

# COUNTY COUNCIL

Meeting date: 28 April 2022

From: Leader of the Council

## **CONSTITUTION OF STANDING COMMITTEES ETC**

### **1.0 EXECUTIVE SUMMARY**

- 1.1 *This report deals with the constitution of the Council's committees and other member bodies and asks members to appoint chairs and vice chairs of various committees and other bodies.*
- 1.2 *In addition, the Council is asked to confirm the Scheme of Delegation as set out in the Constitution.*

### **2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

- 2.1 *There are no specific strategic planning or equality implications.*

### **3.0 RECOMMENDATION**

*The Council is recommended to:*

- 3.1 *Approve the size (where optional) and terms of reference of ordinary committees of the Council and the allocation of committee places to political groups. The size and allocation of committee places to political groups are set out in Appendix 1. No changes are recommended to the terms of reference.*
- 3.2 *Receive and approve nominations to sit on each committee and other Council bodies;*
- 3.3 *Appoint the Chair and Vice Chair of the member bodies set out in Appendix 2;*
- 3.4 *Appoint the Chair and Vice Chairs of the Overview and Scrutiny Advisory Boards as set out in Appendix 3;*
- 3.5 *Approve appointments to certain bodies for the period until 1 April 2023, in accordance with the allocations set out in Appendix 4;*

- 3.6 ***Approve the appointment of the Leader of the Council to the Cumbria Leadership Board and the appointment of the Deputy Leader and Cabinet Member for Finance as the named substitute;***
- 3.7 ***Appoint the Chair of the Pensions Committee (and the Vice Chair to act in the absence of the Chair) to represent the Council on behalf of the Cumbria Local Government Pensions Scheme (LGPS) on the Border to Coast Pension Partnership Joint Committee;***
- 3.8 ***Confirm the Council's Scheme of Delegation to Officers (Part 3 of the Constitution) (as attached at Appendix 5).***

#### **4.0 BACKGROUND**

- 4.1 The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 make provision for the allocation by the Council of places on its committees to political groups represented on the Council.
- 4.2 The legislation applies to committees of the Council and certain other bodies. It does not apply to the Cabinet, Local Committees or working groups.
- 4.3 Where the legislation applies, it requires that places on committees are, as far as reasonably practicable, allocated to political groups to give effect to the principles set out below, which apply in the following order:
- a. Not all seats on a committee may be allocated to the same political group (i.e. there are no single group committees).
  - b. The majority of seats on a body are allocated to a political group if the group has a majority on the Council. No group has a majority of seats on Cumbria County Council so this principle is not applied.
  - c. Subject to a. and b. the number of seats on each ordinary committee allocated to a political group bears the same proportion to the total of seats on all committees as is borne by the number of members of a group to the total number of members of the Council.
  - d. Without offending rules a. to c. the number of seats on each body to which the rules on political proportionality apply bears the same proportion to the number of all seats on the body as is borne by the number of members of the group to the number of members of the Council.
  - e. Rule e. which states that where appointments to seats are to be made other than in accordance with rules a to d (i.e. seats which are not allocated to a political group) then Council must appoint members to those seats who are not members of a political group.

## Ordinary Committees and Sub-Committees (Appendix 1)

4.4 Appendix 1 sets out the committees and sub-committees to which the above principles apply and the proposed allocations to each group based on those principles. Members should note that there is currently 1 vacancy.

- Longtown, previously held by the Conservatives

As this vacancy arose before the Structural Changes Order come into effect there is no provision for a by-election to be held to fill this vacancy and it will remain vacant until 1 April 2023 when the County Council will cease to exist.

4.5 The proportions set out below form the basis of the approach adopted in calculating the allocation.

Political Group	% of seats on Council
Conservative	43.75
Labour	32.5
Liberal Democrats	18.75

4.6 The Constitution identifies the Council's ordinary committees and members are recommended to make the appointments to them in accordance with the numbers on the committee and the allocation to political groups indicated in Appendix 1.

4.7 At its Annual Meeting, the Council must appoint at least one scrutiny committee. Scrutiny committees are required to be politically balanced. The Constitution provides for the appointment of three Scrutiny Advisory Boards, a Cumbria Health Scrutiny Committee, an overarching Scrutiny Management Board and a committee to scrutinise the Local Enterprise Partnership. It is the intention that County Council members appointed to the LEP scrutiny Committee shall be the same members as those appointed to the Scrutiny Management Board. Members are recommended to appoint to each of the Scrutiny Boards included in the Constitution.

4.8 The Staffing Committee carries out its functions through the formation of a panel of 5 members drawn from a panel of 9 members appointed in accordance with the principles of political proportionality. The panel of 5 is in law a sub-committee of the Staffing Committee and when formed must be appointed in accordance with the same principles.

