

PART A

Report to: Annual Council

Date of Meeting: 11 June 2014

Report of Democratic Services Manager

Title: Establishment of Committees and Appointment of Chairs and Vice Chairs

1.0 **SUMMARY**

- 1.1 Council Procedural Rule 1.2 provides for nominations for membership of Committees and Sub-Committees to be made by the political groups (as designated under the Local Government (Committees and Political Groups) Regulations 1990
- 1.2 The Local Government and Housing Act 1989 and the Regulations require that seats on ordinary Committees are allocated in accordance with political balance. This provision also extends to scrutiny committees as they are being set up directly by the Council.

2.0 **RECOMMENDATIONS**

- 2.1 That Council unanimously agrees that the Standards Committee is not politically balanced - see paragraph 3.4.1
- 2.2 That Council agrees the establishment of politically balanced committees as set out in paragraph 3.1 of the report.
- 2.3 That Council agrees the establishment of non politically balanced committees as set out in paragraph 3.1.2
- 2.4 That Council agrees the appointment of Members to politically balanced committees as set out in paragraph 3.2.1 of the report
- 2.6 That Council agrees appointments to non politically balanced as set out in paragraphs 3.4.
- 2.7 That Council appoints chairs and vice chairs to the committees listed in paragraphs 3.1 and 3.1.2

Contact Officer:

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Report approved by the *Head of Democracy & Governance*.

3.0 DETAILED DISCUSSION

3.1 Politically Balanced Committees

1.	Licensing Committee	15 seats
2.	Development Control	9 seats
3.	Overview & Scrutiny Committee	9 seats
4.	Budget Panel	9 seats
5.	Outsourced Services Scrutiny Panel	5 seats (increased to 7 if Council agrees)
6.	Highways Forum	6 seats
7.	Council Functions	7 seats
8.	Audit Committee	5 seats
9.	Chief Officer Pay Panel	5 seats
10.	Appointments Committee	5 seats
	TOTAL	75 (77) seats

3.1.2 Non Politically balanced committees

1.	Major Projects Board	7 seats (at least one from each Group)
2.	Constitution Working Party	7 seats (at least one from each Group)
3.	Member Development Group	Up to 10 seats (at least 1 from each Group).
4.	Planning Policy Advisory Group	9 Members (at least one from each Group one of whom must be the Planning Portfolio holder).
5.	Housing Policy Advisory Group	7 members (at least one from each Group including the Portfolio Holder)
6.	Standards Committee	5 seats (3 Lib Dems + 2 opposition)

7.	Community Safety Partnership Task Group	7 seats <i>Agreed at the first meeting of O&S Committee</i>
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3.2 Seats on politically balanced committees are allocated on a proportional basis of 49 seats to the Liberal Democrat Group; 24 seats to the Labour Group and one seat to each of the other members.

3.2.1 If Council agrees that the membership of Outsourced Services Scrutiny panel be increased by two, seats will be allocated on a proportional basis of 51 seats to the Liberal Democrat Group; 24 seats to the Labour Group and one seat to each of the Independent members.

3.2.1 Seats on committees have been allocated as follows:

			Lib Dem	Lab	Green/ Conservative (one seat each)
1.	Licensing Committee	15 seats	10	5	
2.	Development Control	9 seats	6	3	
3.	Overview & Scrutiny Committee	9 seats	6	3	
4.	Budget Panel	9 seats	6	3	
5.	Outsourced Services Scrutiny Panel	5 (7) seats	3 (5)	2	
6.	Highways Forum	6 seats	4	2	
7.	Council Functions	7 seats	5	2	
8.	Audit Committee	5 seats	3	1	1
9.	Chief Officer Pay Panel	5 seats	3	1	1
10.	Appointments Committee	5 seats	3	2	
	TOTAL	75(77)	49 (51)	24	2

3.2.2 Group Leaders have been asked to nominate Members to committees. Any seats not agreed beforehand will be dealt with at the Annual Council meeting.

3.2.3 Members should note that members of the Cabinet cannot sit on a scrutiny committee and that the Mayor is not included for the purpose of political balance.

3.3 **Outsourced Services Scrutiny Panel**

3.3.1 At its meeting on 29 May, the Constitution Working Party recommended that membership of the Outsourced Services Scrutiny Panel be agreed at Annual Council. It also recommended that the Chair of the Panel be appointed at Annual Council and that its membership be increased to seven. (See earlier report on this agenda).

3.4 **Non Politically balanced committees**

3.4.1 Standards Committee

The Localism Act 2011 resulted in a number of changes to the Standards regime which came into effect on 1 July 2012.

At its Annual meeting in May 2012 Council established a Standards Committee which took effect from 1 July 2012 comprising 5 elected members of the Council. Council agreed unanimously that the committee would not be constituted on the lines of proportionality. If Council wishes to continue this approach then it must again unanimously agree that the committee is not constituted on the lines of proportionality.

3.4.2 Major Projects Board, Constitution Working Party, Planning Policy Advisory Group and Housing Policy Advisory Group.

These are not decision making bodies and should include at least one Member from each Group. Planning Advisory Group and the Housing Policy Advisory Group should include the relevant portfolio holders.

3.4.3 Member Development Group

This Group comprises up to 10 members and should include at least one representative from each political group who will act as training champion to encourage members of their Group to participate in training & development activities.

3.5 **Licensing Committee**

3.5.1 The Council is required to have two Licensing Committees: One to deal with applications under the Licensing Act 2003 and Gambling Act 2005 and setting up the sub committees and the other to deal with all other licensing matters. Each of the Licensing committees has the same membership and meet on the same evening with one meeting starting at the rising of the other.

3.5.2 The Licensing Committee is able to appoint sub-committees of 3 members from the main committee to deal with:

- Determining new and variation applications submitted under the Licensing Act 2003 where representations have been received.
- Conducting reviews of premises' licences and club premises' certificates as requested.
- Gaming machine applications for licensed premises requesting 5 or

more machines.

- Conducting reviews of gaming premises as requested.
- Determining new and variation applications submitted under the Gambling Act where representations have been received.
- Consideration of appeals from licensed hackney carriage/private hire drivers when their licence is being revoked by the Council.
- Determining Temporary Event Notices when representations had been received by the Police. These hearings have to be held at short notice.

Hearings take place either during the day or in the evening as appropriate. Chairs of the sub committees are elected at each meeting and for that meeting only.

3.6 Nominations from Political Groups

3.6.1 Group Secretaries have been asked to consider and agree nominations prior to Annual Council. Nominations received so far are attached as Appendix A. Any appointments not determined in this way will be put to the Annual Council meeting and agreed through a voting process.

3.6.2 Members are also required to agree the appointments of chairs and vice-chairs to the committees listed in 3.1 and 3.1.2 above .

The Policy Planning Advisory Group and Housing Policy Advisory Group are chaired by the Portfolio holders.

Nominations received so far are attached as Appendix B. Any outstanding appointments will be put to the Annual Council meeting and agreed through a voting process.

3.6.3 Groups should have regard to the specific training requirements which must be undertaken by all members of Development Control and Licensing Committees. Members who do not undertake the relevant training are unable to participate in meetings of these committees including acting as replacements or debating related issues at Council meetings. It is therefore advisable for all councillors to undergo training in these areas regardless of whether they are actual members of the Licensing or Development Control Committees.

4.0 **IMPLICATIONS**

4.1 Financial

The Director of Finance comments that any financial effects arising out of this report can be contained within approved budgets, subject to earlier report on the amendments to the constitution being approved.

4.2 Legal (Monitoring Officer)

The Head of Democracy & Governance comments that that the legal implications are contained within the body of the report. As the Elected Mayor is not included in the political balance calculation she cannot be nominated to any politically balanced committees or Standards regardless of the Council deciding that it should not be appointed to in accordance with political balance.

4.3 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Not complying with the principles of the Local Government and Housing Act 1989 and the Regulations could leave the Council open to challenge	1	2	2

Background Papers:

Letter to Groups from Democratic Services Manager 23 May 2014

Completed nomination forms received from Group Secretaries.

Appendices

A - Nominations to Committees

B - Nominations to Chairs and Vice-Chairs