

## ANNUAL COUNCIL – 23 MAY 2023

### PART I - DELEGATED

- 16. APPOINTMENT OF POLICY AND RESOURCES, PLANNING, REGULATORY SERVICES, LICENSING, INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT, LEISURE, ENVIRONMENT AND COMMUNITY, AUDIT, AND COUNCIL TAX SETTING COMMITTEES (CED)**
- 1. Summary**
- 1.1 To appoint Members to the Policy and Resources, Planning, Regulatory Services, Licensing, Infrastructure, Housing and Economic Development, Leisure, Environment and Community, Audit and Council Tax Setting Committees in accordance with Council Procedure Rules 26 and 28, the Local Government (Committees and Political Groups) Regulations 1990 and the Local Government and Housing Act 1989.
- 2. Details**
- 2.1 The Council has agreed that the Planning, Regulatory Services, Licensing, Infrastructure, Housing and Economic Development, Leisure, Environment and Community Audit and Council Tax Setting Committees should be appointed with terms of reference as set out in the Council's Constitution.
- 2.2 Section 15 of the Local Government and Housing Act 1989 determines that appointments to the above bodies should be made in the following priority order:-
- Not all seats on a body can be allocated to the same political group.
  - The majority party must have a majority on each body.
  - The total number of seats on Committees should be allocated in the same proportion as members of the group on the authority bear to the total membership of the authority.
  - Subject to the above, seats should be allocated on individual committees as far as possible in the same proportion. (Rounding in the calculations inevitably mean that some adjustments have to be made.)
- 2.3 Regulation 8 of the Local Government (Committees and Political Group) Regulations 1990 (SI 1990 1553) states that to qualify as a political group there have to be at least two members in that group.
- 2.4 Members can agree alternative proposals that should be circulated prior to the meeting. These must conform to the rules above or be agreed by the Council with no dissent.
- 2.5 Following the above rules, officers prepared the table attached in appendix 1 (spreadsheet 2) which was used in the reallocation of seats on the Council.
- 2.6 The Council is asked to approve the allocation of seats for 2023/24 based on the allocation detailed as follows:

Committee	Seats Available	Conservative	Green	Labour	Lib Dem	Independent	Total
Council Tax Setting Committee	5	2	0	0	3	0	5
Planning Committee	11	3	0	1	7	0	11
Regulatory Services Committee	11	3	1	1	6	0	11
Licensing Committee	11	3	1	1	6	0	11
Policy and Resources Committee	13	3	1	1	8	0	13
Infrastructure, Housing and Economic Development Committee	11	3	1	1	6	0	11
Leisure, Environment and Community Committee	11	3	1	1	6	0	11
Audit Committee	9	3	0	1	5	0	9
TOTAL	82	23	5	7	47	0	82
Percentage		28%	6%	9%	57%	0%	100%

### **3. Appointment of Members to Council Tax Setting Committee**

- 3.1 Appointment to the Council Tax Setting Committee is made by submission of names by Group Leaders to the Chief Executive before each meeting, such appointment to last for that meeting only.
- 3.2 It is recommended that all Members of each Group with seats on the Council Tax Setting Committee be appointed to act as substitutes.

### **4. Appointment of Members to Planning Committee**

- 4.1 Annual mandatory training must be undertaken by all Members of the Planning Committee and by any named substitute Members before the first meeting of the Committee in the municipal year.
- 4.2 Substitutes are only permitted from a designated pool of named substitute Members with each Group allowed to appoint up to the number of Members that Group has seats on the Committee.
- 4.4 The appointments to the Planning Committee to be made in accordance with the allocation of seats on that Committee identified at paragraph 2.6 above.

### **5. Appointment to Regulatory Services Committee**

- 5.1 There is common membership between the Regulatory Services Committee and the Licensing Committee.
- 5.2 Annual mandatory training must be undertaken by all Members of the Regulatory Services Committee and Licensing Committee before the first meeting of that Committee in the municipal year.
- 5.3 Substitute Members are permitted on the Regulatory Services Committee but only if the Member has received the mandatory training.
- 5.4 It is recommended that Members be appointed to the Regulatory Services Committee in accordance with the number and allocation of seats on that Committee identified at paragraph 2.6 above.

### **6. Appointment to Licensing Committee**

- 6.1 There is common membership between the Licensing Committee and the Regulatory Services Committee.
- 6.2 Annual mandatory training must be undertaken by all Members of the Licensing Committee before the first meeting of that Committee in the municipal year.
- 6.3 Substitute Members are not permitted on the Licensing Committee.
- 6.4 It is recommended that Members be appointed to the Licensing Committee in accordance with the number and allocation of seats on that Committee identified at paragraph 2.6 above.

### **7. Appointment of Members to Policy and Resources Committee**

- 7.1 It is recommended that Members be appointed to the Policy and Resources Committee in accordance with the number and allocation of seats on that Committee identified at paragraph 2.6 above.

7.2 It is further recommended that all Members of each Group with seats on the Policy and Resources Committee be appointed to act as substitutes on that Committee.

## **8. Appointment of Members to Audit Committee**

8.1 It is recommended that Members be appointed to the Audit Committee in accordance with the number and allocation of seats on that Committee identified at paragraph 2.6 above.

