

**REPORT TO:** FULL COUNCIL

**DATE:** 20 MAY 2021

**TITLE:** APPOINTMENT TO COMMITTEES, SUB COMMITTEES AND PANELS OF THE COUNCIL

**LEAD OFFICER:** SIMON HILL, HEAD OF GOVERNANCE  
(01279) 446099

**CONTRIBUTING OFFICER:** ADAM REES, GOVERNANCE SUPPORT OFFICER  
(01279) 446057

**RECOMMENDED that:**

- A** The Committee structure for 2021/21 is established as set out in Tables 1 and 2, including the revised number of seats for the committees.
- B** The Council notes the political balance calculations for 2021/22 and agrees that Committee seats are allocated to political groups as set out in Tables 1 and 2.
- C** Delegated authority is granted to the Head of Governance to make amendments to the Constitution to enable a member of the Opposition to Chair the Scrutiny Committee, and for the membership of the Call In Sub Committee to be the same as the Scrutiny Committee.
- D** Councillors are appointed as members/substitute members of Council Committees, Sub Committees and Panels as set out in Appendix A.
- E** Chairs and Vice Chairs of Committees, Sub Committees and Panels are appointed as set out in Appendix A.

**BACKGROUND**

1. The Council has an established Committee structure, whereby a number of ordinary Committees perform the functions that, by law, cannot be performed by the Cabinet. In addition, a number of advisory Panels have been established that do not have decision making powers, but advise the Council on matters in their remit.
2. Councillors are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on Committees of the Council at its Annual Meeting. The aim is to ensure that, as far as is practicable, the political composition of the Committees reflects the composition of the Council.
3. The Council is obliged to allocate seats to be occupied by its Members to the political groups into which they are divided. Political groups then nominate the

Members of the Council whom they wish to occupy those seats allocated to them. It is for Council to appoint such Councillors to the seats allocated.

4. The political balance rules do not apply to Cabinet, or any bodies it establishes, although in practice any bodies established by Cabinet have been politically balanced so far as possible. Members of the Cabinet cannot be appointed to serve on the Scrutiny Committee or the Call in Sub Committee.

## **ISSUES/PROPOSALS**

### **Committee Structure**

5. It is proposed that the Council's Committee structure for 2021/22 is as sets out in Tables 1 and 2 below. This includes a reduction in the number of seats for the Audit and Standards, Development Management, and Scrutiny committees from 10 seats to 8. Under the Licensing Act 2003, the Licensing Committee must have at least 10, but no more than 15, seats. Therefore the number of seats cannot be lowered.
6. Furthermore, the Conservative Group have offered the Chair of Scrutiny Committee to the Labour Group. The Constitution currently requires that the Chair of the Scrutiny Committee is a member of the Administration. Instead the Vice Chair will be a member of the Administration. The Constitution currently states that the Vice Chair will be a member of the Opposition. Therefore delegated authority is sought to make the necessary changes to the Constitution.
7. Similarly the membership of the Call In Sub Committee is now to be the same as the Scrutiny Committee, with them having the same Chair and Vice Chair. This also requires approval to make an amendment to the Constitution.

### **Political Balance**

8. Following the elections on 6 May 2021, the political composition is as below:
  - a) Conservatives – 20 seats
  - b) Labour – 12 seats
  - c) Vacancy – 1 seat
9. It is proposed that, in accordance with the requirements of the Local Government and Housing Act 1989, the allocation of ordinary Committee seats to the Council's political groups is as set out in Table 1.

**Table 1 – Political Balance Calculation 2021/22 – Ordinary Committees**

| <b>Committee</b>              | <b>Seats</b> | <b>Conservatives</b> | <b>Labour</b> |
|-------------------------------|--------------|----------------------|---------------|
| Audit and Standards Committee | 8            | 5                    | 3             |

|                                  |           |           |           |
|----------------------------------|-----------|-----------|-----------|
| Development Management Committee | 8         | 5         | 3         |
| Licensing Committee              | 10        | 6         | 4         |
| Scrutiny Committee               | 8         | 5         | 3         |
| <b>Total</b>                     | <b>34</b> | <b>21</b> | <b>13</b> |

10. Memberships of Sub Committees and advisory Panels are governed by political balance rules. In some cases (specifically the Hearing Sub Committee and the Civic Awards Panel), the Council has previously agreed rules on Group representation on bodies which are used in place of a political balance calculation. It is proposed that seats on Sub Committees and advisory Panels are allocated as set out in Table 2.

**Table 2 – Political Balance Calculation 2021/22 – Sub Committees and Panels**

| <b>Sub Committee/Panel</b>          | <b>Seats</b> | <b>Conservatives</b> | <b>Labour</b> |
|-------------------------------------|--------------|----------------------|---------------|
| Call In Sub Committee               | 8            | 5                    | 3             |
| Managing Director's Appraisal Panel | 3            | 2                    | 1             |
| Appointments Panel                  | 3            | 2                    | 1             |
| Civic Award Panel*                  | 4            | 2                    | 2             |
| Hearing Sub Committee**             | 6            | 3                    | 3             |
| <b>Total</b>                        | <b>24</b>    | <b>14</b>            | <b>10</b>     |

\*To comprise the Chair and Vice Chair of the Council, and one representative from each Group.

\*\*To include equal numbers of Councillors from both Groups

### **Appointment of Councillors to Council Committees, Sub Committees and Panels**

11. The Leaders of both Political Groups have been consulted on the political balance calculations and have made nominations for the required bodies, along with substitutes for each Committee and Sub Committee. Full Council is asked to approve the nominations as set out in Appendix A.

## **IMPLICATIONS**

### **Place (Includes Sustainability)**

None specific.

**Author: Andrew Bramidge, Head of Environment and Planning**

### **Finance (Includes ICT and Property and Facilities)**

None specific.

**Author: Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive**

### **Housing**

None specific.

**Author: Andrew Murray, Head of Housing**

### **Community Wellbeing**

None specific.

**Author: Jane Greer, Head of Community Wellbeing**

### **Governance (Includes HR)**

The Council is required to ensure that the allocation of seats to committees is compliant with the relevant provisions contained in the Local Government and Housing Act 1989 and Regulations made under that act.

The Regulations require that in determining the allocation of seats the council must apply the following four principles as far as it is reasonably practicable to do so:

- a) that not all the seats on the body are allocated to the same political group;
- b) that the majority of the 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 paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Failure to appoint to committees and outside bodies could render them not quorate or unlawful; failure to apply the legislative requirements of political proportionality could also mean a committee or body unlawful constituted. This would mean any decision taken by that committee could be seen as unlawful and open to challenge.

The recommendations in this report comply with the statutory requirements above and mitigate the risk to the Council of challenges to its governance and decision making structure.

**Author: Simon Hill, Head of Governance**

## **Appendices**

Appendix A – Nominations from Political Groups for Council Appointed Bodies  
2021/22

## **Background Papers**

None.

## **Glossary of terms/abbreviations used**

None.