

FAREHAM

BOROUGH COUNCIL

Report to Council

Date: **20 May 2021**

Report of: **Head of Democratic Services**

Subject: **APPOINTMENTS OF COMMITTEES AND ALLOCATION OF SEATS**

SUMMARY

This report provides details of the calculations for political balance relating to the allocation of seats on committees and panels, as required to be determined by the Council at its Annual meeting.

The report asks the Council to appoint the nominations of the political groups to committees and also to appoint the role of Chairman and Vice-Chairman for each committee.

RECOMMENDATION

It is recommended that the Council approves:

- (a) the committee functions and number of seats on each committee for the municipal year 2021/22, as listed at paragraphs 9 and 10 of the report;
- (b) the allocation of seats to political groups for the municipal year 2021/22, as set out in Appendix A to this report;
- (c) the nominations of the political groups to seats on committees, deputies and spokesmen, for the municipal year 2021/22, as set out in Appendix B to this report (to be tabled at the meeting following the receipt of nominations);
- (d) the appointment of a Chairman and Vice-Chairman for each committee for the municipal year 2021/22, as set out in Appendix B to this report; and
- (e) delegation to the Monitoring Officer to make any amendments necessary to the Constitution to reflect changes regarding the Appeals Committee, subject to the agreement of (a).

INTRODUCTION

1. The Council is required by its Standing Orders to agree the functions and number of seats for its committees as well as the members to be appointed and the Chairman and Vice-Chairman for each committee.
2. Accordingly, the Council is now invited to agree the allocation of seats to its committees along with the nomination of deputies and the appointment of a Chairman and Vice-Chairman for each committee for the municipal year 2021/22. Such appointments will take effect from 21 May 2021.

FUNCTIONS AND NUMBER OF SEATS

Overview and Scrutiny

3. The Council is required by Standing Order 1.6 to appoint such committee or committees to undertake the function of overview and scrutiny as provided for in the Council's Constitution. Standing Order 1.6.3 similarly requires the Council to determine the number of members and standing deputies to be appointed.
4. The Council is reminded that following a Vanguard Intervention in Committee Services in 2018, it was resolved at the meeting of the Council held on 11 October 2018 that the Scrutiny Board and the 5 Policy Development and Review Panels be disbanded and in their place, 6 Scrutiny Panels be created to undertake the scrutiny function of the Executive Portfolios and to assist the Council and Executive in delivering the corporate priorities.
5. In acknowledgment of the work being undertaken by the Council around climate change, a new Scrutiny Panel will be created. This Scrutiny Panel will consider the progress of the Carbon Reduction Plan in the delivery of the service and improvement actions identified in the Council's Corporate Priorities and Corporate Vision.
6. There will also be the creation of the Daedalus Scrutiny Panel. Since our acquisition of Daedalus airfield in 2015, the Council has been working on the delivery of the Daedalus Vision and Outline Strategy. Developed in 2015 and updated in 2018, the Strategy is comprehensive and extends across the whole 369-acre site, incorporating not only the airport itself but also unlocking the potential of the airfield's land and infrastructure assets for new commercial development, providing clusters for aviation and non-aviation employment and skills, training and innovation activity areas alongside our partners in the Solent Enterprise Zone. While many of the Strategy objectives have been achieved at Daedalus, there is much still to do on this dynamic strategic site with its wide-ranging opportunities and challenges.
7. A Member Working Group has been in place for some time and has been invaluable in steering the Council's direction at Daedalus. However, the strategic importance of the site to the local economy, and the ongoing commitment that is required by the Council to continue to lead on its development, makes it an excellent candidate for ongoing formal scrutiny.
8. It is recommended that the Council agrees to appoint a non-voting co-opted person

to the Daedalus Scrutiny Panel with background knowledge and experience of operational activities at Solent Airport, Daedalus over many years to provide some perspective and general aviation expertise for the Members of the Panel. Former Councillor Jon Butts is recommended to be appointed as the co-opted person. This is in accordance with Part 1, Chapter 7, paragraph 7.6 of the Council's Constitution.