8.2 It is further recommended that all Members of each Group with seats on the Audit Committee be appointed to act as substitutes on that Committee **except that** no Member of the Policy and Resources Committee may serve on the Audit Committee.

## **9. Appointment of Members to the two Service Committees - Infrastructure, Housing and Economic Development Committee and Leisure, Environment and Community Committee**

9.1 It is recommended that Members be appointed to the two Service Committees in accordance with the number and allocation of seats on that Committee identified at paragraph 2.6 above.

9.2 It is further recommended that all Members of each Group with seats on the two Service Committees be appointed to act as substitutes on those Committees.

## **10. Licensing sub-committee hearings**

10.1 Under the Licensing Act 2003 (as amended) there is the ability to hold hearings virtually and Annual Council are asked to agree that a Licensing sub-committee hearing can be held either virtually/remotely, as a face to face hearing or as a hybrid hearing but that the hearing be livestreamed.

## **11. Forum Meetings**

11.1 Annual Council is asked to agree that the meetings can be held either virtually/remotely, as a face to face meeting or as hybrid meeting and that the Chair of the Forum makes the decision on how each meeting is held.

## **12. Sub-Committee meetings**

12.1 Annual Council is asked to agree that the Sub-Committee meetings continue to be held either virtually/remotely, as face to face meetings or as hybrid meetings but that they can continue to be livestreamed. It should be noted that any recommendations made by the sub-committees need to be presented to the Policy and Resources Committee for a decision.

## **13. Livestreaming of meetings of face to face meetings and hybrid meetings**

13.1 All our virtual/remote sub-committee meetings are livestreamed to the public. It is proposed that when these meetings are held virtually/remotely this will continue.

13.2 From Annual Council all our face to face public meetings held in the Penn Chamber at the Council offices will be livestreamed.

## **11. Options/Reasons for Recommendation**

11.1 The recommendations are made in order to appoint Members to the Council's Committees as set out in Paragraph 2.6 and that the party balance on those Committees be determined accordingly and Members be appointed to serve thereon.

- 11.2 To appoint named substitute Members to the Planning Committee with each Group allowed to appoint up to the number of Members that Group has seats on the Committee.
- 11.3 To appoint all Members to be substitute Members on the other Committees with the exception of the Licensing Committee where substitutes Members are not allowed.
- 11.4 To agree that Licensing sub-committee hearings be held either virtually/remotely, as a face to face hearing or as a hybrid hearing but that the hearing be livestreamed.
- 11.5 To agree that Local Area Forum meetings be held either virtually/remotely, as face to face meeting or as a hybrid meeting and that the Chair of the Forum makes the decision on how each meeting is held.
- 11.6 To agree that the Sub-Committee meetings continue to be held either virtually/remotely, or as a face to face meeting or as a hybrid meeting but that they can continue to be livestreamed if held remotely.

## **12. Policy/Budget Reference and Implications**

- 12.1 The recommendations in this report are within the Council's agreed policy and budgets.

## **12. Legal Implications**

- 12.1 Part I of the Local Government and Housing Act 1989 (sections 15, 16 & 17 deal with political balance on committees)
- 12.2 In accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 the Council has a duty to allocate seats on Committees in proportion to the number of seats held by Political Groups on the Council. The Council is not obliged to follow the proportionality rules and may make different arrangements provided the procedures set out in Section 17 of the Act are followed, namely that:
  - (i) Due notice is given in the Agenda; and
  - (ii) No Member of the Council votes against the proposal although there may be abstentions.
- 12.3 Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 states that to qualify as a political group there have to be at least two members in that group.

## **13. Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications and Website, Risk Management and Health and Safety Implications**

- 13.1 None specific.

## **14. Recommendation**

- 14.1 That the Council reconstitutes the Committees as listed in paragraph 2.6 above and that the party balance on those Committees be determined accordingly and Members be appointed to serve thereon.
- 14.2 To appoint named substitute Members to the Planning Committee with each Group allowed to appoint up to the number of Members that Group has seats on the Committee.
- 14.3 To appoint all Members to be substitute Members on the other Committees with the exception of the Licensing Committee where substitutes Members are not allowed.

- 14.4 To allow substitute Members to sit on the Regulatory Services Committee but only if they have undertaken the mandatory training.
- 14.4 To agree that Licensing sub-committee hearings can be held either virtually/remotely, as a face to face hearing or as a hybrid hearing but that the hearing be livestreamed.
- 14.5 To agree that Local Area Forum meetings be held either virtually/remotely, as face to face meetings or as hybrid meeting and that the Chair of the Forum makes the decision on how each meeting is held.
- 14.6 To agree that Sub-Committee meetings be held either virtually/remotely, as face to face meetings or as a hybrid meeting but that they be livestreamed.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data checked by: Joanne Wagstaffe, Chief Executive and Alison Scott, Shared Director of Finance who provided the proportionality calculations

**Data Quality - Council Composition**

Data rating:

1	Poor	
2	Sufficient	
3	High	✓

**Background Papers**

Council's Constitution

Local Government and Housing Act 1989

Local Government (Committees and Political Groups) Regulations 1990