

---

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

To: **Annual Council – 16 May 2013**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

---

**Summary:** This report seeks approval to the composition of Committees, Panels and Boards for 2013/14 after changes made as a result of the Election of Councillor Chaplin.

### **For Decision**

---

#### **1.0 Introduction**

- 1.1 Councillor Duncan has been elected to Thanet District Council and together with Councillor Wiltshire has formed a new UKIP (United Kingdom Independence Party) group.
- 1.2 This report seeks agreement of the number and sizes of Committees, Panels and Boards for 2013/14. It then goes on to address the issue of political proportionality and the allocation of seats on those bodies to political Groups.

#### **2.0 Changes to Political Groups**

- 2.1 The following table shows the political balance of the Council both prior to, and following, the change mentioned in paragraph 1.1:

**Table 1**

<b>Group</b>	<b>Prior to changes</b>	<b>After changes</b>
Labour	26	26
Conservative	23	23
Independent Group	3	3
Thanet Independent Group	2	2
<b>UKIP</b>	<b>0</b>	<b>2</b>
Non-groups	1	<b>0</b>

- 2.2 This report seeks agreement of the number and sizes of Committees, Panels and Boards for 2013/14. It then goes on to address the issue of political proportionality and the allocation of seats on those bodies to political Groups.

2.3 In this report, the phrase “independent member” means a person co-opted to a standards committee, or sub-committee of the standards committee, under section 27(4) (a) and (b) of the Localism Act 2011.

### **3.0 Number, Size and Terms of Reference of Committees**

3.1 It is for Council to decide the number and sizes of committees.

3.2 The number and sizes of Committees, Panels and Boards to which political proportionality is applied, is shown in Table 2 below, this is correct as at the end of the 2012/13 municipal year. The size of these committees could change as a result of changes needed to achieve political balance. This is covered under paragraph 4 of the report.

**Table 2**

<b>Committee</b>	<b>Number of Members</b>
Planning Committee	16
Licensing Board	15
Overview and Scrutiny Panel	16
Governance and Audit Committee	9
General Purposes Committee	9
Boundary and Electoral Arrangements Working Party	6
Constitutional Review Working Party	4 (+2 independent)
Joint Transportation Board*	8 (+1 parish)
Standards Committee**	7 (+ 4 independent, + 3 parish)

\*NOTE Under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats.

\*\* With the introduction of Localism Act 2011, the Standards Committee has now become a politically balanced committee. However as referenced above, under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats

3.3 Though the Constitutional Review Working Party is bound by proportionality in respect of elected Members, Council agreed in May 2008 that two independent members would be appointed to the Committee.

3.4 As referenced above although the Standards Committee is now bound by proportionality in respect of elected members, Council agreed in July 2012 that four independent members would be appointed to the committee (under 27(4) (a) and (b) of the Localism Act 2011), one of whom would act as Chairman.

### **3.5 Recommendation**

3.5.1 To confirm the number of committees for the 2013/14 Municipal Year and the number of members serving on each committee subject to the options set out at paragraph 4.0 below.

#### **4.0 Political Balance**

4.1 It is for Council to decide the number and sizes of committees.

4.2 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, 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..

4.3 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.

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

#### **4.5 Option 1**

4.5.1 That one seat is removed from the Labour Group on the Planning Committee and that seat be given to the UKIP group. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one additional seat is added to the Overview and Scrutiny Panel and that seat is given to the UKIP Group.

#### **4.6 Option 2**

4.6.1 That one seat is removed from the Labour Group on the Planning Committee and that seat is deleted from the Committee. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one seat is added to the General Purposes Committee and that seat is given to the UKIP group. That one seat is added to the Boundary and Electoral Arrangements Working Party and that seat is given to the UKIP group.

#### 4.7 **Option 3**

4.7.1 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.

4.8 Table 3 below shows these suggested options for changes to numbers serving on Committees:

**Table 3**

<b>Committees</b>	<b>Total</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Thanet Independent Group</b>	<b>UKIP</b>	<b>Independent Group</b>
<b>Current membership</b>						
Planning Committee	16	8	6	1	N/A	1
Licensing Board	15	7	7	0	N/A	1
Overview and Scrutiny Panel	16	8	6	1	N/A	1
Gov. and Audit	9	4	4	1	N/A	0
General Purposes	9	4	4	0	N/A	1
B&EA Working Party	6	3	3	0	N/A	0
Constitutional Review Working Party	4	2	2	0	N/A	0
<b>Totals</b>	<b>75</b>	<b>36</b>	<b>32</b>	<b>3</b>	<b>N/A</b>	<b>4</b>
<b>Option 1</b>						
Planning Committee	16	<b>7</b>	6	1	<b>1</b>	1
Licensing Board	15	7	<b>6</b>	0	<b>1</b>	1
Overview and Scrutiny Panel	<b>17</b>	8	6	1	<b>1</b>	1
Gov. and Audit	9	4	4	1	<b>0</b>	0
General Purposes	9	4	4	0	<b>0</b>	1
B&EA Working Party	6	3	3	0	<b>0</b>	0
Constitutional Review Working Party	4	2	2	0	<b>0</b>	0
<b>Totals</b>	<b>76</b>	<b>35</b>	<b>31</b>	<b>3</b>	<b>3</b>	<b>4</b>

