
CONSTITUTION OF COMMITTEES, POLITICAL BALANCE, APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS, AND APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES, PANELS AND BOARDS - 2016/17

To: **Annual Council Meeting – 12 May 2016**

By: **Committee Services Manager**

Classification: **Unrestricted**

Wards Affected: **N/A**

Summary: This report seeks approval to the composition of Committees, Panels and Boards for 2016/17.

For Decision

1.0 Introduction

- 1.1 This report seeks agreement of the number and sizes of Committees, Panels and Boards for the forthcoming Municipal Year. 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 Since the last meeting of Council, Cllr Hayton has left the Conservative Group and has created a new group with Cllr Grove; this group is called the Independent Group.
- 1.4 The current Political Balance is therefore as per the table below:

Table 1

Political group	Prior to changes	After changes
UKIP	27	27
Conservative	19	18
Labour	5	5
Democratic Independent Group	4	4
Independent	1	0
Independent Group	0	2

2.0 Number and Size 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 Board to which political proportionality is applied are shown in Table 2 below:

Table 2

Committee	Number of Members
Planning Committee	12
Licensing Board	15
Overview and Scrutiny Panel	14
Governance and Audit Committee	14
General Purposes Committee	10
Boundary and Electoral Arrangements Working Party	7
Constitutional Review Working Party	6 (+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, 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. 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. That practice has continued for every Municipal Year since then.

- 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. That practice has continued for every Municipal Year since then.
- 2.4 The Council must confirm the number of committees for the Council year 2016/17 and the number of members serving on each committee; however this may change from table 2 based upon the option chosen to achieve proportionality later in the report.

3.0 Political Balance

- 3.1 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), b) 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.
- 3.2 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 before the meeting.
- 3.3 Democratic Services have contacted the five group leaders and a consensus of opinion on a way to achieve proportionality has not been achieved and therefore 5 options to achieve proportionality have been outlined at paragraphs 3.4 to 3.8 below.
- 3.4 **Option 1**
- 3.4.1 That one additional seat is added to the Planning Committee and that seat given to the Independent Group. That one seat on Licensing Board is removed from the Conservative Group and given to the Independent Group. That one additional seat is added to the Overview and Scrutiny Panel and that seat given to the Independent Group. That one additional seat is added to the Boundary and Electoral Arrangements Working Party and that seat given to the UKIP Group.
- 3.5 **Option 2**
- 3.5.1 That two additional seats are added to the Planning Committee and that one of these seats is given to the UKIP Group and the other is given to the Independent Group. That one seat on Licensing Board is removed from the Conservative Group and given to the Independent Group. That one additional seat is added to the Overview and Scrutiny Panel and that seat given to the Independent Group.
- 3.6 **Option 3**
- 3.6.1 That two additional seats are added to the Planning Committee and that one of these seats is given to the UKIP Group and the other is given to the Independent Group. That one additional seat is added to the Overview and Scrutiny Panel and that seat given to the Independent Group. That one additional seat is added to the Governance and Audit Committee and that seat given to the Independent Group. That one additional seat is added to the Boundary and Electoral Arrangements Working Party and that seat given to the UKIP Group.
- 3.7 **Option 4**
- 3.7.1 That two additional seats are added to the Planning Committee and that one of these seats is given to the UKIP Group and the other is given to the Democratic Independent Group. That one seat on Licensing Board is removed from the Conservative Group and given to the Independent Group. That one additional seat is added to the Overview and Scrutiny Panel and that seat given to the Independent Group. That the Democratic Independent Group loses a seat on the Governance and Audit Committee and that seat is given to the Independent Group.

3.8 Option 5

3.8.1 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.

3.9 The table below show the change to numbers serving on Committees as a result of these proposals:

Table 3

Committees	Total	UKIP Group	Conservative Group	Labour Group	Democratic Independent Group	Independent Group
Option 1						
Planning Committee	13	6	5	1	0	1
Licensing Board	15	7	5	1	1	1
Overview and Scrutiny Panel	15	7	5	1	1	1
Gov. and Audit	14	7	5	1	1	0
General Purposes	10	5	3	1	1	0
B&EA Working Party	8	4	2	1	1	0
Constitutional Review Working Party	6	3	1	1	1	0
Totals	81	39	26	7	6	3

Table 4

Committees	Total	UKIP Group	Conservative Group	Labour Group	Democratic Independent Group	Independent Group
Option 2						
Planning Committee	14	7	5	1	0	1
Licensing Board	15	7	5	1	1	1
Overview and Scrutiny Panel	15	7	5	1	1	1
Gov. and Audit	14	7	5	1	1	0
General Purposes	10	5	3	1	1	0
B&EA Working Party	7	3	2	1	1	0
Constitutional Review Working Party	6	3	1	1	1	0
Totals	81	39	26	7	6	3

