



Purpose: For Decision

Name of meeting	<b>COUNCIL</b>
Date	<b>17 NOVEMBER 2021</b>
Title	<b>NOMINATIONS AND APPOINTMENTS TO COMMITTEES</b>
Report of	<b>MONITORING OFFICER</b>

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### EXECUTIVE SUMMARY

1. The report is necessary to give effect to the express wishes of the leader of the Alliance group as to nominations for appointment of their group councillors to the Planning Committee.
2. At the time of writing this report (9 November 2021), there are no other changes proposed following any nominations received, but if there are any subsequent wishes expressed by any political group, these will be reported no later than at the meeting for appointment by the Council.

### BACKGROUND

3. At the Annual Council meeting held on 15 September 2021 a review of the political proportionality was undertaken in respect of those bodies which are required to be politically proportionate.
4. The Alliance group have an allocation of 5 seats on the Planning Committee.
5. The leader of the Alliance group has expressed the wish that Cllr Downer be replaced with Cllr Lucioni as a permanent member on the Planning Committee.
6. No more than three substitutes may be appointed for each political group to the Planning Committee under Part 4B rule 5 of the constitution.
7. The Alliance Group presently only has one substitute on the Planning Committee, Cllr Medland.
8. The Alliance Group proposes to put forward three substitutes on the Planning Committee and those nominated will be put forward no later than at the meeting.

## STRATEGIC CONTEXT

9. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that support this.

## CONSULTATION

10. As set out above, this paper is as a result of the expressed wishes of the Alliance group leader and as such no further consultation is necessary. (This report also enables other expressed wishes by any political group to be given effect through appointment by the Council, and again no consultation is required).

## FINANCIAL / BUDGET IMPLICATIONS

11. There are no additional costs associated with the proposals contained in this report.

## LEGAL IMPLICATIONS

12. Under section 16 of the Local Government and Housing Act 1989 the power to appoint elected councillors to committees is that of the local authority i.e. the council. (The power to appoint sub-committees rests with the parent committee).
13. This power to appoint councillors to committees (and indeed the power to remove councillors from committees) cannot be delegated by the Full Council to a committee or to any officer of the council or indeed to any political group, but must be exercised by the Full Council itself. This is because the power to make delegated arrangements under section 101 of the Local Government Act 1972 is subject to any express provision contained in that Act or in any subsequent enactment, and section 102 of the Local Government Act 1972 and section 16 of the Local Government and Housing Act 1989 are such express provisions.
14. It is the duty of the council itself to exercise the power of appointment of elected members to its committees 'as soon as practicable'. The obligation on the Full Council is to give effect at the first practicable opportunity. Appointments are required to be made.
15. As it is only the council that can make appointments to its committees (and only the council has the power to remove) the council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness, and, as the council has already agreed that political groups should only nominate members as substitutes if they have had relevant training in the work of the committee, this approach enables training and resources to be better focussed and better discharges its fiduciary duty to ratepayers.

## EQUALITY AND DIVERSITY

16. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

## OPTIONS

17. To appoint Cllr Lucioni to the Planning Committee.
18. To appoint a maximum of three substitute members from the Alliance Group (to be named by the Alliance Group no later than at the meeting) to the Planning Committee.
19. To make appointments in accordance with any expressed wishes of the Alliance Group or the Conservative Group.

## RISK MANAGEMENT

20. The recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

## EVALUATION

21. Council has no option and must respect the duly expressed wishes of the respective political group and to appoint those nominated to their allocated seats.
22. An effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of elected members (including where appropriate substitutes) to its committees seeks to do this.

## RECOMMENDATIONS

23. To appoint Cllr Lucioni to the Planning Committee.
24. To appoint three substitute members from the Alliance to the Planning Committee (to be named no later than at the meeting).
25. To give effect to any other nominations made by any political group as regards their allocated seats.

APPENDICES ATTACHED

26. None

BACKGROUND PAPERS

27. None.

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