



Purpose: For Decision

Full Council Report

Date **20 JULY 2022**

Title **ALTERNATIVE ARRANGEMENTS FOR POLITICAL PROPORTIONALITY AND APPOINTMENTS TO COMMITTEES**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. At the annual council meeting held on 18 May 2022 the council carried out its mandatory review of political proportionality as required under section 15 (1) of the Local Government and Housing Act 1989.
2. No alternative arrangements regarding the disapplication of the political proportionality rules were made under section 17(1) of that Act and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.
3. The council therefore sought to allocate seats on its committees requiring political balance in accordance with the rules on seat allocation, and duly made appointments to the chairman and vice-chairman positions, but there are some vacancies which need to be addressed.
4. The purpose of this report is to seek to appoint to those vacancies.

RECOMMENDATION

5. That Cllr Andrew Garratt as an unaligned councillor be appointed to the vacancy on the Appeals Committee following Cllr Geoff Brodie's wish not to serve on that Committee.
6. That Cllr Julie Jones-Evans from the Alliance Group be confirmed as a substitute councillor on the Harbour Committee.
7. That an appointment be made from nominations to be received to the post of the Vice-Chairman of the Harbour Committee, being a standing member of that Committee .
8. That a nomination be received from the Conservative Group for a councillor to be appointed to the Pension Fund Committee in place of Cllr Martin Oliver following

his wish not to serve on that Committee and that the nominated councillor be so appointed.

9. That nominations be received for an unaligned councillor to serve on the Policy and Scrutiny Committee for Neighbourhoods and Regeneration in place of Cllr Andrew Garratt following his wish not to serve on that Committee and that the nominated councillor be so appointed.

BACKGROUND

10. At the time of writing this report (4 July 2022), the table below lists the number of councillors belonging to established political groups and those who are ungrouped:

Alliance:	17
Conservatives:	18

Ungrouped:	4
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<u>Total:</u>	39
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11. No changes in political proportionality have occurred since the time of the last review and consequently no changes are proposed in this report.

Alternative Arrangements

12. Should, however, the council wish to make alternative arrangements, the council may disapply the political balance requirements in whole or in part provided that no councillor present votes against those alternative arrangements (see section 17(1) of the Local Government and Housing Act 1989 and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990).
13. No alternative arrangements are proposed by this report, but the option exists to do so on the above basis i.e. without any dissenting vote being cast.

Nominations to and appointments to committees

14. Political groups, and ungrouped councillors, are advised to very carefully consider (1) eligibility, (2) suitability and (3) willingness to serve before making nominations to seats allocated to their respective political groups and to the respective ungrouped allocations.
15. When making nominations for overview and scrutiny committees, regard must be had to the 'Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities' (May 2019) [Title \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811111/statutory-guidance-on-overview-and-scrutiny-in-local-and-combined-authorities.pdf). Chapter 4 sets out the statutory guidance on selecting such committee members, including their chairs. For instance, paragraph 27 states: 'When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve'. (By law, no member of the Cabinet can be on any overview and scrutiny committee – see section 9FA (3) of the Local Government Act 2000. This is to prevent conflicts of interests as no person can scrutinise their own decisions).

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

16. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that supports this.
17. The appointment of councillors to committees contributes to good governance and enables the [Corporate Plan 2021 – 2025](#) to be delivered, including addressing climate change and complying with the local authority's duty to prevent or reduce crime, disorder and anti-social behaviour under section 17 of the Crime and Disorder Act 1998.

CONSULTATION

18. Group Leaders and non-aligned councillors have been consulted.

FINANCIAL / BUDGET IMPLICATIONS

19. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by the Full Council on 23 February 2022.

LEGAL IMPLICATIONS

20. The duty to undertake a review of the political proportionality is triggered under section 15 of the Local Government and Housing Act 1989 because the holding of an annual meeting is a statutory triggering event.
21. Under section 16 of the Local Government and Housing Act 1989 the power to appoint to committee seats is that of the local authority acting through the Full Council. (The power to appoint sub-committees and to sub-committee seats rests with the parent committee).
22. This power to appoint persons to committees cannot be delegated by the council to a committee or to any officer of the council or indeed to any political group, but must be exercised by the council in full session. This is because the power to make delegated arrangements under section 101 of the Local Government Act 1972 is subject to express provision contained in that Act or in any subsequent enactment, and section 102 of the Local Government Act 1972 ('Appointment of committees') and section 16 of the Local Government and Housing Act 1989 are such express provisions.
23. It is the duty of the council meeting in full session itself to exercise the power of appointment of elected councillors to its committees 'as soon as practicable'. The obligation on the Full Council is to give effect at the first practicable opportunity.
24. As it is only the council that can make appointments to its committees, 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. As the council has already agreed that political groups should only nominate councillors 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 so the council's fiduciary duty to ratepayers is better discharged.

25. In the absence of alternative arrangements, the Full Council must appoint to the seats allocated to particular political groups in accordance with the expressed wishes of such groups, and must appoint seats allocated to the ungrouped in accordance with the proportion allocated to the ungrouped councillors (see section 16 (1) and section 16(2A) of the Local Government and Housing Act 1989 as inserted by way of modification by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990 SI 1553 as amended). If there are no nominations to a vacancy, then the vacancy remains unfilled unless alternative arrangements are agreed with no dissenting vote from those present and voting.

EQUALITY AND DIVERSITY

26. 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

27. That Cllr Andrew Garratt as an unaligned councillor be appointed to the vacancy on the Appeals Committee following Cllr Geoff Brodie's wish not to continue on that Committee.
28. Not to appoint Cllr Andrew Garratt but to appoint another nominated unaligned councillor to serve on the Appeals Committee.
29. That Cllr Julie Jones-Evans from the Alliance Group be confirmed as a substitute councillor of the Harbour Committee.
30. Not to appoint Cllr Julie Jones-Evans but to appoint another councillor from the Alliance Group as a substitute councillor on the Harbour Committee.
31. That an appointment be made from nominations to be received to the post of the Vice-Chairman of the Harbour Committee, being a standing member of that Committee.
32. That a nomination be received from the Conservative Group for a councillor to be appointed to the Pension Fund Committee in place of Cllr Martin Oliver following his wish not to serve on that Committee and the nominated councillor be so appointed.
33. That nominations be received for an unaligned councillor to serve on the Policy and Scrutiny Committee for Neighbourhoods and Regeneration in place of Cllr Andrew

Garratt following his wish not to serve on that Committee and that the nominated councillor be so appointed.

34. That in the event of no unaligned councillor being nominated and no alternative arrangements being agreed without any dissenting vote, the vacancy on the Policy and Scrutiny Committee for Neighbourhoods and Regeneration be left vacant.

RISK MANAGEMENT

35. 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 legal action.

EVALUATION

36. 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 on committees which are politically balanced.
37. Equally Council has no option and must appoint any unallocated seats on committees which are politically balanced to ungrouped councillors, but it does have discretion as to which ungrouped councillor(s) to appoint. Such discretion has to be exercised properly and in good faith. Fairness requires ungrouped councillors to express their wishes for nomination and for nomination of substitutes.
38. 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 councillors (including where appropriate substitutes) to its committees seeks to do this.

BACKGROUND PAPERS

39. None.

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