
CONSTITUTION OF COMMITTEES, POLITICAL BALANCE, APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS

To: **Council – 7 February 2013**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: This report seeks approval to amend the composition of the Council's Committees to reflect political balance, and to note any consequent changes in Group nominations to those committees.

For Decision

1.0 Introduction

- 1.1 It is for Council to decide the number and sizes of committees.
- 1.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:
- a) That not all seats on the same committee are allocated to the same political group;
 - b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
 - c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;
 - d) That, subject to a) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.
- 1.3 For the purposes of political balance a group is required to have at least two members and to have been formally constituted as a political group.

2.0 Changes to Political Groups

- 2.1 Councillor Driver has left the Thanet Independent Group and joined the Independent Group. Councillor K Gregory who was not a member of any political Group has joined the Conservative Group. Councillor Mrs Wiltshire has left the Conservative Group and has not joined another political Group.
- 2.2 The following table shows the political balance of the Council both prior to, and following, these changes:

Table 1

Group	Prior to changes	After changes
Labour	26	26
Conservative	23	23
Thanet Independent Group	3	2
Independent Group	2	3
Non-groups	2	2

2.3 After consultation with the Leaders of all of the Political Groups consensus could not be achieved, therefore the main options for achieving proportionality are:

2.4 **Option 1**

2.4.1 That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the General Purposes Committee and that seat is allocated to the Independent Group.

2.5 **Option 2**

2.5.1 That one seat is removed from the Thanet Independent Group on the Governance and Audit Committee and allocated to the Independent Group.

2.6 **Option 3**

2.6.1 That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and allocated to the Independent Group.

2.7 **Option 4**

2.7.1 That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the Governance and Audit Committee and that seat is allocated to the Independent Group.

2.8 **Option 5**

2.8.1 That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.

2.9 Table 2 below shows these suggested options for changes to numbers serving on Committees:

Table 2

Committees	Total	Labour Group	Conservative Group	Thanet Independent Group	Independent Group
Current membership					
Planning Committee	16	8	6	1	1
Licensing Board	15	7	7	0	1
Overview and Scrutiny Panel	16	8	6	1	1
Gov. and Audit	9	4	4	1	0
General Purposes	8	4	4	0	0
B&EA Working Party	7	3	3	1	0
Constitutional Review Working Party	4	2	2	0	0
Totals	75	36	32	4	3
Option 1					
Planning Committee	16	8	6	1	1
Licensing Board	15	7	7	0	1
Overview and Scrutiny Panel	16	8	6	1	1
Gov. and Audit	9	4	4	1	0
General Purposes	9	4	4	0	1
B&EA Working Party	6	3	3	0	0
Constitutional Review Working Party	4	2	2	0	0
Totals	75	36	32	3	4
Option 2					
Planning Committee	16	8	6	1	1
Licensing Board	15	7	7	0	1
Overview and Scrutiny Panel	16	8	6	1	1
Gov. and Audit	9	4	4	0	1
General Purposes	8	4	4	0	0
B&EA Working Party	7	3	3	1	0
Constitutional Review Working Party	4	2	2	0	0
Totals	75	36	32	3	4

Committees	Total	Labour Group	Conservative Group	Thanet Independent Group	Independent Group
Option 3					
Planning Committee	16	8	6	1	1
Licensing Board	15	7	7	0	1
Overview and Scrutiny Panel	16	8	6	1	1
Gov. and Audit	9	4	4	1	0
General Purposes	8	4	4	0	0
B&EA Working Party	7	3	3	0	1
Constitutional Review Working Party	4	2	2	0	0
Totals	75	36	32	3	4
Option 4					
Planning Committee	16	8	6	1	1
Licensing Board	15	7	7	0	1
Overview and Scrutiny Panel	16	8	6	1	1
Gov. and Audit	10	4	4	1	1
General Purposes	8	4	4	0	0
B&EA Working Party	6	3	3	0	0
Constitutional Review Working Party	4	2	2	0	0
Totals	75	36	32	3	4

2.10 The overall political balance calculations for both options are shown in Annex 1.

3.0 Recommendation

3.1 That Council agrees one of the following options to achieve proportionality:

1) **Option 1**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the General Purposes Committee and that seat is allocated to the Independent Group.

2) **Option 2**

That one seat is removed from the Thanet Independent Group on the Governance and Audit Committee and allocated to the Independent Group.

3) **Option 3**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and allocated to the Independent Group.

4) **Option 4**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the Governance and Audit Committee and that seat is allocated to the Independent Group.

5) **Option 5**

That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.

4.0 Nominations of Members to serve on Committees

4.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.

4.2 Depending which option is chosen at paragraph 3.1 of the report to maintain political proportionality, the corresponding amendments to group nominations as outlined below must also be made.

4.3 Any consequential changes to the nominations to Overview and Scrutiny Panel task and finish groups will be made at the next meeting of the Overview and Scrutiny Panel on 12 February 2013.

4.4 In addition to the changes outlined at paragraph 3.1 of the report, Democratic Services have been informed that Councillor David Green has stood down as a member of the Planning Committee; Councillor Edwards will replace him on the Planning Committee.

