

**ANNUAL COUNCIL
4 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: APPOINTMENT OF MEMBERS OF COMMITTEES FOR 2020/21

REPORT OF THE DEMOCRATIC SERVICES MANAGER

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform the Council of the appointment of Members of Committees for 2020/21.

2. RECOMMENDATIONS

2.1 That, in line with the feedback from the 2020 Peer Challenge, the membership of the Overview and Scrutiny Committee be reduced to 12 (currently 16).

2.2 That, in line with the feedback from the 2020 Peer Challenge, the membership of the Planning Control Committee be reduced to 12 (currently 15).

2.3 That, in line with the agreement of Group Leaders, the membership of the Licensing and Appeals Committee be reduced to 13 (currently 14)

2.4 That, for 2020/21, the seats allocated to each political party on the Committees to which Section 15 of the Local Government and Housing Act 1989 applies and the seats allocated to each political party on the bodies to which Section 15 of the Local Government and Housing Act 1989 does not apply be as set out in Appendix A to this report, be noted.

2.5 That, for 2020/21, Members be appointed to the various Committees and other bodies in accordance with the wishes of the individual political groups, as detailed in Appendix B to this report.

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the provisions of Section 15 of the Local Government and Housing Act 1989.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Leaders of the Political Groups have been consulted and have been requested to inform the Democratic Services Manager of their Committee Member nominations for 2020/21.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The provisions of Section 15 of the Local Government and Housing Act 1989 (“the Act”) imposed a duty for the Council to review the representation of the different Political Groups on the Council’s Committees. The representation needs to be broadly proportional to the number of seats held by each Political Group of the Council. The Committees to which Section 15 of the Act applies are:

- Overview and Scrutiny Committee;
- Finance, Audit and Risk Committee;
- Planning Control Committee;
- Licensing & Appeals Committee;
- Standards Committee;
- Council Tax Setting Committee;
- Employment Committee;
- Employment Appeals Committee; and
- Joint Staff Consultative Committee.

- 7.2 The Council is also required to appoint to various other bodies, to which Section 15 of the Act does not apply, in accordance with the nominations received from the Political Groups.

8. RELEVANT CONSIDERATIONS

- 8.1 Due to the Covid-19 pandemic the Coronavirus Act 2020 Section 1, Paragraph 60 (1) provide that:

The poll for the ordinary election of councillors for any local government area in England that would otherwise be held on the ordinary day of election in 2020 is to be held instead on the ordinary day of election in 2021.

- 8.2 In reference to casual vacancies the Coronavirus Act 2020 Section 1, Paragraph 61 provides that:

- (1) *The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide—*
- (a) *that the poll for a relevant election or a relevant referendum is to be held on such date, or within such period, as is specified in the regulations;*

- (b) *that polls for relevant elections or relevant referendums that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.*
- (2) *For the purposes of this section an election or referendum is “relevant” if—*
- (a) *the date of the poll for the election or the referendum falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and*
- (b) *subsection (3) or (4) applies to it.*
- (3) *This subsection applies to—*
- (a) *an election of a councillor for any local government area in England to fill a casual vacancy;*
- 8.3 Since this legislation has been introduced two Councillors resigned as District Councillors. The elections for the vacancies will now not take place until 6 May 2021 therefore the Council currently consists of 47 Members (previously 49).
- 8.4 In January 2020, NHDC participated in a Peer Challenge, run by the Local Government Association (LGA). The Peer Group looked at 5 core area of good performance. Additionally they were asked to look at two other areas:
- Decision making by our Planning Control Committee, pre and post Local Plan period
 - How to conduct effective scrutiny with clear outcomes to benefit the political process.
- 8.5 The feedback from the Peer Challenge included that:
- Membership of the Planning Control Committee is perceived to be too large.
 - Membership of the Overview and Scrutiny Committee is perceived to be too large.
- 8.6 In view of this feedback, it is proposed that the membership of both committees are reduced as follows:
- Overview and Scrutiny Committee reduced to 12 (currently 16);
 - Planning Control Committee reduced to 12 (currently 15).
- 8.7 In respect of membership of the Licensing and Appeals Committee the constitution states at Paragraph 8.2.1:
- “No more than fifteen (15) Councillors shall be appointed to the Licensing and Appeals Committee.”
- 8.8 Having consulted with Group Leaders regarding proportionality and the reduction in membership of the Council, they agreed that, to aid proportionality, it be proposed that membership of the Licensing and Appeals Committee be reduced to 13 (currently 14).
- 8.9 Both the reduction in the membership of the Council and the proposed reduction in various Committees resulted in the need to review proportionality.

8.10 In respect of substitutes to committees the constitution, at the time of writing this report stated at Paragraph 4.8.4:

“(b) For Committees or Sub-Committees listed at 4.8.4(d) below and Panels, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee, Sub-Committee or Panel. The number of substitutes shall be a maximum of 40% of the total of each group’s full committee or Panel membership rounded up to the nearest whole number.”

8.11 As identified in the Constitutional Amendment report, due to be considered at Annual Council, there was “a need for further flexibility in the rules regarding substitutes, to try to ensure full representation on committees” and this report recommended that Paragraph 4.8.4 of the constitution be amended to read:

“(b) For Committees or Sub-Committees listed at 4.8.4(d) below and Panels, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee, Sub-Committee or Panel. The number of substitutes shall be a minimum of two substitutes for each political group and a maximum of 50% of the total of each group’s full committee or Panel membership rounded up to the nearest whole number.”

8.12 The number of substitutes identified in Appendix B to this report have been calculated using the proposed method as detailed in Paragraph 8.11 above

8.13 Appendix A to the report sets out political balance of Committees, as required under the provisions of Section 15 of the Local Government and Housing Act 1989, and the proposed allocation of seats for those bodies to which Section 15 does not apply, for 2020/21.

8.14 Appendix B to the report sets out the proposed appointment of Members to Committees for 2020/21, in accordance with the wishes of the Political Groups.

9. LEGAL IMPLICATIONS

9.1 The legal and constitutional requirements are set out in the main body of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising directly from this report.

11. RISK IMPLICATIONS

11.1 There are no direct risk implications arising from this report.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

15. ENVIRONMENTAL IMPLICATIONS

- 15.1. There are no known Environmental impacts or requirements that apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications.

15. APPENDICES

- 15.1 Appendix A – Appointment of Committees, including those to which Section 15 of the Local Government and Housing Act 1989 applies.
- 15.2 Appendix B – Appointment of Members of Committees for 2020/21.

16. CONTACT OFFICERS

Author

- 16.1 Hilary Dineen, Committee, Member and Scrutiny Manager
hilary.dineen@north-herts.gov.uk
01462 474353

Contributors

- 16.2 Melanie Stimpson, Democratic Services Manager
melanie.stimpson@north-herts.gov.uk
01462 474208
- 16.3 Nurainatta Katevu
Acting Legal Regulatory Team Manager and Deputy Monitoring Officer
nurainatta.katevu@north-herts.gov.uk
01462 474364

17. BACKGROUND PAPERS

- 17.1 Coronavirus Act 2020