



Report of: The Chief Executive

Report to:	<b>Council</b>
Date:	<b>24 May 2018</b>
Subject:	<b>Appointments to Committees, (including overview and scrutiny committees) and Panels of the Council and the appointment of Chairmen and Vice-Chairmen (LDS285)</b>

<b>Decision Proposal:</b>	Council Decision
<b>Relevant Cabinet Member:</b>	Councillor Matthew Lee, the Leader of the Council
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<b>Reviewed by:</b>	Lucy Youles, Assistant Director, Legal and Democratic Tel: 01476 406105      E-mail: l.youles@southkesteven.gov.uk Date: 8 May 2018
<b>Signed off by:</b>	Aidan Rave, Chief Executive E-mail: aidan.rave@southkesteven.gov.uk Date: 15 May 2018
<b>Approved for publication</b>	Councillor Matthew Lee Date: 14 May 2018

**SUMMARY**

This report sets out the requirements placed on the Council for the appointment of Members to its committees and panels, and the appointment of their Chairmen and Vice-Chairmen.

In appointing members to Committees, political proportionality applies as set out in the report except in relation to the Employment Committee. It was agreed at Council on 15 June 2017 that political proportionality would not apply to Employment Committee and instead the membership would be made up of 4 members from the majority group and one

member from each of the other three groups on the Council.

The Leader of the Council will announce the names of the Chairmen and Vice Chairmen nominated for each of the Committees for the municipal year 2018/19 during the Annual Council meeting.

All Group Leaders are responsible for nominating the names of those members from within their respective Groups that will be members of each of the Committees as appropriate.

## **RECOMMENDATIONS**

- 1. That the Council appoints members to its committees (except the Employment Committee) and panels taking account of the requirements for political balance;**
- 2. That the Council appoints members to Employment Committee in accordance with article 13.1 of the Council's Constitution (unanimous decision required);**
- 3. That the Council appoints the Chairmen and Vice-Chairmen of its committees (including overview and scrutiny committees);**
- 4. That the Leader announces the appointment of a Chairman of the joint meetings of the respective overview and scrutiny committees to act as the Chairman of any meeting referred in article 7 of the Council's Constitution.**

## **1. BACKGROUND TO REPORT**

### **Membership of Committees and Panels**

- 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** On 15 March 2018, a by-election was held to fill one vacant seat in each of Stamford St. John's and Stamford St. George's Wards. The two elected candidates, Councillor David Taylor and Councillor Rachael Cooke, are both Conservative Members. This has meant that there has been no change to the political composition of the Council, which is set out in table 1:

Table 1

Conservative	42
Independent	6
SK Independent	4
Labour	3
Unaligned	1

**1.5** Details of which Committees need to be balanced, their size and training requirements are included in table 2 (below). Where mandatory training is required, it is essential it is completed before any Member can sit on that committee. All of the Committees listed below should be subject to political balance.

Table 2

<b>Committee</b>	<b>No. of members</b>	<b>Training: Core (C) Mandatory (M)</b>
Development Management Committee	15	M
Licensing Committee*	11	M
Governance and Audit Committee	7	M
Shareholder Committee	5	C
Employment Committee (see exception for local agreement)	7	C

Constitution Committee	5	C
Communities and Wellbeing Overview and Scrutiny Committee	7	C
Culture and Tourism Overview and Scrutiny Committee	7	C
Environment Overview and Scrutiny Committee	7	C
Growth Overview and Scrutiny Committee	7	C
Rural Overview and Scrutiny Committee	7	C
Chief Executive's Appeal Panel	3	C

\* The same Members form the Alcohol, Entertainment and Late Night Refreshment Licensing Committee and Review Board

- 1.6** When Council created the Employment Committee on Thursday 15 June 2017, it agreed that the Committee would be composed of seven Members, incorporating a representative from each of the political groups that currently made up the Council (four Conservative Councillors and the Group Leaders from each of the opposition groups). Whilst as a Committee of Council, the Employment Committee should follow the principles of political proportionality Members wanted wider representation, which is reflected in the way the Committee has been constituted.
- 1.7** Appendix 1 to this report provides a breakdown of political balance requirements based on the current composition of the Council.
- 1.8** 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 the Chief Executive's Appeal Panel must include at least one member of the Cabinet
  - Members of the Chief Executive's Appeal Panel should not be members of the Employment Committee so that any appeal lodged is considered by Members who have not previously considered any issues which may arise

### **Chairmanship of Committees/Panels**

- 1.9** The Constitution states that the Chairmen and Vice-Chairmen of the Council's committees and panels should be appointed by Council following the advice of the Leader on the suitability and merit of the candidates. It is not necessary for the Council to appoint a Chairman or Vice-Chairman for the Chief Executive's Appeal Panel.
- 1.10** The Leader will appoint the Chairman referred to in recommendation 3.

## **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 per table 2 or agree to make alternative arrangements. If a group does not wish to take

up all the seats to which it is entitled, it may gift that seat to another group or an unaligned member.

### **3. RESOURCE IMPLICATIONS**

- 3.1 This report has no resource implications. Finance for Special Responsibility Allowances is incorporated within existing budgets.

### **4. RISK AND MITIGATION**

- 4.1 Risk has been considered during the preparation of this report and no significant risks were identified.

### **5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)**

- 5.1 An equality analysis is not applicable.

### **6. CRIME AND DISORDER IMPLICATIONS**

- 6.1 There are no crime and disorder implications arising as a result of this report.

### **7. COMMENTS OF FINANCIAL SERVICES**

- 7.1 There are no financial comments arising from 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.

### **9. COMMENTS OF OTHER RELEVANT SERVICES**

- 9.1 Not applicable.

### **10. APPENDICES**

- 10.1 Appendix 1: Political balance calculations

### **11. BACKGROUND PAPERS**

- Local Government and Housing Act 1989 - <http://www.legislation.gov.uk/ukpga/1989/42/part/II/crossheading/political-balance-on-committees-etc>
- Local Government (Committees and Political Groups) Regulations 1990 - <http://www.legislation.gov.uk/uksi/1990/1553/contents/made>

## Appendix A

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### Political balance of the Council

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

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### Committees of the Council

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#### Development Control 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

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**Overview & Scrutiny Committees**

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Total seats 

7
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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

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**Employment Committee**

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Total seats 

7
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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

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**Shareholder Committee**

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Total seats 

5
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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

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**Chief Executive Appeals Panel**

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Total seats 

3
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Group	Proportional entitlement	Entitlement rounded
Conservative	0	2
Independent	0	1
SK Independent	0	0
Labour	0	0
Unaligned	N/A	N/A
		3