

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director - Governance (Monitoring Officer)

To: South Holland District Council Wednesday, 19 May 2021

(Author: Mark Stinson Assistant Director - Governance (Monitoring Officer))

Subject Political Group Regulations and Committee/Outside Body Membership Review

Purpose: To confirm, in accordance with the Local Government (Committees and Political Groups) Regulations 1990, appointments to committees and outside bodies and review of membership.

Recommendation(s):

1) That the following Committees be appointed in accordance with political group regulations:

- Planning Committee;
- Governance and Audit;
- Appointments and Disciplinary Committee;
- Appointments and Disciplinary Appeal Committee;
- Policy Development Panel;
- Performance Monitoring Panel;
- Licensing Committee;
- Committee of the Licensing Committee.
- Shared Memorandum of Agreement Committee

2) That the following Committees be appointed without being politically balanced:

- Standards Panel;
- Appeals Panel;
- Settlements Agreements Sub-Committee.

3) That the Council reviews current Committee and Panel membership as set out in Appendix A and agrees any changes.

1.0 BACKGROUND

Legal Position

1.1 The Local Government and Housing Act 1989 provides that the default position for appointments to committees is on a politically proportionate basis. At each Annual Meeting, the Council must consider whether any changes to committee membership are required in order to maintain political proportionality.

1.2 Political proportionality rules apply to all committees and sub-committees (unless the Council approves an exception – see paragraph 1.5 below). The requirement also applies

to certain types of outside body (set out in law) where the Council makes three or more appointments to the body in question.

1.3 In addition, the Council's Constitution contains a number of provisions that are relevant to the appointment of committees and sub-committees, and the making of appointments to outside bodies, as follow:

1.3.1 Standing Order 30.1 –*Appointments to Standing Committees may be made for more than one municipal year, including periods up to the date of the next District Council election.*

1.3.2 Standing Order 34.2 –*(where the Council has appointed a Standing Committee for more than one year under Standing Order no. 30) at the Annual Meeting of the Council after the appointment of that Standing Committee expires, and from time to time as necessary, the Council shall appoint the Chairman and Vice-Chairman of each Standing Committee.*

1.3.3 Part 3, Section D – Council Terms of Reference (term of reference number 28) - *Appointments to outside bodies may be made for more than one municipal year, including periods up to the date of the next District Council election.*

1.4 At the meeting of the Annual Council on 15 May 2019 (the Annual Meeting after the last District Council elections), the Council (i) approved committee membership for the four year period ending on the next ordinary election in 2023; (ii) appointed committee chairmen and vice-chairmen for the same period; and (iii) made appointments to outside bodies for the same period. Changes to committees, sub-committees and outside body appointments can of course be made (if and when necessary) at any Council Meeting. There has been a change in political balance (as detailed in paragraph 1.7 below) which does now necessitate a change in committee membership.

1.5 As mentioned in 1.2 above, political proportionality rules apply to all committees and sub-committees. However, the Act does allow for exceptions to the political balance requirements. South Holland District Council has adopted exceptions for the following committees where the membership is not proportionate to the political balance of the Council as a whole (and the Independent Group receives more seats than it would otherwise):

- Standards Panel;
- Appeals Panel;
- Settlements Agreements Sub-Committee.

In addition, the Controlling Group has historically not taken up its full allocation of seats on the Performance Monitoring Panel and as a result the Council has allocated those vacant seats to members of the Independent Group.

1.6 The Act and the Local Government (Committees and Political Groups) Regulations 1990 ("the Regulations") require that exception arrangements are agreed annually and without any member of the authority voting against them. There is also a requirement to review committee seats where there have been changes to the membership of political groups.

- 1.6 The purpose of this report therefore is to confirm, in accordance with the Act and the Regulations, whether the Council wishes to continue with the current arrangements for the committees and panels listed recommendations 1 and 2 above and to consider the necessary changes in the membership at Appendix A to this report.

Calculation/Required Changes

- 1.7 In October of last year Councillor Jack McLean served notice of his intention no longer to be treated as a member of the South Holland Conservative Group. There was no legal requirement for a review of committee seats to take place at that time, but a review must take place at this Annual Council meeting.
- 1.8 The starting point is to calculate the total allocation of seats across all committees and sub-committees to which the Political Group Regulations apply:
- There are currently 93 such seats in total (including the new Shared Memorandum of Agreement Committee – which is dealt with separately at paragraph 1.10 below).
 - Conservative Group percentage is 23/37 – 62.162% which gives 58 seats in total
 - Independent Group percentage is 13/37 – 35.135% which gives 33 seats in total
 - That leaves two seats not allocated to a political group. Under Regulation 16(3) these ‘spare’ seats are allocated to non-aligned members (i.e. Councillor McLean).
- 1.9 We then move on to calculating the allocation of seats at committee level, the calculation gives a slightly different result (due to rounding up/down for each committee) – the Conservative Group appearing to be entitled to 56 (rather than 58) and the Independent Group appearing to be entitled to 31 (rather than 33). However, the total committee seats calculation takes precedence. The impact of the recalculation on the two political groups is as follows:
- Independent Group – no change. It already has the 33 seats to which it is entitled together with an additional two seats (due to the fact that the Conservative Group does not take its full allocation of seats on PMP).
 - Conservative Group – loses two seats which must be allocated to Councillor McLean. Whilst it is entitled to 58 seats in total, the Conservative Group does not take up its full allocation on PMP meaning that, at present, it has 56 seats.

Options for allocation seats to Councillor McLean

- 1.10 There are a number of permutations for allocating two currently Conservative seats to Councillor McLean. Applying the principles of overall seat distribution, and the principles of seat distribution at committee level, the following are the most appropriate options to consider:
- **PMP** – Councillor McLean is currently a member of PMP. He could remain on the Committee, and be allocated one of the remaining Conservative Group seats. This would allocate one of the two seats to which Councillor McLean is entitled. If not, the Conservative Group will need to identify a Conservative Group member to replace him.

- **Planning Committee** – Councillor McLean could be allocated a Conservative Group seat on the Planning Committee. This would allocate one of the two seats to which Councillor McLean is entitled.
- **Licensing Committee/Committee of the Licensing Authority** – there is currently a Conservative Group vacancy on both the Licensing Committee and the Committee of the Licensing Authority (the membership of both committees is the same). Councillor McLean could be allocated both seats. This would satisfy Councillor McLean's right to two seats.
- **Appointments Appeals** – Councillor McLean could be allocated a Conservative Group seat on the Appointments Appeals Committee. This would allocate one of the two seats to which Councillor McLean is entitled.

Other Changes Required

In addition to allocating two seats to Councillor McLean, some further changes are necessary as follows:

- **PDP** – Councillor McLean is currently a member of PDP. At the committee level calculation he would not be entitled to a seat on this committee and will therefore need to be replaced with a Conservative Group member.
- **Shared Memorandum of Agreement Committee** – this is a new joint committee with Breckland Council (established by the Council at its meeting on 28 April, to deal with any historical disputes relating to the former shared management arrangements). The Conservative Group is entitled to two seats and the Independent Group is entitled to one seat. The political group leaders will need to identify members for appointment to this committee, but it could mirror the Appointments and Disciplinary Committee (which used to be responsible for this function when the Appointments and Disciplinary Committee was a joint committee with Breckland Council).

Outside Body Appointments

- 1.11 As detailed at 1.4 above, outside body appointments were made at the May 2019 Annual Council for a four year period. Changes to these appointments can be made at any Council meeting should the need arise, and a number of such changes have been made at recent Council meetings.
- 1.12 In the case of certain outside bodies specified in law political proportionality rules apply where three or more appointments are made by the Council. No changes to outside bodies are required on the basis of political proportionality rules.
- 1.13 A list of current outside body appointments is attached at Appendix B.

2.0 **EXPECTED BENEFITS**

- 2.1 Implementing the necessary changes will ensure compliance with the law and will allow the Council to continue to undertake its business.

3.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the

decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

3.1 **Constitutional & Legal**

3.1.1 The operation of committees and sub-committees and the appointment of members to outside bodies are dealt with in the Constitution and in law (Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990).

3.2 **Stakeholders / Constitution / Timescales**

3.2.1 Appointments to committees and sub-committees, and outside bodies, reflect the wishes of the relevant political group/group leader.

Background papers:-

Lead Contact Officer

Name and Post: Mark Stinson, Assistant Director - Governance (Monitoring Officer)
Telephone Number
Email: mark.stinson@sholland.gov.uk

Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Committee Membership
Appendix B Outside Body Appointments