



Purpose: For Decision

# Full Council Report

Date **16 NOVEMBER 2022**

Title **APPOINTMENTS TO COMMITTEES AND THE STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (SACRE)**

Report of **MONITORING OFFICER**

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## EXECUTIVE SUMMARY

1. The purpose of this report is to receive nominations of councillors to serve on any established council committee that is currently carrying a vacant position, in line with the political proportionality as agreed by Full Council in May 2022.
2. The report has become necessary following the resignation of Cllr Stephen Hastings from the Council. He most recently served on the Licensing Committee and was the Vice-Chairman of the Licensing Committee.
3. In addition, the Alliance Group wishes to confirm its list of substitutes, and there is an existing vacancy on the Audit Committee which remains unfilled for a nomination from the Alliance Group.
4. Nominations have also been received for appointment to the Standing Advisory Council for Religious Education (SACRE).

## RECOMMENDATION

5. That Councillor [yet to be named being a nominee from the Conservative Group] be appointed to serve on the Licensing Committee.
6. That Councillor [yet to be put forward] be appointed to serve as the Vice-Chairman of the Licensing Committee.
7. That Councillor [yet to be named being a nominee from the Alliance Group] be appointed to serve on the Audit Committee.
8. That the Alliance Group's substitutes listed in the Appendix be appointed to serve as substitutes for the committees set out in the Appendix.
9. That the persons nominated to the Standing Advisory Council for Religious Education (SACRE) as set out in the Appendix be appointed.

## BACKGROUND

### Licensing Committee

10. Following the resignation of Cllr Stephen Hastings from the Council, there is a vacancy on the Licensing Committee for a councillor from the Conservative group. A nomination has been sought.
11. Before making any nomination the following criteria ought to be carefully considered namely (1) eligibility, (2) suitability and (3) willingness to serve.
12. There is also a vacancy for the position of Vice-Chairman of the Licensing Committee as Cllr Hastings had held that post. Councillors are invited to nominate a councillor from the Licensing Committee to serve as Vice-Chairman of the Licensing Committee.

### Audit Committee

13. There is currently a vacancy to be filled on the Audit Committee following Cllr Jonathon Bacon's resignation from that Committee, and no replacement has yet been appointed and so there is still an ongoing vacancy.

### List of Alliance Group Substitutes

14. The list of substitutes from the Alliance Group is put forward for confirmation and appointment.

### Standing Advisory Council for Religious Education (SACRE)

15. New additional nominations have been put forward for appointment by the Council to Sacre and are set out in the Appendix.

## 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 members to such committees contributes to good governance and enables [Corporate Plan 2021 – 2025](#) delivery of the corporate priorities and vision contained within it.

## CONSULTATION

18. Group leaders have been notified of respective vacancies.

## 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. Under section 16 of the Local Government and Housing Act 1989 the power to appoint committees and 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).
21. This power to appoint persons to committees (and indeed the power to remove persons 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 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.
22. It is the duty of the Full Council 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. Appointments are required to be made.
23. Every Local Education Authority (LEA) is required by law to have a Standing Advisory Council for Religious Education (SACRE) and to make appointments of representatives to each of the four statutory groups (see section 390 of the Education Act 1996).

## EQUALITY AND DIVERSITY

24. 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

25. Option 1: That Councillor [yet to be named being a nominee from the Conservative Group] be appointed to serve on the Licensing Committee.
26. Option 2: Not to make such an appointment if no nomination is put forward.
27. Option 3: That Councillor [yet to be put forward] be appointed to serve as the Vice-Chairman of the Licensing Committee.
28. Option 4: Not to make an appointment at this time.
29. Option 5: That Councillor [yet to be named being a nominee from the Alliance Group] be appointed to serve on the Audit Committee.

30. Option 6: Not to make such an appointment if no nomination is put forward.
31. Option 7: That the Alliance Group's substitutes listed in the Appendix be appointed to serve as substitutes for the committees set out in the Appendix.
32. Option 8: A different list of substitutes is to be appointed should the wishes of the Alliance Group alter.
33. Option 9: That the persons nominated to the Standing Advisory Council for Religious Education (SACRE) as set out in the Appendix be appointed.
34. Option 10: A different list of persons nominated to SACRE should the nominations (at the time of writing this report) change.

### 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 provided such expressed wishes are made within the statutory deadline for doing so.
37. 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 to its committees seeks to do this.
38. The Council has a duty to appoint representatives to serve on SACRE.

### APPENDIX ATTACHED

39. Appendix 1 sets out the list of substitutes from the Alliance Group and the new nominations for appointment to the Standing Advisory Council for Religious Education (SACRE).

### BACKGROUND PAPERS

40. None.

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