## Cumbria Pensions Forum (Appendix 1)

4.9 The Constitution states that the membership of the Cumbria Pensions Forum comprises 9 members. The convention has been for the Council to appoint the members of the Pensions Committee to the Pensions Forum. The Pensions Committee comprises 8 members in the Constitution. Members have the option to appoint an additional member to the Pensions Forum who is not a member of the Pensions Committee.

### **Appointment to other Council bodies (Appendix 1)**

- 4.10 Certain Council bodies are not ordinary committees of the Council and are not subject to the requirements of political proportionality. Under the Constitution the full Council makes appointment to these bodies and Members are recommended to make appointments to these bodies as indicated in Appendix 1.

### **Appointment of Chairs and Vice Chairs of Member Bodies (Appendix 2)**

- 4.11 The Council appoints the Chairs and Vice Chairs of ordinary committees, appoints the Chair and Vice Chair of the Corporate Parenting Board and the Chair of Workington Harbour Management Committee. The Chair of the Corporate Parenting Board is specified in the Constitution as the Cabinet Member with responsibility for Children and Families Services.

### **Appointment of Chairs to Overview and Scrutiny Advisory Boards (Appendix 3)**

- 4.12 The Council appoints the Chair and Vice Chair of each Scrutiny Advisory Board. Appointments are subject to specific rules set out in the Constitution. Under the Council's Rules of Procedure, nominations are based on the principle of an allocation which is proportionate to the number of seats each political group has on the Council as a whole and in accordance with a weighting system described in the Constitution.
- 4.13 Based on the application of weightings the Conservative Group would have 15 points, the Labour Group 11 points and the Liberal Democrats 7 points.
- 4.14 Members are asked to approve the relevant appointments in line with the weightings system described.

### **Appointment to Outside Bodies (Appendix 4)**

- 4.15 The full Council makes appointments to certain outside bodies.
- 4.16 Appointments to the Lake District National Park Authority, the Yorkshire Dales National Park Authority and the North West Inshore Fisheries and Conservation Authority were made in June 2017 for a period of 4 years.
- 4.17 As elections were postponed in May 2021 these were extended for a further 12 months. Council is now being asked to extend these for a further period until the 1 April 2023 when the Council will cease to exist. Appendix 4 refers.
- 4.18 The Council makes annual appointments to the Police and Crime Panel (PCP) jointly with the six District Councils according to a formula which operates as follows. Each of the County and District councils appoint one member to sit on the PCP. This fills 7 of the 10 allocated places. After this the County Council must review the membership in order to ensure that it reflects as far as possible the overall political balance of the political parties across all the seven Councils, filling the remaining seats. These appointments will need to be confirmed after the six District Councils have

confirmed their nomination. It is proposed that the Council reviews the membership at its next meeting.

- 4.19 The Council is entitled to appoint the Leader of the Council to the Cumbria Leadership Board as an ex-officio member. It is recommended that Council appoints the Leader to the Cumbria Leadership Board and appoints the Deputy Leader and Cabinet Member for Finance as named substitute as set out in Appendix 4.

### **Border to Coast Pension Partnership**

- 4.20 At the 2017 Annual Meeting Members appointed the Chair of the Pensions Committee to the Border to Coast Pensions Partnership Joint Committee with the Vice Chair appointed to act in his absence in both cases. Last year this appointment was extended for 2021/22. Members are recommended to appoint the Chair and Vice Chair of the Pensions Committee to this committee until 1 April 2023

### **Scheme of Delegation**

- 4.21 Under the Constitution the Council is required to approve the Scheme of Delegation to Officers (Part 3 of the Constitution) at its Annual Meeting. The current (un-amended) Scheme of Delegation is attached at Appendix 5.

## **5.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

- 5.1 There is sufficient budget to meet the member allowances and expenses arising from the recommendations contained in this report.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The legal considerations relevant to this report are set out in the body of the report. The Council must apply the relevant legislation when appointing to its committees and sub-committees.

## **7.0 CONCLUSION**

- 7.1 The Council is asked to approve the recommendations in this report so that its committees and sub-committees and other bodies are constituted for the municipal year 2022/23, so that the Council is represented on the outside bodies to which the Council appoints and that the Council has in place an approved Scheme of Delegation to Officers.

### **Catherine A Parkinson**

Interim Chief Legal Officer/Monitoring Officer

*April 2022*

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## **APPENDICES**

***Appendix 1 – Appointment to Council Committees etc.***

***Appendix 2 – Appointment of Chairs and Vice Chairs of Member Bodies***

**Appendix 3 – Appointment to Overview and Scrutiny Boards**

**Appendix 4 – Appointments to Outside Bodies**

**Appendix 5 – Part 3A Scheme of Delegation to Officers**

Electoral Division(s): All

\* *Please remove whichever option is not applicable*

Executive Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Key Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an environmental or sustainability impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an equality impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**

*None*

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

*Not considered by Overview and Scrutiny*

**BACKGROUND PAPERS**

*No background papers*

**RESPONSIBLE CABINET MEMBER**

*Stewart Young – Leader of the Council*

**REPORT AUTHOR**

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