4.5 Option One

4.5.1 The Thanet Independent Group will lose their seat on the Boundary and Electoral Arrangements Working Party and will have to remove Cllr Cohen from that committee. The Independent Group will gain a seat on the General Purposes Committee and will need to make a new nomination to that Committee. Councillor Ian Driver was the Thanet Independent Groups nomination to the Overview and Scrutiny Panel and so the Thanet Independent Group will need to make a new nomination to the Overview and Scrutiny Panel.

4.5.2 In addition Councillor David Green has stood down as a member of the Planning Committee; the Labour Group has nominated Councillor Edwards to replace him.

Although overall political balance has been waived on the Standards Committee, the membership drawn from the Council has been agreed as three each from the Labour and Conservative Groups, and one from the Independent Group. Councillor Wiltshire was a Conservative nomination to the Standards Committee, and so the Conservative Group will need to make a new nomination to the Standards Committee. In addition Councillor Wiltshire was also reserve nomination to the Planning Committee, so the Conservative Group will need to make a new nomination to the list of Planning Committee reserves.

This can be summarised thus:

Table 5 (option one)

Committee / Group	Current Position	New Position
Boundary and Electoral Arrangement Working Party		
Thanet Independent Group	Councillor Cohen	No entitlement to a seat
General Purposes Committee		
Independent Group	No entitlement to a seat	New nominee needed
Planning Committee		
Labour Group	Cllr Green	Cllr Edwards
Overview and Scrutiny Panel		
Thanet Independent Group	Councillor Ian Driver	New nominee needed
Planning Committee Reserve		
Conservative Group	Cllr Wiltshire	New nominee needed
Standards Committee		
Conservative Group	Cllr Wiltshire	New nominee needed

4.6 **Option Two**

4.6.1 The Thanet Independent Group will lose their seat on the Governance and Audit Committee and will have to remove Cllr Worrow from that committee. The Independent Group will gain a seat on the Governance and Audit Committee and will need to make a new appointment to that seat. Councillor Ian Driver was the Thanet Independent Groups nomination to the Overview and Scrutiny Panel and so the Thanet Independent Group will need to make a new nomination to the Overview and Scrutiny Panel.

4.6.2 In addition Councillor David Green has stood down as a member of the Planning Committee; the Labour Group has nominated Councillor Edwards to replace him. Although overall political balance has been waived on the Standards Committee, the membership drawn from the Council has been agreed as three each from the Labour and Conservative Groups, and one from the Independent Group. Councillor Wiltshire was a Conservative nomination to the Standards Committee, and so the Conservative Group will need to make a new nomination to the Standards Committee. In addition Councillor Wiltshire was also reserve nomination to the Planning Committee, so the Conservative Group will need to make a new nomination to the list of Planning Committee reserves.

The above can be summarised thus:

Table 4 (option two)

Committee / Group	Current Position	New Position
Governance and Audit Committee		
Thanet Independent Group	Cllr Worrow	No entitlement to a seat
Independent Group	Previously had no seat	New nominee needed
Overview and Scrutiny Panel		
Thanet Independent Group	Councillor Ian Driver	New nominee needed
Planning Committee		
Labour Group	Cllr D. Green	Cllr Edwards
Planning Committee Reserve		
Conservative Group	Cllr Wiltshire	New nominee needed
Standards Committee		
Conservative Group	Cllr Wiltshire	New nominee needed

4.7 **Option Three**

- 4.7.1 The Thanet Independent Group will lose their seat on the Boundary and Electoral Arrangements Working Party and will have to remove Cllr Cohen from that committee. The Independent Group will gain a seat on the Boundary and Electoral Arrangements Working Party and will need to make a new appointment to that seat. Councillor Ian Driver was the Thanet Independent Group's nomination to the Overview and Scrutiny Panel and so the Thanet Independent Group will need to make a new nomination to the Overview and Scrutiny Panel.
- 4.7.2 In addition Councillor David Green has stood down as a member of the Planning Committee; the Labour Group has nominated Councillor Edwards to replace him. Although overall political balance has been waived on the Standards Committee, the membership drawn from the Council has been agreed as three each from the Labour and Conservative Groups, and one from the Independent Group. Councillor Wiltshire was a Conservative nomination to the Standards Committee, and so the Conservative Group will need to make a new nomination to the Standards Committee. In addition Councillor Wiltshire was also reserve nomination to the Planning Committee, so the Conservative Group will need to make a new nomination to the list of Planning Committee reserves.

The above can be summarised thus:

Table 3 (option three)

Committee / Group	Current Position	New Position
Boundary and Electoral Arrangement Working Party		
Thanet Independent Group	Councillor Cohen	No entitlement to a seat
Independent Group	Previously had no seat	New nominee needed
Overview and Scrutiny Panel		
Thanet Independent Group	Councillor Ian Driver	New nominee needed
Planning Committee		
Labour Group	Cllr D. Green	Cllr Edwards
Planning Committee Reserve		
Conservative Group	Cllr Wiltshire	New nominee needed
Standards Committee		
Conservative Group	Cllr Wiltshire	New nominee needed

4.8 **Option Four**

4.8.1 The Thanet Independent Group will lose their seat on the Boundary and Electoral Arrangements Working Party and will have to remove Cllr Cohen from that committee. The Independent Group will gain a seat on the Governance and Audit Committee and will need to make a new nomination to that Committee. Councillor Ian Driver was the Thanet Independent Groups nomination to the Overview and Scrutiny Panel and so the Thanet Independent Group will need to make a new nomination to the Overview and Scrutiny Panel.

