



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

3 March 2022

Report of: Councillor Kelham Cooke
The Leader of the Council



Membership of Committees

To note the results of two by-elections held on 24 February 2022 and provide Political Group Leaders with an opportunity to review and recommend changes to their respective membership of Committees.

To fill vacancies on Committees, including the appointment of Committee Chairmanship and Vice-Chairmanship vacancies.

Report Author

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Corporate Priority:	Decision type:	Wards:
A High Performing Council	Administrative	All Wards
Approved by:	Karen Bradford (Chief Executive)	28 February 2022
Signed off by:	Councillor Kelham Cooke (The Leader of the Council)	1 March 2022

Recommendation (s) to the decision maker (s)

That Council:

1. Notes that Councillor Richard Dixon-Warren was elected to the Aveland Ward following a By-Election on 24 February 2022 and has given notice that he will join the Conservative Group.
2. Notes that Councillor Ben Green was elected to the Isaac Newton Ward following a By-Election on 24 February 2022 and has given notice that he will join the Conservative Group.
3. Approves any changes in the proposed membership of Committees submitted by Political Group Leaders.

- 4. Approves the appointment of Conservative Group Members to the following vacant seats on Committees:**
 - **Constitution Committee (one seat)**
 - **Governance and Audit Committee (one seat)**
 - **Finance, Economic Development and Corporate Services Overview and Scrutiny Committee (one seat)**
 - **Rural and Communities Overview and Scrutiny Committee (one seat)**
- 5. Approves appointments to fill the following vacant positions on Committees:**
 - **Chairman of the Constitution Committee**
 - **Chairman of the Governance and Audit Committee**
 - **Vice-Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee**

1 The Background to the Report

By-Elections

- 1.1 By-Elections for the Aveland Ward and Isaac Newton Ward were held on 24 February 2022 following the resignation of former Councillor Peter Moseley and the death of former Councillor Bob Adams, respectively.
- 1.2 Councillor Richard Dixon-Warren was successfully elected as the South Kesteven District Councillor for the Aveland Ward and has provided notice that he has joined the Council's Conservative Group.
- 1.3 Councillor Ben Green was successfully elected as the South Kesteven District Councillor for the Isaac Newton Ward and has provided notice that he has joined the Council's Conservative Group.
- 1.4 There has been no impact on the Council's political proportionality as a result of these by-elections.

Vacancies on Committees

- 1.5 There is currently a vacancy for a member of the Conservative Group on the Rural and Communities Overview and Scrutiny Committee which was deferred from the meeting of Full Council held on 25 November 2021 until after the results of the By-Elections held on 24 February 2022.
- 1.6 Councillor Mark Whittington's appointment onto the Council's Cabinet has resulted in vacancies for the Conservative Group on the Constitution Committee, Governance and Audit Committee and Finance, Economic Development and Corporate Services Overview and Scrutiny Committee.
- 1.7 Councillor Whittington was also Chairman of the Constitution Committee, Chairman of the Governance and Audit Committee and Vice-Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee. These positions are now vacant.
- 1.8 Political Group Leaders may wish to take this opportunity to review those Members allocated to Committees from their respective political groups. Council is reminded that mandatory training must be undertaken before any Councillor can sit as a Member of the Governance and Audit Committee, Licensing Committee and Planning Committee.

2 Financial Implications

- 2.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Richard Wyles, Assistant Director of Finance and Section 151 Officer

3 Legal and Governance Implications

- 3.1 Appointments to the Council's Committees must comply with Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, which introduced statutory requirements that, where a relevant authority has a membership divided into different political groups, it must ensure that appointments reflect the political balance of the Council as a whole.

- 3.2 The Council's new Responsibility for Functions section of the Constitution under Part 3(a), paragraph 3.1.2, states that the following functions are reserved for the Council:
"Approving the terms of reference for Committees and other bodies, deciding upon their composition and making appointments to them, including the appointments of Chairmen and Vice-Chairmen"
- 3.3 The Council therefore has the authority to make appointments to Committees and appointments to the vacant Chairman and Vice-Chairman positions outlined in this report.
- 3.4 In relation to the Governance and Audit Committee, paragraph 11.3 of Article 11 states:
"If the Chairman or Vice-Chairman resigns by giving written notice of resignation to the Chief Executive, the Committee shall, as the first item of business at the next meeting, elect a successor."
- 3.5 Taking paragraphs 3.2 and 3.4 above into account, there is a contradiction in the Constitution in relation to the appointment of the Chairman of the Governance and Audit Committee when a vacancy arises during the municipal year. Given that Full Council has delegated authority to appoint the Chairman of the Governance and Audit Committee, as set out in paragraph 3.2 above, and that this meeting of Full Council is scheduled to take place before the next meeting of the Governance and Audit Committee, the Chairman of the Council has ruled that the appointment should be made at this meeting.
- 3.6 It is anticipated that contradictions such as these will be addressed as part of the comprehensive review of the Council's Constitution.
- 3.7 The process of appointing Chairmen and Vice-Chairmen of Committees at meetings of Full Council is set out in paragraph 4.4.1(a)(viii) of Article 4 of the Constitution, whereby "the Chairmanship and Vice-Chairmanship of all committees are appointed according to their suitability and merit in the opinion of the Leader". The Chairman has ruled that this process will be followed to facilitate the appointment of all Committee Chairmen and Vice-Chairmen at this meeting, as would be normal practice at the Council's Annual General Meeting.
- 3.8 In accordance with paragraph 1.9 of the Constitution, "the ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council."

Legal Implications reviewed by: Graham Watts, Head of Democratic Services and Deputy Monitoring Officer