Table 5

Committees	Total	UKIP Group	Conservative Group	Labour Group	Democratic Independent Group	Independent Group
Option 3						
Planning Committee	14	7	5	1	0	1
Licensing Board	15	7	6	1	1	0
Overview and Scrutiny Panel	15	7	5	1	1	1
Gov. and Audit	15	7	5	1	1	1
General Purposes	10	5	3	1	1	0
B&EA Working Party	8	4	2	1	1	0
Constitutional Review Working Party	6	3	1	1	1	0
Totals	83	40	27	7	6	3

Table 6

Committees	Total	UKIP Group	Conservative Group	Labour Group	Democratic Independent Group	Independent Group
Option 4						
Planning Committee	14	7	5	1	1	0
Licensing Board	15	7	5	1	1	1
Overview and Scrutiny Panel	15	7	5	1	1	1
Gov. and Audit	14	7	5	1	0	1
General Purposes	10	5	3	1	1	0
B&EA Working Party	7	3	2	1	1	0
Constitutional Review Working Party	6	3	1	1	1	0
Totals	81	39	26	7	6	3

- 3.10 The overall political balance calculations are attached at Annexes 1 to 4 to this report.
- 3.11 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.
- 3.12 However in accordance with paragraph 9.02 of Article 9 of the Council's constitution the Council is asked to waive the political proportionality of Standards Committee.

Table 7	Total	UKIP	Conservative Group	Labour Group	Democratic Independent Group	Independent Group	Independent Members	Parish/Town Council
Standards Committee	14	4	2	1	0	0	4**	3
Standards Assessment Sub-Committee	3	*	*	0	0	0	At least 1	*
Standards Hearing Sub-Committee	3	*	*	0	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.

** Currently there are only two Independent Members in post.

3.13 A choice between the two proportionality calculations options shown at paragraph 3.14 and detailed in table 8 together with the proportionality calculation shown below at tables 9 must also be agreed.

3.14 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.

3.15 Due to the current overall political balance of the Council there are two options for achieving proportionality for membership of the Joint Transportation Board for the 2016/17 Municipal Year and these are shown in Table 8 below.

Table 8	TDC Members	UKIP	Conservative	Labour	Democratic Independent Group	Independent Group	Parish/Town Council
Option1							
Joint Transportation Board	8	4	3	1	0	0	1
Option2	TDC Members	UKIP	Conservative	Labour	Democratic Independent Group	Independent Group	Parish/Town Council
Joint Transportation Board	8	4	2	1	1	0	1

- 3.16 The overall political balance calculation for the table above is attached at Annex 5 to this report.
- 3.17 The Council is also a member of the East Kent Services Committee; therefore it is necessary to appoint Councillors to the committee.
- 3.18 Council agreed in February 2015 to the proposal that two executive Councillors and two substitute Executive Councillors should serve on the East-Kent Services Committee, as shown in table 9 below.

Table 9	Total (from Thanet)	UKIP	Conservative	Labour	Democratic Independent Group	Independent Group
East Kent Joint Arrangements Committee	2 (plus two substitutes)	2 (Executive members and 2 Substitute Executive members)	0	0	0	0

3.19 Recommendations

That Council agrees one of the options outlined at paragraphs 3.4 – 3.8 of the report to achieve proportionality.

AND

That Council agrees to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 7.

AND

That Council agrees one of the two options outlined at table 8 to achieve proportionality for the Joint Transportation Board.

AND

Council agrees the Joint Committee as set out at table 9.

AND

To confirm the number of committees for the Council year 2016/17 and the number of members serving on each committee as per the option selected to achieve proportionality.

4.0 Nomination 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 3.19 of the report to achieve political proportionality, new group nominations need to be made. These will be circulated at the meeting via members' notes.
- 4.3 The independent membership of committees is as follows:
- 4.4 Standards Committee: On 21 May 2015 Annual Council appointed Dr. Jonathan Sexton and Mrs Janet Bacon as independent members to the Standards Committee until this Annual Council meeting. A report proposing that they be re-appointed for a further year will be considered elsewhere on this agenda. The other two seats for independent members on the committee currently remain vacant.
- 4.5 Standards Assessment Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 4.6 Standards Hearing Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 4.7 The Constitutional Review Working Party; independent member(s) will be drawn from the independent members of the Standards Committee.
- 4.8 Town/Parish Councils are entitled to have three representatives on the Standards Committee and one representative on the Joint Transportation Board. The Town/Parish nominations to Committees are made by the Thanet Association of Parish Councils in November each year. The current representatives on to the Standards Committee are Parish Councillors John Way and Linda Wright and the representative on the Joint Transportation Board is Vera Hovenden.