9. The Council is therefore invited to confirm that the committees to be appointed for 2021/22 will be as set out below and that the number of members to be appointed is also as shown:

- Policy and Resources Scrutiny Panel: 7 members + deputies;
- Leisure and Community Scrutiny Panel: 7 members + deputies;
- Planning and Development Scrutiny Panel: 7 members + deputies;
- Health and Public Protection Scrutiny Panel: 7 members + deputies;
- Housing Scrutiny Panel: 7 members + deputies;
- Streetscene Scrutiny Panel: 7 members + deputies;
- Daedalus Scrutiny Panel: 7 members with 1 co-opted representative + deputies; and
- Climate Change Scrutiny Panel: 7 members + deputies.

Appointment of Other Committees

10. The Council is reminded that it is required by the Licensing Act 2003 to appoint a committee to undertake certain licensing functions and that Standing Order 1.7.1 further requires the Council to appoint such committees as it considers necessary to carry out the non-executive functions of the Council. The Council is therefore invited to confirm the following committees to be appointed, the number of members and standing deputies and to allocate to those Committees such terms of reference and delegated powers as are contained in Part Two of the Council's Constitution:

- Licensing and Regulatory Affairs Committee: 14 members;
- Planning Committee: 9 members; and
- Audit and Governance Committee: 7 members.

11. Members are reminded that the Licensing and Regulatory Affairs Committee has determined that a Licensing Panel with rotating membership be appointed to hear and determine various applications under the Licensing Act 2003, applications to drive or operate hackney carriage or private hire vehicles and applications under the Gambling Act 2005. Under the provisions of the Licensing Act 2003, such a Panel may only comprise three Members.

12. Licensing Panels are appointed with those terms of reference and delegated powers previously determined by the Committee on 01 February 2005, as amended on 23 January 2007 and subsequently confirmed by Council on 15 February 2007.

13. Members of the Licensing and Regulatory Affairs Committee are appointed to the Licensing Panel, such that it comprises the Chairman and two other members of the Licensing and Regulatory Affairs Committee, appointed on a rotating basis, subject to their having completed the necessary training.

14. The Chairman of the Licensing and Regulatory Affairs Committee presides at the meetings of the Panel, with the Vice Chairman of the Committee deputising as occasion requires.
15. Each political group shall appoint 2 deputy members to the Planning Committee and 1 deputy member to each of the remaining committees for which a seat has been allocated.
16. Members are reminded that at its meeting on 26 April 2012, the Council agreed that the Audit and Governance Committee would be formed, from which a Standards Sub Committee could be called if necessary, to deal with any standards issues referred to it by the Monitoring Officer.
17. The Council has previously appointed an Appeals Committee to determine appeals from the Chief Executive Officer or Directors of the Council under the Council's procedures relating to disciplinary action and unresolved grievances; and such other statutory rights of appeal against determinations of Council as may be referred to the Committee by Council from time to time.
18. As the Appeals Committee has not needed to be convened over the past 10 years and in response to the proposal to create two new Scrutiny Panels, it is proposed that the functions of the Appeals Committee be subsumed into the functions of the Audit & Governance Committee. This would keep the costs of creating two new Scrutiny Panels to a minimum and would provide extra flexibility to convene a 5 seat Appeals Panel from amongst the members of the 7 seat Audit & Governance Committee.

ALLOCATION OF SEATS

19. Section 5 of the Local Government and Housing Act 1989 provides the following principles which apply to the allocation of seats:
 - (a) that not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) that the majority of seats on each Committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) that, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
20. The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of Committee places between the political groups, the Council must then appoint the nominees of the political groups to the Committees.

POLITICAL PROPORTIONALITY

21. The political balance of the Council for municipal year 2021/22 is attached as Appendix A to this report.
22. The allocation of seats between the political groups for each committee shall be in

accordance with the figures in Appendix A.

ADJUSTMENTS FOLLOWING CALCULATIONS

23. Each of the political groups is entitled to a certain number of seats on committees. This is based upon their percentage representation on the Council as a whole, as detailed in Appendix A.
24. There are a total of 86 seats to be allocated and the strict entitlement to seats on committees for each political group is shown as detailed in Appendix A.
25. Each of the political groups is only entitled to their proportion of seats and once this entitlement has been reached, a manual adjustment may be necessary.
26. Appendix A shows a rounded allocation of seats to each political group. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular political group matches, and does not exceed, the strict entitlement.
27. The manual adjustments required are confirmed in the notes as detailed in Appendix A.
28. To assist the Council in this matter and in exercise of powers delegated to the Chief Executive Officer, the Head of Democratic Services will consult with the leaders of the political groups prior to the meeting, with a view to agreeing the allocation of seats for 2021/22. Group Leaders have been requested to provide nominations to the places on committees to which their respective groups are entitled. The nominations of political groups to seats on committees will be set out in Appendix B, to be tabled at the meeting.
29. The Council is invited to confirm the allocation of seats for the next municipal year. However, if the Council is asked to consider alternative arrangements in appointing the committees and those arrangements do not comply with the provisions requiring political balance, members are reminded that such alternative arrangements would require the support of the Council with no member voting against.

CHAIRMEN AND VICE-CHAIRMEN

30. The Council is required by Standing Order 1.7.4 to appoint a Chairman and Vice-Chairman for each committee appointed.
31. The nominations are set out in Appendix B (indicated by the letters Ch and VC), to be tabled at the meeting.

OPPOSITION SPOKESMEN

32. The minority group Leaders may nominate a spokesman for each Executive portfolio area on which a seat is held by that group. The nominations of political groups to seats on committees is set out in Appendix B (marked as Xs), to be tabled at the meeting.

Appendices: Appendix A – Allocation of Seats to Committees

Appendix B – Committee Nomination Schedule (to be tabled at the meeting)

Background Papers: None

Reference Papers: Local Government (Committees and Political Groups) Regulations 1990

Local Government and Housing Act 1989

Enquiries: For further information on this report please contact Leigh Usher. (Ext 4553)

APPENDIX A- Allocation of Seats to Committees

		Conservative 23 74.19%		Liberal Democrat 5 16.13%		Independent 3 9.68%	
Seats to be allocated		Strict Entitle-ment	Rounded	Strict Entitle-ment	Rounded	Strict Entitle-ment	Rounded
	86	63.81	64	13.87	14	8.32	8
Policy & Resources Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Leisure & Community Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Planning & Development Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Health & Public Protection Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Housing Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Streetscene Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Climate Change Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Daedalus Scrutiny Panel	7	5.19	5	1.13	1	0.68	1
Licensing & Regulatory Affairs	14	10.39	10	2.26	2	1.35	1
Planning Committee	9	6.68	7	1.45	1	0.87	1
Audit & Gov	7	5.19	5	1.13	1	0.68	1
Notional allocation			62		12		11
Adjustment Required			+2		+2		-3

Notes:

- (i) Following the calculation rules as set out in the Local Government and Housing Act 1989 (and listed at paragraph 18 of the report) the Licensing & Regulatory Affairs Committee has notionally been allocated 13 seats across the political groups. This is 1 short of its 14 seats and so a manual adjustment of +1 is required.

- (ii) Under the calculation, the Conservative Group has notionally been allocated 62 seats on committees which is 2 short of the strict entitlement of 64 and therefore a manual adjustment of +2 is required.
- (iii) The Liberal Democrat Group has notionally been allocated 12 seats on committees which is 2 short of the strict entitlement of 14 and therefore a manual adjustment of +2 is required.
- (iv) The Independent Group has notionally been allocated 11 seats on committees which is 3 more than the strict entitlement of 8 and therefore a manual adjustment of -3 is required.

APPENDIX B – Committee Nomination Schedule

To be tabled at the meeting