

Monitoring Officer Report

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Portfolio: Leader

Ward(s) Affected: All

Purpose of the Report:

The report covers the allocation of seats on committee and panels as a result of the Thorpe St Andrew North West by-election and an update to the terms of reference for the Standards Committee to ensure inclusion of member development.

Recommendations:

That Council agrees:

1. The appointment of Members to committee seats, as set out in section 2 of the report.
2. The amendments to the Terms of Reference for the Standards Committee, as set out in section 3 of the report.
3. The consequential changes to the constitution to be delegated to the Monitoring Officer.

1. Summary

- 1.1 The report covers the allocation of seats on committee and panels as a result of the Thorpe St Andrew Northwest by-election and an update to the terms of reference for the Standards Committee to ensure inclusion of member development.

2. Background

- 1.2 Following the recent by-election, it has become necessary to recalculate the political balance of the Council.
- 1.3 Accordingly, officers have undertaken a recalculation of the political balance and the impact on the Council's committees are outlined within this report.
- 1.4 The requirement for committees and sub-committees of the council to be politically proportionate to the number of seats on the council is covered by Section 15 of the Local Government and Housing Act 1989. The principles governing political proportionality are that:
- a) No one group to have all the seats;
 - b) The group with the majority of seats on the Council to have a majority of seats on each committee;
 - c) Seats are allocated on each committee in the same proportion as the overall number of seats on the Council; and
 - d) The total number of seats on committee are allocated in proportion to the overall number of seats on the Council.
- 1.5 Section 15 also states that allocation outside the usual proportionality requirements can be agreed provided no member votes against them.
- 1.6 The Local Government Act 2000 exempted Cabinet from the requirement to be politically proportionate. Licensing sub-committee panels are appointed under the Licensing Act 2003. These panels are quasi-judicial in nature and the 2003 Act does not extend political balance requirement to them.
- 1.7 Section 16 (1) of the 1989 Act provides that appointments be made in such a way as to give effect to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group.

- 1.8 The division of members seats and percentage allocation of each political group on the Council is as follows:

Group	Members	As a percentage (rounded)
Conservatives	22	47%
Liberal Democrats	14	30%
Labour	7	15%
Green	4	8%

- 1.9 Group Leaders have been consulted on the following proposal in accordance with the principles of the 1989 Act.

- 1.10 There are 104 committee seats and based on the percentage of each group as above, this has resulted in the Labour Party losing two seats and the Conservative Party gaining two seats as follows:

Group	Existing seats	New allocations
Conservatives	47	49
Liberal Democrats	31	31
Labour	18	16
Green	8	8
	104	104

- 1.11 A calculation has been carried out to allocate seats to each committee based on the percentages, following the principles of the 1989 Act. The calculations have resulted in fractions of seats, requiring some rounding up and down (generally 0.49% and below is rounded down and 0.50% and above is rounded up).

- 1.12 The Group Leaders have been consulted on the new allocation of committee seats (as set out in **Appendix A**).

- 2.12 The Group Leaders have also been consulted on the appointments to committee seats and they have nominated members to be added and removed as follows:

Awards Panel – Cllr Calix Eden removed and Cllr Peter Berry added

Electoral Arrangements Committee – Cllr Calix Eden removed and Cllr Peter Berry added

- 2.13 In addition, the Conservative Leader has asked that Cllr Bill Johnson replace Cllr Stuart Clancy on the Planning Committee.

3. Standards Committee

- 3.1 The Standards Committee Terms of Reference currently covers the following:

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct by councillors and co-opted members;

(b) assisting councillors and co-opted members to observe the members' code of conduct;

(c) advising the council on the adoption or revision of the members' code of conduct;

(d) monitoring the operation of the members' code of conduct;

(e) advising, training or arranging to train councillors and co-opted members on matters relating to the members' code of conduct;

(f) receive and consider the findings and recommendations of the monitoring officer and/or the independent person in relation to alleged breaches of the code of conduct and where appropriate make subsequent recommendations to either full council or group leaders for action;

(g) the determination of allegations of breach of the members' code of conduct and

(h) oversight of the planning code of practice;

(i) the exercise of (a) to (g) above in relation to the parish/ town councils wholly or mainly in its area and the members of those parish/town councils.

4.2 It is proposed that the committee also have oversight of member development to ensure that members can take a level of oversight and responsibility for this important area. Therefore, the following is proposed to be added to the Terms of Reference:

(j) review the Member Champion categories and recommend to Council successful applications for Member Champions;

(k) review the four year training plan for Members and ensure that all training, including the induction at the start of the four term is fit for purpose.

5. Issues and risks

5.1 Resource **Implications** – no implications.

Legal Implications – the recommendations contained within this report ensure that the Council remains compliant with legislation.

Equality Implications – no implications.

Environmental Impact – no implications.

Crime and Disorder – no implications.

Risks – no other risks identified.

6. Recommendations

That Council agrees:

- 6.1 The appointment of Members to committee seats, as set out in section 2 of the report.
- 6.2 The amendments to the Terms of Reference for the Standards Committee, as set out in section 3 of the report.
- 6.4 The consequential changes to the constitution to be delegated to the Monitoring Officer.

Appendix A

Seat allocations – politically proportionate committees

Committee	No of seats	Cons	Lib Dem	Labour	Green
Appeals	8	4	2	1	1
Audit	5	2	2	1	0
Awards	10	5	3	1	1
Emergency	6	3	2	1	0
Electoral Arrangements	10	5	3	1	1
Joint Scrutiny	6	3	2	1	0
JAP	4	2	1	1	0
Licensing	13	6	4	2	1
O&S	15	7	5	2	1
Planning	11	5	3	2	1
SIEC	11	5	3	2	1
Standards	5	2	1	1	1
	104	49	31	16	8

Changes highlighted in yellow from previous political balance