4.9 Recommendation

To note the Group nominations to Committees, Panels and Boards for 2016/17.

5.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2016/17

- 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, which elects its 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 the first choice of the chairmanship and vice- chairmanship of Committees, Panels and Boards. Any nominations received will be presented at the meeting. However as no group has overall control, nominations will be taken from each group leader and a knockout vote taken to appoint Chairmen and Vice-Chairmen.

- 5.3 The exception to this approach is that the Council's constitution states that "the ruling group will have first chance to nominate the Chairman of the Scrutiny Panel" and thus when taking nominations for the Chairman of the Overview and Scrutiny Panel, the ruling groups nomination must be heard and voted on first. If this nomination is not passed by Council other nominations may then be received.
- 5.4 Council re-confirmed on 12 July 2012 that the Chairman and Vice-Chairman of the Standards Committee are to be 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.
- 5.5 Under the Council's Joint Transportation Board agreement with Kent County Council, for 2016/17 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.
- 5.6 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 cannot all be chaired by the same political Group. The Council's constitution also states "It has been convention at this Council to appoint an opposition Councillor to the role of Chairman of the Overview and Scrutiny Panel".
- 5.7 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. It has maintained that practice every Municipal Year since then.

5.8 Recommendation

That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2016/17:

- a) Chairman and Vice Chairman of the Planning Committee
- b) Chairman and Vice Chairman of the Licensing Board
- c) Chairman and Vice Chairman of the Overview and Scrutiny Panel
- d) Chairman and Vice Chairman of the Governance and Audit Committee
- e) Vice Chairman of the Joint Transportation Board
- f) That Dr Jonathan Sexton and Mrs Janet Bacon (subject to them being re-appointed as Independent Members) be appointed as Chairman and Vice Chairman respectively of the Standards Committee and the Constitutional Review Working Party.

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 Equity and Equalities

6.4.1 There are no direct equalities implications to this report as although there are Councillors from the protected groups there are no restrictions to which Councillors may serve on which committees.

7.0 Summary of Recommendations

3.19 That Council agrees one of the options outlined at paragraphs 3.4 – 3.8 of the report to achieve proportionality.

AND

That Council agrees to waive proportionality for the Standards Committee and to apply the approximate proportionality as set out at Table 7.

AND

That Council agrees one of the two options outlined at table 8 to achieve proportionality for the Joint Transportation Board.

AND

Council agrees the Joint Committee as set out at table 9.

AND

To confirm the number of committees for the Council year 2016/17 and the number of members serving on each committee as per the option selected to achieve proportionality.

4.9 To note the Group nominations to Committees, Panels and Boards for 2016/17.

5.8 That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2016/17:

- a) Chairman and Vice Chairman of the Planning Committee
- b) Chairman and Vice Chairman of the Licensing Board
- c) Chairman and Vice Chairman of the Overview and Scrutiny Panel
- d) Chairman and Vice Chairman of the Governance and Audit Committee
- e) Vice Chairman of the Joint Transportation Board
- f) That Dr Jonathan Sexton and Mrs Janet Bacon (subject to them being re-appointed as Independent Members) be appointed as Chairman and Vice Chairman respectively of the Standards Committee and the Constitutional Review Working Party.

8.0 Decision Making Process

8.1 Council is the decision making body in terms of the number and structure of Committees and agreeing the outcome of calculations of political proportionality.

- 8.2 Council approves Chairmen and Vice-Chairmen of Committees (subject to the limitations set out in the report) and the appointment of independent members of standards bodies if necessary.
- 8.3 Group Leaders determine their nominations to Committees, Panels and Boards, as do the relevant Town/Parish Councils (via the Thanet Association of Parish Councils).
- 8.4 The allocations of seats to political Groups on Committees are based upon an indication from elected Members of the size of Committees to which political proportionality applies. Council may, of course, decide to vary the size of the committees, if it does so at the Annual Meeting, it may be necessary to review political proportionality and the allocation of Members to the committees.

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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
Annex 5	Proportionality calculations for the Joint Transportation Board

Corporate Consultation Undertaken

Finance	Matthew Sanham, Finance Manager
Legal	Tim Howes, Director of Corporate Governance