

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 APRIL 2016	10
<b>CONFIRMATION OF COMMITTEES AND ALLOCATION OF MEMBERSHIP</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

## SUMMARY

The council is required annually to confirm the committees that it wishes to appoint and allocate the membership of certain committees in accordance with the principles of political balance under the Local Government and Housing Act 1989.

Members are also asked to re-appoint members to the Member Development Steering Group.

## RECOMMENDATIONS

1. Appoint the committees set out in the appendix for the municipal year 2016-17, with the same terms of reference as presently set out in the constitution, save for the Chief Officers' Employment Committee.
2. Amend the terms of reference of the Chief Officers' Employment Committee as set out in paragraph 4 of the report.
3. Allocate committee seats in accordance with the principles of political balance as set out in the table in paragraph 6.
4. Invite the political groups (if they have not already done so) to submit their nominations to the seats allocated to them in accordance with the Local Government and Housing Act 1989 and regulations made under it.
5. (If nominations have been received from the political groups) Appoint members to seats on committees required to be politically balanced in accordance with the nominations made by the political groups, and appoint Mr Anthony Mozley Mr Brian Horrocks and Mrs Helen Broughton as co-opted members of the Chief Officer Employment Committee.
6. Appoint members to the Licensing Committee, which is not required to be politically balanced.
7. Appoint eight members to the Member Development Steering Group.

## SUMMARY OF PREVIOUS DECISIONS

The council receives a similar report each year at the meeting preceding its annual meeting. In an election year, the report must be presented to the annual meeting.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

### APPOINTMENT OF COMMITTEES

- Under its constitution, the council is required annually to decide which committees to establish for the municipal year; decide the size and terms of reference for those committees; and decide the allocation of seats on those committees to political groups in accordance with the political balance rules where applicable.
- The appendix sets out the proposed committees for the council for 2016-17. The committees are the same as exist at present and, save as set out below their terms of reference would be as set out in part 3 of the council's constitution. For convenience, their present membership is also set out in the appendix. The council is invited to appoint those committees as its committees for the municipal year 2016-17 with the size and, subject to below, terms of reference as set out.
- The present terms of reference of the Chief Officers' Employment Committee are:

*The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of this Constitution.*

- The appointment of:*
    - The Officer designated as the Head of the Authority's Paid Service;*
    - A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and*
    - A non-statutory Chief Officer*
  - The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iii) above.*
- It would be convenient to number the first unnumbered paragraph as paragraph 1, renumber the other two paragraphs accordingly and add the words "*or the consideration of any appeals, grievances or other matters in relation to any such officer where it would be expedient for the committee to deal with them*" to the end of the final paragraph.

### POLITICAL BALANCE

- The Local Government and Housing Act 1989 requires the council to calculate the membership of committees in accordance with the requirements of political balance set out in the act. The act also requires that the council give effect to those calculations by allocating seats in accordance with the wishes of the political groups<sup>1</sup> to whom the seats have been allocated<sup>2</sup>. The four principles of political balance can be summarised like this:

<sup>1</sup> A political group must have at least two members to count for the purposes of the 1989 act.

<sup>2</sup> Where a seat is allocated in accordance with the political balance principles to members who do not belong to a political group, the choice of non-group member to fill the seat rests with the council.

- All seats on a committee must not be allocated to the same group;
  - The majority group must have the majority of seats on each committee;
  - The total number of committee seats across the council must be allocated proportionately to the number of seats each group has on the full council; and
6. The seats on each committee must be allocated in proportion to the number of seats of each group on the full council. The four principles are in order of priority. This means that the second principle is applied subject to the first. Similarly, the third principle is applied subject to the first and the second, and so on.
  7. The council must<sup>3</sup> appoint at least two co-opted members to its Chief Officer Employment Committee. The co-opted members must be drawn from the independent persons appointed as part of the member standards machinery under the Localism Act 2011. The independent persons only sit as members of the committee for certain business taken under specific legislation<sup>4</sup>.
  8. The Licensing Committee is not subject to the political balance rules.
  9. The table below sets out a distribution of seats across committees that fulfils the requirement for political balance. Committees that are not required to be politically balanced are not included.

Committee	Total seats	Con	Ind	Lib Dem	Others
Finance and Democracy	12	7	3	1	1
Environment, Health and Housing	12	7	3	1	1
Operational Management	12	8	4	0	0
Tourism and Leisure	12	8	3	0	1
Development Management	12	7	3	1	1
Public Protection	11	7	3	0	1
Audit and Standards	9	6	3	0	0
Chief Officers Employment	6	4	2	0	0

The table above is a permutation that would meet the requirements for political balance. It is not the only possible permutation which would meet the requirements for political balance.

<sup>3</sup> See paragraphs 5-6 of schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001.

<sup>4</sup> See the Local Authorities (Standing Orders) (England) Regulations 2001. When constituted as required under the regulations, the committee is an advisory committee under Section 102(4) Local Government Act 1972. This means that it cannot take a binding decision, it may only make recommendations. As a result, it would be inappropriate to involve the Independent Persons in any other stages of the process or meetings of the Committee (unless they are solely "in attendance" as invitees, rather than "present").

10. If all of the political groups are able to nominate the individual members they wish to fulfil their allocations on each committee, the council can make those individual appointments at today's meeting. It is obliged to follow the nominations of each group to seats allocated to that group.<sup>5</sup>
11. If appointments to committees are made at today's meeting, members are also invited to appoint a chairman and vice-chairman to each committee.

#### LICENSING COMMITTEE

12. The Licensing Committee is not subject to the political balance rules. It is concerned exclusively with carrying out the council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005. The committee has a membership of **15** and the council is invited to appoint that number of members to the committee, including appointments as chairman and vice-chairman.

#### MEMBER DEVELOPMENT STEERING GROUP

13. The Member Development Steering Group is not a committee, but it is convenient to deal with appointments to it in this report. The group is an internal working group and its functions are leading, co-ordinating and monitoring the Council's actions in delivering the Member Development Strategy. The membership of the group is cross party. Its main purpose is to ensure that elected members are fully engaged in the formulation, monitoring and evaluation of member development programmes. It will oversee all councillor training and development on behalf of the council.
14. The group has a membership of 8 and the council is invited to appoint that number of members to the group, including appointments as chairman and vice-chairman.

IMPLICATIONS	
Finance	None arising from the report.
Legal	Political balance is a legal requirement for most committees of the council.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

Appendix 1 - present committee membership

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<sup>5</sup> If not all of the political groups are yet able to nominate individual members to the seats allocated to the group, the council would need to resolve to allocate the seats to the political groups and to invite the groups to nominate individual members to the seats allocated to each group. The committees could not meet until the appointments were confirmed at a council meeting.