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

To: **Annual Council – 15 May 2014**

By: **Democratic Services Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: This report seeks approval to the composition of Committees, Panels and Boards for 2013/14.

For Decision

1.0 Introduction

1.1 This report seeks agreement of the number and sizes of Committees, Panels and Boards for 2014/15. It then goes on to address the issue of political proportionality and the allocation of seats on those bodies to political Groups.

1.2 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.

1.3 There were no changes that affected the number, size and terms of reference of committees or the political balance in the last municipal year. Therefore as there have been no changes Democratic Services have presented the existing arrangements for these two elements of this report for re-approval.

2.0 Number, Size and Terms of Reference of Committees

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

2.2 The current number and sizes of Committees, Panels and Boards to which political proportionality is applied, are shown in Table 1 below.

Table 1

Committee	Number of Members
Planning Committee	15
Licensing Board	15
Overview and Scrutiny Panel	16
Governance and Audit Committee	9
General Purposes Committee	10
Boundary and Electoral Arrangements Working Party	7
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.

2.3 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.

2.4 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.

2.5 Recommendation

2.5.1 To confirm the number of committees for the 2014/15 Municipal Year and the number of members serving on each committee as set out at Table 1 above.

3.0 Political Balance

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

3.2 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..

3.3 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.

3.4 As there have been no changes in the past municipal year table 2 below shows the current numbers of Councillors serving on Committees:

Table 2

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

3.5 The overall political balance calculation for table 2 above can be found at Annex 1.

3.6 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.

3.7 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.

3.8 If Council does agree to waive proportionality for the Standards Committee then as it did in 2013/14 the Council should still apply an approximate political proportionality and this approximate proportionality for the Standards Committee is displayed in Table 3 below.

Table 3	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.

NOTE** There are spaces for four Independent Members; however the Council only currently has two Independent Members in post.

- 3.9 The rest of the proportionality calculations shown below at tables five and six must be agreed as these are the same for both options.
- 3.10 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 2014/15 Municipal Year is shown in Table 5 below.

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

- 3.11 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 2014/15 municipal year.
- 3.12 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 5 below.

Table 5	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

3.13 Recommendation

3.13.1 That Council agrees the solution for achieving proportionality as shown in Table 2.

AND

3.13.2 To agree to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 3.

AND

3.13.3 To agree those Panels and Boards set out in tables 4 and 5.

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 Group nominations to Committees, Panels and Boards and will be circulated to Members separately to this report at the meeting.

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 27 May 2014.

4.4 The independent membership of committees is as follows:

4.4.1 Standards Committee: At the Council meeting of the 27 February 2014 the Council appointed Dr Jonathan Sexton and Mrs Janet Bacon with a term of office expiring at the conclusion of the Annual Council meeting in May 2015.

4.4.2 Town/Parish Councils are entitled to have three representatives on the Standards Committee and one representative on the Joint Transportation Board. The Thanet Association of Local Councils met on the 1 May to make nominations. The Parish Council representative on the Joint Transportation Board for 2014/15 will be Parish Councillor Vera Hovenden. The Parish Council Members of the Standards Committee for 2014/15 will be Councillor Jennifer Fletcher of Manston Parish Council, Councillor David Lawson of Broadstairs Town Council and Cllr John Way of Monkton Parish Council.

4.4.3 Standards (Assessment) Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.

4.4.4 Standards (Hearings) Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.

4.4.5 The Constitutional Review Working Party; the independent member(s) will be two independent members of the Standards Committee.

4.5 Recommendation

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

5.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2014/15

- 5.1 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.

- 5.2 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.

- 5.3 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.

- 5.4 Under the Council's Joint Transportation Board agreement with Kent County Council, for 2014/15 a Member of Kent County Council will chair the JTB and a Thanet District 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 Chairman of JTB for 2014/15 municipal year at the time of this meeting. Once Democratic Services have been informed of KCC's choice of Chairman for the JTB, Democratic Services will report to Full Council.

- 5.5 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.

- 5.6 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.

5.7 Recommendation

- 5.7.1 That appointments for Chairmen and Vice-Chairmen of Committees, Panels and Boards for the 2014/15 Municipal Year are agreed.

6.0 Corporate Implications

6.1 Financial

6.1.1 There are no direct financial implications.

6.2 Legal

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

6.3 Corporate

6.3.1 None

6.4 Equalities

6.4.1 Assessing Relevance

6.4.2 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.

6.4.3 Equality Impact Analysis

6.4.4 N/A

7.0 Summary of Recommendations

2.5.1 To confirm the number of committees for the 2014/15 Municipal Year and the number of members serving on each committee as set out at Table 1 above.

3.13.1 That Council agrees the solution for achieving proportionality as shown in Table 2.

3.13.2 To agree to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 3.

3.13.3 To agree those Panels and Boards set out in tables 4 and 5.

4.5.1 To note the Group nominations to Committees, Panels and Boards for the 2013/14 Municipal Year.

5.7.1 That appointments for Chairmen and Vice-Chairmen of Committees, Panels and Boards for the 2014/15 Municipal Year are agreed.

8.0 Decision Making Process

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

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

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Annex List

Annex 1	Proportionality calculations for main committees covered by Local Government & Housing Act 1989
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Corporate Consultation Undertaken

Finance	N/A
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer