

## **CHANGES TO COMMITTEES, PANELS AND BOARDS – 2018/19**

<b>Annual Council</b>	<b>10 May 2018</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

### **Executive Summary:**

The report allows Council to agree on number and size of the Committees, Panels and Boards for the forthcoming municipal year and then subsequently the proportionality of the Council. The report then goes on address the allocation of seats on those bodies to political Groups. Finally the report also then allows the Council to elect Chairman and Vice Chairmen to Committees for the 2018/19 municipal year.

### **Summary of Recommendation(s):**

- 4.7 That Members agree the number of committees for the Council year 2018/19 and the number of members serving on each committee as shown in table 1.
- 5.10.1 That Council agrees one of the options outlined at paragraphs 5.4 – 5.6 to achieve proportionality.
- 5.10.2 Council also agrees the tables 4, 5 and 6.
- 6.5 To note the corresponding group nominations to Committees, Panels and Boards for 2018/19 as per paragraphs 5.10.1 and 5.10.2 of this report. (The names of those Councillors so nominated will be presented at the meeting)
- 7.7 That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2018/19:
- a) Chairman and Vice-Chairman of the Planning Committee
  - b) Chairman and Vice-Chairman of the Licensing Board
  - c) Chairman and Vice-Chairman of Finance, Budget & Performance Scrutiny Panel
  - d) Chairman and Vice-Chairman of Executive, Policy & Community Safety 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.

<b>CORPORATE IMPLICATIONS</b>									
<b>Financial and Value for Money</b>	There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.								
<b>Legal</b>	The composition and allocation of membership of committees has been based on the relevant legislative requirements.								
<b>Corporate</b>	There are no direct Corporate Implications								
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2">Please indicate which aim is relevant to the report.</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="text-align: center;">x</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">x</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">x</td> </tr> </tbody> </table>	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
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<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant) ✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

## 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.

## 2.0 Political Balance

2.1 The current political balance of the Council is shown in the table below:

Political Group	No. of Cllrs
Conservative	21
Independent & UKIP Group	14
Thanet Independent Councillors	14
Labour	6
Independent	1

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

- 3.1 It is for Council to decide the number and sizes of committees. The Leader of the Council has requested that Democratic Services include an additional Scrutiny Panel and that the number of Councillors on both panels is reduced. This proposal is outlined at paragraph 4.0 below.

### 4.0 Changing to two Overview and Scrutiny Panels

- 4.1 The Leader has requested that Democratic Services alter the structure of the Scrutiny function so that it is performed by two Overview and Scrutiny Panels, rather than one. Therefore Democratic Services have created a proposal for the following two panels:

#### **Panel 1 (Finance, Budget & Performance Scrutiny Panel)**

would deal with:

Budget Monitoring  
 Performance Monitoring  
 Scrutiny Reviews  
 Petitions (asking to review or rescind matters)  
 Budget Framework items

#### **Panel 2 (Executive, Policy & Community Safety Scrutiny Panel)** would deal with:

Community Safety Work  
 Policy Development  
 Call-Ins  
 Review of the Forward Plan  
 Petitions (requesting new services/actions)  
 Policy Framework items (i.e local plan)

- 4.2 These two panels would meet seven times each per year and all work currently undertaken by working parties or sub-committees of the current panel would be undertaken by one of the two panels. The current level of resources would not allow Democratic Services to create any further sub-committees from these two panels.
- 4.3 Once created at this meeting, the two panels would meet to discuss their detailed terms of reference and then the necessary changes to the constitution would then be considered by the Constitutional Review Working Party and Standards Committee before the finalised terms of reference were agreed by Council at its meeting on 12 July.

- 4.4 Any cabinet decisions made by individual cabinet members between 10 May and the Council meeting on the 12 July or at the Cabinet meeting on the 14 June would be subject to Call-in by Panel 2, utilising the Call-in rules. In addition any scrutiny needed under the current policy framework rules would be carried out by Panel 2 and any scrutiny needed under the current budget framework rules would be carried out by Panel 1 during this interim period (10 May-12 July).
- 4.5 This change together with the remaining Committees is outlined at table 1 below:

**Table 1**

<b>Committee</b>	<b>Number of Members</b>
Planning Committee	15
Licensing Board	15
Finance, Budget & Performance Scrutiny Panel	8 or 11†
Executive, Policy & Community Safety Scrutiny Panel	8 or 11†
Governance and Audit Committee	14
General Purposes Committee	10
Boundary and Electoral Arrangements Working Party	8
Constitutional Review Working Party	5 (+2 independent)
Joint Transportation Board*	7 (+1 parish)
Standards Committee**	8 (+ 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.

† - The final number of the members will be agreed at section 5.0 of this report.

- 4.6 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.

#### **4.7 Recommendation**

That Members agree the number of committees for the Council year 2018/19 and the number of members serving on each committee as shown in table 1.

#### **5.0 Political Proportionality**

5.1 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.

5.2 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.

