

Part A

Report to: Council

Date of meeting: 21 May 2019

Report author: 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 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Not complying with the principles of the Local Government and Housing Act 1989 and the Regulations	Could leave the council open to challenge	Groups have been asked to make nominations and any vacancies will be voted on at the meeting	Treat	2

3.0 Recommendations

- 3.1 That Council unanimously agrees that the Standards Committee is not politically balanced - see paragraph 4.4.1.
- 3.2 That Council agrees the establishment of politically balanced committees as set out in paragraph 4.1 of the report.
- 3.3 The Council agrees the establishment of non politically balanced committees as set out in paragraph 4.2.
- 3.4 The Council agrees the appointment of Members to politically balanced committees as set out in paragraph 4.3.1 of the report and Appendix A.
- 3.5 The Council appoints chairs and vice chairs to the committees listed in paragraphs 4.1 and 4.2 and Appendix A.

Further information:

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Report approved by: Group Head of Democracy and Governance

4.0 Detailed proposal

4.1 Politically Balanced Committees

1.	Licensing Committee	15 seats
2.	Development Management	9 seats
3.	Overview & Scrutiny Committee	9 seats
4.	Finance Scrutiny	9 seats
5.	Council Functions	7 seats
6.	Audit Committee	5 seats
7.	Chief Officer Pay Panel	5 seats
8.	Appointments Committee	5 seats
	TOTAL	64 seats

4.2 Non politically balanced committees

1.	Major Projects Forum	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 one 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.	Sustainability Forum	9 seats (at least one from each Group)
8.	Health and Wellbeing Forum	9 seats (at least one from each Group including the Community Portfolio Holder)

4.3 Seats on politically balanced committees are allocated on a proportional basis of 46 to the Liberal Democrat Group and 18 to the Labour Group.

4.3.1 Seats on committees have been allocated as follows:

			Lib Dem	Lab
1.	Licensing Committee	15 seats	11	4
2.	Development Management Committee	9 seats	6	3
3.	Overview & Scrutiny Committee	9 seats	6	3
4.	Finance Scrutiny Committee	9 seats	6	3
5.	Council Functions	7 seats	5	2
6.	Audit Committee	5 seats	4	1
7.	Chief Officer Pay Panel	5 seats	4	1

8.	Appointments Committee	5 seats	4	1
	TOTAL	64	46	18

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

4.3.3 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 and therefore cannot be appointed to any of these committees.

4.4 Non Politically Balanced Committees

4.4.1 Standards Committee

The Localism Act 2011 resulted in a large 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.

The Mayor cannot be appointed to this committee.

4.4.2 Major Projects Forum, Constitution Working Party, Planning Policy Advisory Group, Housing Policy Advisory Group, Sustainability Forum, Health and Wellbeing Forum

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

4.4.3 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 and development activities. In 2018/19 the Group took on the role of Champions for the Members Portal and have been testing the forms which will be used by members as part of the Watford 2020 Programme.

4.5 Licensing Committee

The Council is required to have a Licensing Committee and it is able to appoint sub-committees of three 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 five or more machines.
- Conducting reviews of gaming premises as required.
- 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 during the day. Chairs of the sub committees are elected at each meeting and for that meeting only.

4.6 Nominations from Political Groups

- 4.6.1 Group Leaders 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.
- 4.6.2 Members are also required to agree the appointment of chairs and vice chairs to the committees listed in 3.1 and 3.1.2 above.

The Planning Policy Advisory Group, Housing Policy Advisory Group, Major Projects Forum and Health and Wellbeing Forum are chaired by the Portfolio Holders.

As agreed at Constitution Working Party, the Chair of Finance Scrutiny should be drawn from the membership of the Overview and Scrutiny Committee.

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

- 4.6.3 Groups should have regard to the specific training requirements which **must** be undertaken by all members of the Development Management 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 Management Committees. It was also agreed at Council that members should have scrutiny training every two years in order to sit on the scrutiny committees.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that if Council does not unanimously vote for the Standards Committee not to be politically balanced then the effect would be four seats to the Liberal Democrat Group and one seat to the Labour Group, rather than the 3/2 split proposed in the report. The other legal implications are contained within the body of the report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 The allocation of seats is carried out in accordance with Local Government and Housing Act 1989 and the Regulations require that seats on ordinary Committees are allocated in accordance with political balance.

5.3.2 Data Protection Impact Assessment

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 None

5.5 **Accommodation**

5.5.1 None

5.6 **Community Safety/Crime and Disorder**

5.6.1 None

5.7 **Sustainability**

5.7.1 None

Appendices

Appendix A – Nominations to committees and for chairs and vice chairs

Background papers

Letter to Groups from Democratic Services Manager 3 May 2019

Completed nomination forms received from Groups