

CHANGES TO COMMITTEES, PANELS AND BOARDS – 2017/18

| | |
|------------------|--|
| Council | 12 April 2017 |
| Report Author | Committee Services Manager |
| Portfolio Holder | Cabinet Member for Corporate Governance and Coastal Development |
| Status | For Decision |
| Classification: | Unrestricted |
| Key Decision | No |

Executive Summary:

This report outlines the changes needed to proportionality and committees as a result of dissolution of the Independent Group, Cllr Grove joining the Independent and UKIP group and Cllr Howes and Cllr Brimm joining the Thanet Independent Councillors Group.

Summary of Recommendation(s):

- 3.1 That Council agrees one of the options outlined at paragraphs 2.5 – 2.9 to achieve proportionality.
- 3.2 Council also agrees the table shown in paragraphs 2.12.2 and 2.12.4.
- 5.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2017/18 as per paragraph 3.1 of this report (The names of those Councillors so nominated will be presented at the meeting).
- 7.1 To elect a new Vice-Chairman of the Governance and Audit Committee.

CORPORATE IMPLICATIONS

| | |
|--|---|
| Financial and Value for Money | There are no direct financial implications |
| Legal | The composition and allocation of membership of committees has been based on the relevant legislative requirements. |
| Corporate | There are no direct corporate implications |
| Equalities Act 2010 & Public Sector Equality Duty | <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> |

| | | |
|--|--|---|
| | Please indicate which aim is relevant to the report. | |
| | Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, | x |
| | Advance equality of opportunity between people who share a protected characteristic and people who do not share it | x |
| | Foster good relations between people who share a protected characteristic and people who do not share it. | x |

| | |
|--|--|
| CORPORATE PRIORITIES (tick those relevant)✓ | |
| A clean and welcoming Environment | |
| Promoting inward investment and job creation | |
| Supporting neighbourhoods | |

| | |
|--|---|
| CORPORATE VALUES (tick those relevant)✓ | |
| Delivering value for money | |
| Supporting the Workforce | |
| Promoting open communications | ✓ |

1.0 Introduction

- 1.1 This report outlines the changes needed to proportionality and committees as a result of dissolution of the Independent Group, Cllr Grove joining the Independent and UKIP group and Cllr Howes and Cllr Brimm joining the Thanet Independent Councillors Group.

2.0 Political Balance

- 2.1 The changes to political balance as a result of the changes mentioned in paragraph 1.1 are shown in the table below:

| Political Group | Prior to changes | After changes |
|--|------------------|---------------|
| Conservative | 21 | 21 |
| Independent and UKIP Group* | 13 | <u>14</u> |
| Thanet Independent Councillors Group^ | 12 | <u>14</u> |
| Labour | 6 | 6 |
| Independent Councillors not in a group | 2 | <u>1</u> |
| Independent Group | 2 | <u>0</u> |

*Formerly UKIP group

^ Thanet Independent UKIP Group

- 2.2 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), 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.

2.3 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 before the meeting.

2.4 Democratic Services have contacted the four group Leaders and consensus has not been achieved, therefore four options are being presented to this meeting. These are outlined at paragraphs 2.5 to 2.8. However if Members wished to propose an alternative they can do under option 5 at paragraph 2.9, however compliance with the proportionality rules would need to be verified by officers, prior to it being adopted.

2.5 Option 1

2.5.1 That a seat is removed from the Planning Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Licensing Board and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Independent group on the Overview and Scrutiny Panel and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Governance and Audit Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Governance and Audit Committee and given to the Independent and UKIP group.

2.6 Option 2

2.6.1 That two seats are removed from the Planning Committee and the Independent group and the Conservative group will lose these seats. That seat is removed from the Conservative group on the Licensing Board and given to the Thanet Independent Councillors group. That a seat is removed from the Overview and Scrutiny Panel and the Independent group loses that seat. That a seat is removed from the Governance and Audit Committee and the Independent group loses that seat.

2.7 Option 3

2.7.1 That a seat is removed from the Independent Group and given to the Independent and UKIP group on the Planning Committee. That a seat is removed on the Licensing Board and the Independent and UKIP group lose that seat. That a seat is removed on the Overview and Scrutiny Panel and the Independent group loses that seat and in addition the Conservative group lose a seat on the Overview and Scrutiny Panel and that seat is given to the Thanet Independent Councillors group. That two seats are removed from the Governance and Audit Committee and the Independent group and the Conservative group will each lose one of these seats.

2.8 Option 4

2.8.1 That two seats are removed from the Planning Committee and the Independent group and the Conservative group will each lose one of these seats. That a seat is removed from the Licensing Board and that the Conservative group loses that seat. That the Independent Group loses its seat on the Overview and Scrutiny Panel and the Thanet

Independent Councillors group gains that seat. That two seats are removed from the Governance and Audit Committee and the Independent group and the Conservative group will each lose one of these seats.

2.9 Option 5

2.9.1 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.

