

**South Lakeland District Council
Council**

17 May 2017

**(LOCAL GOVERNMENT AND HOUSING ACT 1989)
ALLOCATION OF COMMITTEE PLACES AND
APPOINTMENT OF CHAIRMEN, MEMBER
CHAMPIONS AND SCHEME OF DELEGATION**

PORTFOLIO:	Not applicable
REPORT FROM:	Debbie Storr – Director of Policy and Resources (Monitoring Officer)
REPORT AUTHOR:	Debbie Storr – Director of Policy and Resources (Monitoring Officer)
WARDS:	Not applicable
KEY DECISION:	Not applicable

1.0 EXPECTED OUTCOME

- 1.1 The allocation of committee places, appointment of Chairmen and Vice-Chairmen to these committees, and the confirmation of the Scheme of Delegation, as set out in Part 3 of the Council's Constitution with the additions as detailed in this report.
- 1.2 The Council is also asked to consider any Member Champion requests.

2.0 RECOMMENDATION

2.1 It is recommended that:-

- (1) the committees and Terms of Reference for those committees, as detailed in Table 2, Part 3 of the Council's Constitution, with the amendment as detailed in paragraph 3.6 of this report, be approved for the forthcoming municipal year;
- (2) the delegation of Council functions and Proper Officer appointments be confirmed as set out in Part 3 of the Council's Constitution;
- (3) the size of the committees, as detailed in Appendix 2 to this report, be approved;
- (4) seats of each committee be allocated to political groups in accordance with Appendix 2 to this report;

- (5) **seats on those committees which are not subject to political balance rules be allocated in accordance with Appendix 2 to this report;**
- (5) **nominations of Councillors to serve on each committee be received (*details to be circulated at the meeting*);**
- (6) **consideration be given to the appointment of chairmen and vice-chairmen of the committees listed at Appendix 2 to the report (*details to be circulated at the meeting*);**
- (7) **the delegation of executive functions, as confirmed by the Leader, and set out in Part 3(4) of the Council's Constitution, be noted;**
- (8) **consideration be given to the appointment of Member Champions where requested; and**
- (9) **consideration be given to the appointment of a representative and a substitute, from the membership of the Overview and Scrutiny Committee, to Cumbria County Council's Health Scrutiny Committee for the forthcoming year;**

3.0 BACKGROUND AND PROPOSALS

3.1 In accordance with the Council's Constitution, the Annual meeting of the Council will consider, amongst other matters:-

- which committees to establish for the forthcoming municipal year;
- the size and Terms of Reference for those committees;
- the allocation of seats to political groups in accordance with the political balance rules, as provided for in the Local Government and Housing Act 1989 (LGHA 1989);
- nominations of Councillors to serve on each committee; and
- the appointment of chairmen and vice-chairmen of standing committees and sub-committees.

3.2 The responsibility for Council functions delegated to each committee, and the size of each committee, is set out in Table 2, Part 3 of the Council's Constitution. Copies of the Constitution have been made available to all Members prior to this meeting.

Allocation of committee places and appointment of committee chairmen and vice-chairmen

3.3 The provisions of the LGHA 1989 include the requirement that, where Members of the Council are divided into political groups, then the membership of its committees and sub-committees must reflect the political balance of the Council as a whole. Details of the political membership of the Council are shown in Appendix 1. These figures take account of the result of the By-Election on 4 May 2017.

3.4 Under LGHA 1989, the number of committee places to be allocated on committees of the Council is proportionate to that of the Council membership. However, the overall allocation must also be proportional to the Council membership. The Council is required to approve those allocations. The resulting allocation of committee places is set out in Appendix 2.

- 3.5 The Council is bound to have regard to the wishes of the political groups in allocating committee places to individual Councillors. A list of those Councillors put forward by political groups for each committee will be circulated to Members as soon as they are available, in addition to nominations received for the chairmen and vice-chairmen of the appropriate committees.

Human Resources Committee

- 3.6 There have been recent changes to the Chief Executive terms and conditions of service (some of which apply to Statutory Officers). These need to be considered in the context of the legislation. A review is proposed of the HR delegations and Panels to ensure that the Council has the right mechanisms in place and a report will be brought to Human Resources Committee to consider these. Some amendments in red are proposed as an interim measure, which also clarify the officer delegations. These are shown in Appendix 3 to the report.

Lake Administration Committee

- 3.7 Section 16A of the Local Government (Committees and Political Groups) Regulations 1990 provides that the requirement of political balance does not apply to a committee or sub-committee which has established exclusively to discharge functions of the authority in part of the area of that authority. However, the Council, by custom and practice, has appointed the 16 elected Members of the Lake Administration Committee in accordance with the political balance of the Council. The eight co-opted places are filled by persons nominated by Lakes Parish Council (three) and Windermere Town Council (five), as stipulated in the legal agreement made between the three councils in 1975. The Chairman and Vice-Chairman of this Committee will be appointed at its first meeting in the new municipal year as the Committee co-optees are entitled to vote on these appointments.