<b>Committees</b>	<b>Total</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Thanet Independent Group</b>	<b>UKIP</b>	<b>Independent Group</b>
<b>Option 2</b>						
Planning Committee	<b>15</b>	<b>7</b>	6	1	<b>0</b>	1
Licensing Board	15	7	<b>6</b>	0	<b>1</b>	1
Overview and Scrutiny Panel	16	8	6	1	<b>0</b>	1
Gov. and Audit	9	4	4	1	<b>0</b>	0
General Purposes	<b>10</b>	4	4	0	<b>1</b>	1
B&EA Working Party	<b>7</b>	3	3	0	<b>1</b>	0
Constitutional Review Working Party	4	2	2	0	<b>0</b>	0
<b>Totals</b>	<b>76</b>	<b>35</b>	<b>31</b>	3	<b>3</b>	4

4.9 The overall political balance calculations for all options are shown in Annex 1 and 2.

4.10 Both Section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 mean that proportionality applies to the Standards Committee, but the Standards Committee does not count towards the total number of seats when dealing with overall political proportionality, hence why they are presented here.

4.11 However in accordance with paragraph 9.2 of Article 9 of the Council's constitution the Council is asked to waive the political proportionality of Standards Committee.

4.12 If Council does agree to waive proportionality for the Standards Committee then as it did in 2012/13 the Council should still apply an approximate political proportionality and this approximate proportionality for the Standards Committee is displayed in Table 4 below.

<b>Table 4</b>	Total	Conservative	Labour	Thanet Independent Group	UKIP	Independent Group	Independent Members	Parish/Town Council
Standards Committee	14	3	3	0	0	1	4	3
Standards Assessment Sub-Committee	3	*	*	0	0	*	At least 1	*
Standards Hearing Sub-Committee	3	*	*	0	0	*	At least 1	*

NOTE\*; the remaining two members would be either Thanet District Council Members from those groups that are entitled to seats on the Standards Committee, Town/Parish Council members or further independent members, on a case by case

basis. In the case of complaint against a Town or Parish Councillor at least one of the panel would be a Town or Parish Council representative.

- 4.13 Irrespective of which options are chosen, both regarding ordinary committees and the Standards Committee the rest of the proportionality calculations shown below at tables five and six must be agreed as these are the same for both options.
- 4.14 The Joint Transportation Board consists of eight Councillors from Thanet District Council and the eight Councillors from Kent County Council that represent County wards within Thanet. In addition, although proportionality applies to the Joint Transportation Board, the Council has also agreed that there be one Parish representative serving on the Board. Under section 15 (5) of Part III and schedule 1 of the Local Government Housing Act 1989 proportionality applies to the eight seats appointed by Thanet District Council on the Joint Transportation Board but these seats do not count towards the total number of seats by which overall proportionality is calculated. The allocation of Thanet District Council seats on the Joint Transportation Board for the 2013/14 Municipal Year is shown in Table 5 below.

<b>Table 5</b>	TDC Members	Labour	Conservative	Thanet Independent Group	UKIP	Independent Group	Parish/ Town Council
Joint Transportation Board	8	4	4	0	0	0	1

- 4.15 The Council is also a member of the East Kent Joint Arrangements Committee, (EKJAC) although it has been agreed among its constituent Councils to replace the EKJAC with a more appropriate joint arrangements committee it is necessary to appoint Councillors to the committee in the event of it holding an extraordinary meeting. There are no meetings of the EKJAC scheduled for the 2013/14 municipal year.
- 4.16 Council agreed in May 2008 to the proposal that it should nominate the Leader and Deputy Leader of the Council to serve on the East-Kent Joint Arrangements Committee, as shown in table 6 below.

<b>Table 6</b>	Total (from Thanet)	Conservative	Labour	Thanet Independent Group	UKIP	Independent Group
East Kent Joint Arrangements Committee	2	0	2 (the Leader and Deputy-Leader of the Council)	0	0	0

4.17 Since the last Annual Council meeting the East Kent Joint Scrutiny Committee has been disbanded and hence does not appear in this report.

#### **4.18 Recommendation**

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

1) **Option 1**

That one seat is removed from the Labour Group on the Planning Committee and that seat be given to the UKIP group. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one additional seat is added to the Overview and Scrutiny Panel and that seat is given to the UKIP Group.

2) **Option 2**

That one seat is removed from the Labour Group on the Planning Committee and that seat is deleted from the Committee. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one seat is added to the General Purposes Committee and that seat is given to the UKIP group. That one seat is added to the Boundary and Electoral Arrangements Working Party and that seat is given to the UKIP group.

3) **Option 3**

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.

**AND**

4.18.2 To agree to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 4.

**AND**

4.18.3 To agree those Panels and Boards set out in tables five and six.

#### **5.0 Nominations of Members to serve on Committees**

5.1 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.

- 5.2 Depending which option is chosen at paragraph 4.18 of the report to maintain political proportionality, the corresponding amendments to group nominations need to be made. These will be circulated at the meeting via members notes.
- 5.3 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 28 May 2013.
- 5.4 The independent membership of committees is as follows:
- 5.5 Standards Committee: At the Council meeting of the 12 July 2012 Mr Robin Hills and Mrs Linda Frampton were appointed as independent Members of the Standards Committee until Annual Council 2016. At the Council meeting of the 20 September 2012 Mrs Jiggy Bhole and Mrs Joanne Pearman were appointed as Independent Members of the Standards Committee until 21 May 2015;
- 5.6 Town/Parish Councils are entitled to have three representatives on the Standards Committee and one representative on the Joint Transportation Board. The Parish Council representative on the Joint Transportation Board is Parish Councillor Sheila Bransfield. The Parish Council Members of the Standards Committee are Councillor Jennifer Fletcher of Manston Parish Council, Councillor David Lawson of Broadstairs Town Council and Cllr John Way of Monkton Parish Council.
- 5.7 Standards (Assessment) Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 5.8 Standards (Hearings) Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 5.9 The Constitutional Review Working Party; the independent member(s) will be two independent members of the Standards Committee.

#### **5.10 Recommendation**

- 5.10.1 To note the Group nominations to Committees, Panels and Boards for the 2013/14 Municipal Year (as circulated subsequently at the meeting).

#### **6.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2013/14**

- 6.1 The constitution of the Council states that:
- a) The Chairmen and Vice-Chairmen of Committees shall be appointed by Council at its Annual Meeting with the exception of General Purposes Committee and the Boundary and Electoral Arrangements Working Party, which elect their own Chairman;
  - b) All Sub-Committees, Advisory Groups and Working Parties shall elect their Chairmen and Vice-Chairmen at their first meeting after the Annual Council Meeting.
- 6.2 By convention, in Thanet the majority Group is entitled to be the first to nominate the Chairmanships and Vice-Chairmanships of Committees, Panels and Boards. In the



absence of a majority Group (or coalition achieving a majority) nominations could be offered by all Groups.

6.3 The Chairman and Vice-Chairman of the Standards Committee are Independent Members and to date the Council has made and confirmed appointment to these offices at the Annual Meeting from the Independent Members of the Standards Committee.

6.4 Under the Council's Joint Transportation Board agreement with Kent County Council, for 2013/14 a Member of Thanet District Council will chair the JTB and a Kent County Councillor will act as Vice-Chairman. These roles are alternated annually. Kent County Council will not be in a position to inform Thanet District Council who will be the Vice-Chairman of JTB for 2013/14 municipal year at the time of this meeting. Once Democratic Services have been informed of KCC's choice of Vice-Chairman for the JTB, Democratic Services will report to Full Council.

6.5 The Council's constitution states that the Chairman and Vice-Chairman of any Overview and Scrutiny Panel shall not both be from the same political Group. In addition if there is more than one Scrutiny Panel then they can not all be chaired by the same political Group.

6.6 The Council decided during 2008 that one of the two Independent Members of the Standards Committee would act as Chairman of the Constitutional Review Working Party and another Independent Member would act as Vice-Chairman.

## **6.7 Recommendation**

6.7.1 That appointments for Chairmen and Vice-Chairmen of Committees, Panels and Boards for the 2013/14 Municipal Year are agreed.

## **7.0 Corporate Implications**

### **7.1 Financial**

7.1.1 There are no direct financial implications.

### **7.2 Legal**

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

### **7.3 Corporate**

7.3.1 None

### **7.4 Equalities**

#### **7.4.1 Assessing Relevance**

7.4.2 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.

### 7.4.3 Equality Impact Analysis

7.4.4 N/A

## 8.0 Summary of Recommendations

3.5.1 To confirm the number of committees for the 2013/14 Municipal Year and the number of members serving on each committee subject to the options set out at paragraph 4.0 below.

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

1) **Option 1**

That one seat is removed from the Labour Group on the Planning Committee and that seat be given to the UKIP group. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one additional seat is added to the Overview and Scrutiny Panel and that seat is given to the UKIP Group.

2) **Option 2**

That one seat is removed from the Labour Group on the Planning Committee and that seat is deleted from the Committee. That one seat is removed from the Conservative Group on the Licensing Committee and that seat is given to the UKIP group. That one seat is added to the General Purposes Committee and that seat is given to the UKIP group. That one seat is added to the Boundary and Electoral Arrangements Working Party and that seat is given to the UKIP group.

3) **Option 3**

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.

### **AND**

4.18.2 To agree to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 4.

4.18.3 To agree those Panels and Boards set out in tables five and six.

5.10.1 To note the Group nominations to Committees, Panels and Boards for the 2013/14 Municipal Year (as circulated subsequently at the meeting).

6.7.1 That appointments for Chairmen and Vice-Chairmen of Committees, Panels and Boards for the 2013/14 Municipal Year are agreed.

## **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.

Contact Officer:	Nicholas Hughes, Democratic Services Manager, ext.7208
Reporting to:	Glenn Back, Democratic Services & Scrutiny Manager, ext 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)

### ***Corporate Consultation Undertaken***

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