5.3 Democratic Services have contacted the four group Leaders and consensus has not been achieved, therefore two options are being presented to this meeting. These are outlined at paragraphs 5.4 and 5.5. However if Members wished to propose an alternative they can do under option 3 at paragraph 5.6, however compliance with the proportionality rules would need to be verified by officers, prior to it being adopted.

#### **5.4 Option 1**

5.4.1 That a seat is deleted from the Licensing Board and that the Labour Group loses that seat. That the Overview and Panel be deleted and replaced by two Scrutiny Panels, these each consisting of eight seats, divided as follows: Conservatives three seats, Independent & UKIP group two seats, Thanet Independent Councillors group two seats and the Labour group one seat. That one seat is added to the Governance and Audit Committee and that seat is given to the Conservative Group.

#### **5.5 Option 2**

5.5.1 That the Overview and Panel be deleted and replaced by two Scrutiny Panels, these each consisting of 11 seats, divided as follows: Conservatives four seats, Independent & UKIP group three seats, Thanet Independent Councillors group three seats and the Labour group one seat. That one seat is added to the Governance and Audit Committee and that seat is given to the Conservative Group.

#### **5.6 Option 3**

5.6.1 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.

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

**Table 2**

<b>Committees Option 1</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	15	6	3	4	2
Licensing Board	<b>15</b>	5	4	4	<b>1</b>
Finance, Budget & Performance Scrutiny Panel	<b>8</b>	<b>3</b>	<b>2</b>	<b>2</b>	1
Executive, Policy & Community Safety Scrutiny Panel	<b>8</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>
Gov. and Audit	<b>15</b>	<b>6</b>	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
<b>Totals</b>	<b>83</b>	<b>32</b>	21	21	9

**Table 3**

<b>Committees Option 2</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	15	6	3	4	2
Licensing Board	15	5	4	4	2
Finance, Budget & Performance Scrutiny Panel	<b>11</b>	<b>4</b>	<b>3</b>	<b>3</b>	1
Executive, Policy & Community Safety Scrutiny Panel	<b>11</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>1</b>
Gov. and Audit	<b>15</b>	<b>6</b>	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
<b>Totals</b>	<b>90</b>	<b>32</b>	<b>23</b>	<b>23</b>	<b>10</b>

5.8 The overall political balance calculation for the proposal shown above is available at Annexes 1 and 2.

## 5.9 Joint Transportation Board and Standards Committee

5.9.1 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.

5.9.2 However 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.

**Table 4**

	Total	Conservative Group	Independent & UKIP Group	Thanet Independent Councillors Group	Labour Group	Independent Members	Parish/ Town Council
Standards Committee	15	3	2	2	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.

5.9.3 The rest of the proportionality calculations shown below at tables four and five must also be agreed.

5.9.4 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.

5.9.5 The allocation of Thanet District Council seats on the Joint Transportation Board are shown in the table below:

**Table 5**

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

5.9.6 The Council is also a member of the East Kent Services Committee; therefore it is necessary to appoint Councillors to the committee.

5.9.7 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 below:

**Table 6**

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

## 5.10 Recommendation

5.10.1 That Council agrees one of the options outlined at paragraphs 5.4 – 5.6 to achieve proportionality.

5.10.2 Council also agrees the tables 4, 5 and 6.

## 6.0 Nominations of Members to serve on Committees

6.1 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.

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

6.3 The independent membership of committees is as follows:

6.3.1 Standards Committee: On 11 May 2017 Annual Council appointed Dr. Jonathan Sexton and Mrs Janet Bacon as independent members to the Standards Committee up to this Annual Council meeting. It is expected that they will be reappointed at this Annual Council meeting.

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



- 5.3.3 Standards Hearing Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.
- 6.3.4 The Constitutional Review Working Party; independent member(s) will be drawn from the independent members of the Standards Committee.
- 6.4 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 and are made in November each year.

## **6.5 Recommendation**

To note the corresponding group nominations to Committees, Panels and Boards for 2018/19 as per paragraphs 5.10.1 and 5.10.2 of this report. (The names of those Councillors so nominated will be presented at the meeting)

## **7.0 Appointment of Chairmen and Vice-Chairmen of Committees, Panels and Boards 2018/19**

- 7.1 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.
- 7.2 By convention, in Thanet the majority Group is entitled to the first nomination of the chairmanship and vice- chairmanship of Committees, Panels and Boards. Any nominations received will be presented at the meeting.
- 7.3 Council agreed 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.
- 7.4 Under the Council's Joint Transportation Board agreement with Kent County Council, for 2018/19 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.
- 7.5 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 cannot all be chaired by the same political Group.
- 7.6 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. It has maintained that practice every Municipal Year since then.

## 7.7 Recommendation

That Council makes the following Appointments of Chairmen and Vice-Chairmen of Committees, Panels and Boards for 2018/19:

- a) Chairman and Vice-Chairman of the Planning Committee
- b) Chairman and Vice-Chairman of the Licensing Board
- c) Chairman and Vice-Chairman of Finance, Budget & Performance Scrutiny Panel
- d) Chairman and Vice-Chairman of Scrutiny Executive, Policy & Community Safety 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.

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

## Background Papers

Title	Details of where to access copy
None	

## Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer