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## REPLACEMENT REPORT 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**

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**Summary:** This replacement report seeks approval to the composition of Committees, Panels and Boards for 2014/15.

### **For Decision**

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#### **1.0 Introduction**

1.1 Since the original report on this subject was published there has been a change that affects the numbers of Councillors in political Groups. Councillor Poole has left the Labour Group and is now an independent Member not in a political Group.

1.2 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.

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

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

**Table 1**

<b>Group</b>	<b>Prior to changes</b>	<b>After changes</b>
<b>Labour</b>	26	<b>25</b>
Conservative	23	23
Independent Group	3	3
Thanet Independent Group	2	2
UKIP	2	2
<b>Non-groups</b>	0	<b>1</b>

2.2 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.

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 current number and sizes of Committees, Panels and Boards to which political proportionality is applied, are shown in Table 2 below.

**Table 2**

<b>Committee</b>	<b>Number of Members</b>
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.

- 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 That Council confirms the number of committees for the 2014/15 Municipal Year as set out in Table 2.

### **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 Due to the very small window of available time available it has not be possible to consult with all the leaders of political groups, therefore displayed below are the main options for achieving proportionality:
- 4.5 **Option 1**
- 4.5.1 That one seat is added to the Overview and Scrutiny Panel and that seat is given to the Conservative Group.
- 4.6 **Option 2**
- 4.6.1 That one seat is removed from the Labour Group on the Overview and Scrutiny Panel and that seat is deleted from the Panel.
- 4.7 **Option 3**
- 4.7.1 That one seat is added to the Planning Committee and that seat is given to the Conservative Group.
- 4.8 **Option 4**
- 4.8.1 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.
- 4.9 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	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
<b>Totals</b>	<b>76</b>	<b>35</b>	<b>31</b>	<b>3</b>	<b>3</b>	<b>4</b>

<b>Option 1</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>Current membership</b>						
Planning Committee	15	7	6	1	0	1
Licensing Board	15	7	6	0	1	1
Overview and Scrutiny Panel	<b>17</b>	8	<b>7</b>	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
<b>Totals</b>	<b>77</b>	<b>35</b>	<b>32</b>	<b>3</b>	<b>3</b>	<b>4</b>

<b>Option 1</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>						
<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	15	7	6	1	0	1
Licensing Board	15	7	6	0	1	1
Overview and Scrutiny Panel	<b>15</b>	<b>7</b>	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
<b>Totals</b>	<b>75</b>	<b>34</b>	31	3	3	4
<b>Option 3</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>Current membership</b>						
Planning Committee	<b>16</b>	7	<b>7</b>	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
<b>Totals</b>	<b>77</b>	35	<b>32</b>	3	3	4

4.10 The overall political balance calculations for table 3 above can be found at Annexes 1 to 3.



Joint Transportation Board	8	4	4	0	0	0	1
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4.16 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.

4.17 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

#### 4.18 Recommendation

4.18.1 That Council agrees the number of Members serving on committees and the composition of membership, from one of the following options, in order to achieve proportionality. Note that these options are presented in the order that they comply with political proportionality, with the “best fit” being Option1:

1) **Option 1**

That one seat is added to the Overview and Scrutiny Panel and that seat is given to the Conservative Group.

2) **Option 2**

That one seat is removed from the Labour Group on the Overview and Scrutiny Panel and that seat is deleted from the Panel.

3) **Option 3**

That one seat is added to the Planning Committee and that seat is given to the Conservative Group.

4) **Option 4**

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 That Council agrees to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 4.

**AND**

4.18.3 That Council agrees the Joint Committee and Board set out in tables 5 and 6.

**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 4.18.1 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 27 May 2014.

5.4 The independent membership of committees is as follows:

5.4.1 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.

5.4.2 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.

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

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

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



## **5.5 Recommendation**

- 5.5.1 That Council notes the Group nominations to Committees, Panels and Boards for the 2014/15 Municipal Year.

## **6.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2014/15**

- 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 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.

- 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 elections for Chairmen and Vice-Chairmen of Committees, Panels and Boards for the 2014/15 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 That Council confirms the number of committees for the 2014/15 Municipal Year as set out in Table 2.

4.18.1 That Council agrees the number of Members serving on committees and the composition of membership, from one of the following options, in order to achieve proportionality.

1) **Option 1**

That one seat is added to the Overview and Scrutiny Panel and that seat is given to the Conservative Group.

2) **Option 2**

That one seat is removed from the Labour Group on the Overview and Scrutiny Panel and that seat is deleted from the Panel.

3) **Option 3**

That one seat is added to the Planning Committee and that seat is given to the Conservative Group.

4) **Option 4**

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 That Council agrees to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 4.

**AND**

4.18.3 That Council agrees the Joint Committee and Board set out in tables 5 and 6.

5.5.1 That Council notes the Group nominations to Committees, Panels and Boards for the 2014/15 Municipal Year.

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

**9.0 Decision Making Process**

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

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

Contact Officer:	Nicholas Hughes, Committee Services Manager, ext.7208
Reporting to:	Glenn Back, Democratic Services 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)
Annex 3	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 (Option 3)

***Corporate Consultation Undertaken***

Finance	N/A
Legal	Steven Boyle, Interim Legal Services Manager