



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

# Council

16 July 2020

**Report of:** Karen Bradford  
Chief Executive



## Review of appointments to committees following a Councillor resignation

Council is asked to review its appointments to committees following the resignation of Councillor Chris Benn and appoint a new Chairman of the Environment Overview and Scrutiny Committee.

### Report Author

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Corporate Priority:	Decision type:	Wards:
<b>Administrative</b>	<b>Administrative</b>	<b>All Wards</b>

<b>Reviewed by:</b>	Julie Edwards, Electoral Services Team Leader	26 June 2020
<b>Approved by:</b>	Shahin Ismail, Director of Law and Governance	29 June 2020
<b>Signed off by:</b>	Karen Bradford, Chief Executive	7 July 2020

### Recommendation (s) to the decision maker (s)

1. That the Conservative Group makes appointments to the following committees.
  - The Environment Overview and Scrutiny Committee.
  - The Governance and Audit Committee.
  - The Companies Committee.
2. To appoint a new Chairman of the Environment Overview and Scrutiny Committee.
3. To appoint a new Council representative for the Lincolnshire County Council Flood and Drainage Management Committee

- 4. To appoint a replacement member to the Black Sluice Internal Drainage Board for the 2020 to 2023 term.**
- 5. To appoint a replacement member to the Upper Witham Internal Drainage Board for the 2020 to 2023 term.**

## **1 The Background to the Report**

- 1.1 On 11 June 2020 the Chief Executive received notice of the resignation of Councillor Chris Benn, who was the District Councillor for Glen Ward.
- 1.2 Section 5 of the Local Government and Police and Crime Commission (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 provided that a by-election to fill a casual vacancy on a principal Council would be held on the ordinary election day in 2021. This means that the seat will remain vacant until this time.
- 1.3 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 to committees 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.
- 1.4 Following the resignation of Councillor Benn, the political balance of the Council has been recalculated. Appendix 1 shows that the resignation of Councillor Benn has not affected the apportionment of committee seats. It is therefore only necessary to fill those seats which are vacant as a result of Councillor Benn's resignation. The vacancies are:
  - A member of the Environment Overview and Scrutiny Committee, together with the chairmanship of the Committee.
  - A member of the Governance and Audit Committee.
  - A member of the Companies Committee.
- 1.5 The Constitution states that the Chairman and Vice-Chairman of the Council's committees should be appointed by Council following the advice of the Leader on the suitability and merit of the candidates.
- 1.6 Councillor Benn was appointed to the Upper Witham and Black Sluice Internal Drainage Boards. It is proposed that the replacement for Councillor Benn sits for the full 2020 to 2023 term. The term of office for all of the Internal Drainage Boards expired in 2020 amidst the COVID-19 pandemic. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provided for appointments to be held until the annual meeting of the Council. The remainder of appointments to Internal Drainage Boards will be reviewed when the Council holds its annual meeting in September 2020, together with appointments to other outside bodies.

A Member will also need to be appointed to replace Councillor Benn as the Council's representative on the Lincolnshire County Council Flood and Drainage Management Committee.

## **2 Available 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 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 Preferred Option**

- 3.1 The preferred option is to make the necessary appointments to fill the vacancies created by the resignation of Councillor Benn.

## **4 Reasons for the Recommendation (s)**

- 4.1 To ensure that the Council complies with the provisions of the Local Government and Housing Act 1989.

## **5 Financial Implications**

- 5.1 Provision for the special responsibility allowance for the Chairman of the Environment Overview and Scrutiny Committee is made within the Members' Allowance budget.

**Financial Implications reviewed by: Richard Wyles, Interim Director of Finance**

## **6 Legal and Governance Implications**

- 6.1 In making appointments to its committees, 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 make 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.

**Legal Implications reviewed by: Shahin Ismail, Director of Law and Governance**

## **7 Equality and Safeguarding Implications**

- 7.1 There are no equality and safeguarding implications arising as a result of this report.

## **8 Risk and Mitigation**

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

## **9 Community Safety Implications**

- 9.1 There are no community safety implications arising as a result of this report.

## **10 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?**

- 10.1 This report has no carbon impact.

## 11 Background Papers

- 11.1 The Local Government and Housing Act 1989 – <http://www.legislation.gov.uk/ukpga/1989/42/part/I/crossheading/political-balance-oncommittees-etc>.
- 11.2 The Local Government (Committees and Political Groups) Regulations 1990 - <http://www.legislation.gov.uk/uksi/1990/1553/contents/made>.

## 12 Appendices

- 12.1 Appendix 1: Political balance calculations.

<b>Report Timeline:</b>	Date of Publication on Forward Plan (if required)	Not applicable
	Previously Considered by: Council	28 November 2019
	Final Decision date	16 July 2020