlement	Entitlement rounded
Conservative	5.25	5
Independent	0.75	1
SK Independent	0.5	1
Labour	0.375	0
Unaligned	N/A	N/A
		7

Licensing Committee

Total seats 11

Group	Proportional entitlement	Entitlement rounded
Conservative	8.25	8
Independent	1.178571429	1
SK Independent	0.785714286	1
Labour	0.589285714	1
Unaligned	N/A	N/A
		11

Overview & Scrutiny Committees

Shareholder Committee

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	5.25	5
Independent	0.75	1
SK Independent	0.5	1
Labour	0.375	0
Unaligned	N/A	N/A
		7

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	3.75	4
Independent	0.535714286	1
SK Independent	0.357142857	0
Labour	0.267857143	0
Unaligned	N/A	N/A
		5

Chief Executive Panels

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	2.25	2
Independent	0.321428571	1
SK Independent	0.214285714	0
Labour	0.160714286	0
Unaligned	N/A	N/A
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