4.8.2 In addition Councillor David Green has stood down as a member of the Planning Committee; the Labour Group has nominated Councillor Edwards to replace him. Although overall political balance has been waived on the Standards Committee, the membership drawn from the Council has been agreed as three each from the Labour and Conservative Groups, and one from the Independent Group. Councillor Wiltshire was a Conservative nomination to the Standards Committee, and so the Conservative Group will need to make a new nomination to the Standards Committee. In addition Councillor Wiltshire was also reserve nomination to the Planning Committee, so the Conservative Group will need to make a new nomination to the list of Planning Committee reserves.

This can be summarised thus:

Table 6 (option four)

Committee / Group	Current Position	New Position
Boundary and Electoral Arrangement Working Party		
Thanet Independent Group	Councillor Cohen	No entitlement to a seat
Governance and Audit Committee		
Independent Group	No entitlement to a seat	New nominee needed
Overview and Scrutiny Panel		
Thanet Independent Group	Councillor Ian Driver	New nominee needed
Planning Committee		
Labour Group	Cllr Green	Cllr Edwards
Planning Committee Reserve		
Conservative Group	Cllr Wiltshire	New nominee needed
Standards Committee		
Conservative Group	Cllr Wiltshire	New nominee needed

4.9 **Option Five**

- 4.9.1 If Council agrees its own solution to agree political proportionality then Council must note the relevant changes to group nominations to Committees, Panels and Boards that correspond with those changes.
- 4.9.2 Any amendments to the group nominations to Committees, Panels and Boards reflecting the agreed changes above will be considered at the meeting.

5.0 **Recommendation**

- 5.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2012/13 as per the option agreed at para. 3.1 of this report (The names of those Councillors so nominated will be presented at the meeting).

6.0 **Chairmen of Committees**

- 6.1 If Council decides to agree an option that includes the removal of the Thanet Independent Group seat on the Boundary and Electoral Arrangements Working Party, then it will be necessary for that Working Party to elect a new Chairman at its next meeting.
- 6.2 If Council decides to agree an option that includes the removal of the Thanet Independent Group seat on the Governance and Audit Committee then it will be necessary for Council to appoint a new Chairman of the Governance and Audit Committee.
- 6.3 If the Independent Group do not make Cllr Driver their nomination for the Overview and Scrutiny Panel then it will be necessary for Council to appoint a new Chairman of the Overview and Scrutiny Panel.
- 6.4 Any changes to Chairmanship of Overview and Scrutiny Working Parties will be dealt with at the next meeting of the Overview and Scrutiny Panel.

7.0 Recommendation

7.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2012/13 as per the option agreed at para. 3.1 of this report. (The names of those Councillors so nominated will be tabled at the meeting).

8.0 Corporate Implications

8.1 Financial

8.1.1 There are no direct financial implications.

8.2 Legal

8.2.1 The composition and allocation of membership of the above bodies has been based on the relevant legislative requirements.

8.3 Corporate

8.3.1 None

8.4 Equalities

8.4.1 Assessing Relevance

8.4.2 There are no specific equity and equality considerations that need to be addressed in this report. Although there are Councillors within the protected groups, the changes being made are as a result of the Local Government and Housing Act 1989.

8.4.3 Equality Impact Analysis

8.4.4 N/A

9.0 Summary of Recommendations

9.1 That Council agrees one of the following five options to achieve proportionality:

1) **Option 1**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the General Purposes Committee and that seat is allocated to the Independent Group.

2) **Option 2**

That one seat is removed from the Thanet Independent Group on the Governance and Audit Committee and allocated to the Independent Group.

3) **Option 3**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and allocated to the Independent Group.

4) **Option 4**

That one seat is removed from the Thanet Independent Group on the Boundary and Electoral Arrangements Working Party and that seat be deleted. That one additional seat is added to the Governance and Audit Committee and that seat is allocated to the Independent Group.

5) **Option 5**

That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.

9.2 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2012/13 as per the option agreed at para. 3.1 of this report (The names of those Councillors so nominated will be presented at the meeting).

9.3 To appoint any Chairmen of Committees as necessary.

10.0 Decision Making Process

10.1 Council is the decision making body in respect of determining the composition of Committees, etc.

10.2 Group Leaders determine their nominations to Committees, Panels and Boards.

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Reporting to:	Glenn Back, Democratic Services & Scrutiny Manager, x 7187

Annex List

Annex 1	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 (option 1)
Annex 2	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 (option 2)
Annex 3	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 (option 3)
Annex 4	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 (option 4)

Corporate Consultation Undertaken

Finance	N/A
Legal	Harvey Patterson, Head of Legal & Democratic Services and Monitoring Officer