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

| Committees | Total | Conservative Group | Ind & UKIP Group | Thanet Independent Cllrs Group | Labour Group |
|-------------------------------------|--------------|---------------------------|-----------------------------|---------------------------------------|---------------------|
| Option 1 | | | | | |
| Planning Committee | 15 | 6 | 3 | 4 | 2 |
| Licensing Board | 15 | 5 | 4 | 4 | 2 |
| Overview and Scrutiny Panel | 15 | 6 | 4 | 4 | 1 |
| Gov. and Audit | 14 | 5 | 4 | 4 | 1 |
| General Purposes | 10 | 4 | 3 | 2 | 1 |
| B&EA Working Party | 8 | 3 | 2 | 2 | 1 |
| Constitutional Review Working Party | 5 | 2 | 1 | 1 | 1 |
| Totals | 82 | 31 | 21 | 21 | 9 |

| Committees Option 2 | Total | Conservative Group | Ind & UKIP Group | Thanet Independent Cllrs Group | Labour Group |
|-------------------------------------|--------------|-------------------------------|-------------------------------------|---|-------------------------|
| Planning Committee | 14 | 5 | 3 | 4 | 2 |
| Licensing Board | 15 | 5 | 4 | 4 | 2 |
| Overview and Scrutiny Panel | 15 | 6 | 4 | 3 | 1 |
| Gov. and Audit | 14 | 6 | 3 | 4 | 1 |
| General Purposes | 10 | 4 | 3 | 2 | 1 |
| B&EA Working Party | 8 | 3 | 2 | 2 | 1 |
| Constitutional Review Working Party | 5 | 2 | 1 | 1 | 1 |
| Totals | 80 | 31 | 20 | 20 | 9 |

| Committees | Total | Conservative Group | Ind & UKIP Group | Thanet Independent Cllrs Group | Labour Group |
|-------------------------------------|--------------|---------------------------|-----------------------------|---------------------------------------|---------------------|
| Option 3 | | | | | |
| Planning Committee | 16 | 6 | 4 | 4 | 2 |
| Licensing Board | 14 | 6 | 3 | 3 | 2 |
| Overview and Scrutiny Panel | 14 | 5 | 4 | 4 | 1 |
| Gov. and Audit | 13 | 5 | 3 | 4 | 1 |
| General Purposes | 10 | 4 | 3 | 2 | 1 |
| B&EA Working Party | 8 | 3 | 2 | 2 | 1 |
| Constitutional Review Working Party | 5 | 2 | 1 | 1 | 1 |
| Totals | 80 | 31 | 20 | 20 | 9 |

| Committees | Total | Conservative Group | UKIP Group | Thanet Independent UKIP Group | Labour Group |
|-------------------------------------|--------------|---------------------------|-------------------|--------------------------------------|---------------------|
| Option 4 | | | | | |
| Planning Committee | 14 | 5 | 3 | 4 | 2 |
| Licensing Board | 14 | 5 | 4 | 3 | 2 |
| Overview and Scrutiny Panel | 15 | 6 | 4 | 4 | 1 |
| Gov. and Audit | 13 | 5 | 3 | 4 | 1 |
| General Purposes | 10 | 4 | 3 | 2 | 1 |
| B&EA Working Party | 8 | 3 | 2 | 2 | 1 |
| Constitutional Review Working Party | 5 | 2 | 1 | 1 | 1 |
| Totals | 79 | 30 | 20 | 20 | 9 |

2.11 The overall political balance calculations for the proposals shown above are available at Annexes 1 to 4 of this report.

2.12 Standards Committee and Joint Transportation Board

2.12.1 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.

2.12.2 However whilst the Council is asked to waive the political proportionality of Standards Committee to allow for both independent Members and Parish Council's to sit on the Committee, the numbers of Councillors from each group on the Committee has been amended to reflect the new political balance of the Council. The overall number of seats on the standards committee has been increased in order to retain a representative from all political parties.

| | Total | Conservative | Independent & UKIP | Thanet Independent Councillors | Labour Group | Independent Members | Parish/ Town Council |
|------------------------------------|-----------|--------------|--------------------|--------------------------------|--------------|---------------------|----------------------|
| Standards Committee | <u>15</u> | 3 | 2 | <u>2</u> | 1 | 4** | 3 |
| Standards Assessment Sub-Committee | 3 | * | | * | 0 | At least 1 | * |
| Standards Hearing Sub-Committee | 3 | * | | * | 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.

2.12.3 The Joint Transportation Board consists of seven Councillors from Thanet District Council and the seven Councillors from Kent County Council that represent County divisions 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 seven 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.

2.12.4 The allocation of Thanet District Council seats on the Joint Transportation Board revised to reflect the new proportionality of the Council is shown in the table below

| | TDC Members | Conservative | Ind & UKIP | Thanet Independent Cllrs Group | Labour | Parish/ Town Council |
|----------------------------|-------------|--------------|------------|--------------------------------|----------|----------------------|
| Joint Transportation Board | 7 | 3 | 2 | <u>2</u> | <u>0</u> | 1 |

2.12.5 This will mean that the Labour group loses a seat on the Joint Transportation Board and the Thanet Independent Councillors Group will gain that seat. It is unfortunately not possible to increase the overall number of Councillors as per the standards committee as it is set by the JTB agreement between TDC and KCC.

3.0 Recommendation

3.1 That Council agrees one of the options outlined at paragraphs 2.5 – 2.9 to achieve proportionality.

3.2 Council also agrees the table shown in paragraphs 2.12.2 and 2.12.4.

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 received at the meeting.

5.0 Recommendation

5.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2017/18 as per paragraph 3.1 of this report (The names of those Councillors so nominated will be presented at the meeting).

6.0 Chairmen and Vice-Chairmen

6.1 As Cllr Hayton is no longer a Member of a group and so has no entitlement to any committee seats and as such cannot remain the Vice-chairman of the Governance and Audit Committee and as such a new Vice-chairman of the committee must be elected for the rest of the municipal year.

6.2 If there are any further changes to group nominations that would mean subsequent changes to Chairmanships or Vice-Chairmanships, then Council would need to hold elections to those positions.

7.0 Recommendation

7.1 To elect a new Vice-Chairman of the Governance and Audit Committee.

| | |
|------------------|---|
| Contact Officer: | Nick Hughes, Committee Services Manager |
| Reporting to: | Tim Howes, Director of Corporate Governance |

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 |

Background Papers

| Title | Details of where to access copy |
|--------------|--|
| <i>None</i> | |

Corporate Consultation

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