Licensing Committee (Licensing Act 2003)

- 3.8 Whilst the Licensing Committee is not required to be politically balanced, the Council has traditionally adopted this practice and the functions under the Licensing Act 2003 have been dealt with by this Committee along with other non-licensing Act functions which do require a Committee that is politically balanced. In order to provide clarity around these different functions the terms of reference as set out in Table 2 have been divided between a Licensing Committee (Licensing Act 2003 functions) and a Licensing Regulatory Committee to deal with other licensing matters and for the same Members to sit on both committees.

Overview and Scrutiny Committee

- 3.9 The changes agreed by full Council on 29 March 2017 have now been incorporated into the constitution, and references to the Performance Sub Committee removed.

Delegations by the Leader of the Council

- 3.10 The Leader of the Council is required to present to the Annual Meeting of the Council, a written record of the delegations made by him/her for inclusion in the Council's Scheme of Delegation at Part 3 to the Constitution.

- 3.11 The current delegation of functions which have been made to individual Members of the Cabinet and to Officers are set out in Part 3(4) of the Constitution. Any amendments to those delegations will be reported to the meeting.

Member Champions

- 3.12 It has previously been resolved that -
- “(1) the concept of Member Champion roles be supported for those Members who wish to carry out those roles; and
- (2) in accordance with the Constitution, the appointments be reviewed at the Annual Council meeting and that Group Leaders be requested to consider in advance of the Annual Meeting whether there is any request for Member Champions for the forthcoming Council year.”
- 3.13 The Group Leaders have been contacted to see if there are any requests for specific Member Champion roles in 2017/18. Members will be updated at the meeting as to any requests received.

Cumbria County Council Health Scrutiny Committee

- 3.14 South Lakeland District Council nominates a representative and substitute to Cumbria County Council’s Health Scrutiny Committee on an annual basis from the membership of the Overview and Scrutiny Committee. To ensure that the representatives are able to attend the first meeting of the Health Scrutiny Committee, this decision is now included in the appointments made at the Annual Meeting of the Council from members of the Overview and Scrutiny Committee.

4.0 CONSULTATION

- 4.1 The leaders of the political groups have been consulted and have been asked for nominations in relation to committee places, committee chairmen and vice-chairmen, and member champions, where applicable.

5.0 ALTERNATIVE OPTIONS

- 5.1 At its Annual Meeting, the Council is required to give consideration to the allocation of committee places, appointment of committee chairmen and vice-chairmen of committees and sub-committees, terms of reference to each committee and the scheme of delegation.

6.0 LINKS TO COUNCIL PRIORITIES

- 6.1 The governance arrangements underpin the Council’s decision-making processes.

7.0 IMPLICATIONS

7.1 Financial and Resources

- 7.1.1 There are no additional financial or resource implications arising as a result of this report.

7.2 Human Resources

- 7.2.1 There are no additional staffing implications arising as a result of this report.

7.3 Legal

7.3.1 The report and its recommendations have regard to the relevant legislation and constitutional requirements.

7.4 Health, Social, Economic and Environmental

7.4.1

Have you completed and Health, Social, Economic and Environmental Impact Assessment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	The report deals with constitutional issues. There are no health, social, economic or environmental impacts arising as a result of this report.	

7.5 Equality and Diversity

7.5.1

Have you completed an Equality Impact Analysis?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have not completed an Equality Impact Analysis, please explain your reasons.	It is considered that the recommendations will have a neutral effect on equality and diversity.	

7.6 Risk

Risk	Consequence	Controls required
That the committees are not properly constituted.	Challenge to decision-making process.	Review constitutional makeup.
That the Constitution of the Council is not up to date.	Challenge to decision-making process. Failure to comply with relevant legislation.	Ensure review and make any necessary legislative changes.

CONTACT OFFICERS

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APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	Details of political makeup of the Council
2	Size and seats to be allocated to political groups on Committees
3	Revised Human Resource Committee terms of reference

BACKGROUND DOCUMENTS AVAILABLE

Name of Background document	Where it is available
Council Constitution	http://www.southlakeland.gov.uk/council-business/councillors-and-decisions/council-constitution/
Local Government and Housing Act 1989	http://www.legislation.gov.uk/ukpga/1989/42/contents
Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
	N/A	5.4.17	27.4.17	N/A
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
N/A	N/A	18/05/16	20.4.17	Author
Human Resource Services Manager	Leader	Ward Councillor(s)		
N/A	N/A	N/A		