

South Lakeland District Council
Council

Wednesday, 18 May 2022

**Political Balance, Allocation of Committee Places,
Appointment of Chairmen and Vice-Chairmen
and Scheme of Delegation**

Portfolio: Not applicable

Report from: Linda Fisher – Legal, Governance and Democracy Lead Specialist (Monitoring Officer)

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Wards: Not applicable

Forward Plan: Not applicable

Links to Council Plan Priorities:

The governance arrangements underpin the Council's decision-making processes which support the following Council Plan Priorities:-

- Working across boundaries;
- Delivering a balanced community;
- A fairer South Lakeland; and
- Addressing the climate emergency.

1.0 Expected Outcome

1.1 The allocation of committee places, appointment of Chairmen and Vice-Chairmen to these committees, and the confirmation of the Scheme of Delegation, as set out in Part 3 of the Council's Constitution.

2.0 Recommendation

2.1 It is recommended that:

(1) the political balance of the Council, as set out in paragraph 3.2 and Appendix 1 to the report, be noted;

(2) the committees, and Terms of Reference for those committees, as detailed in Table 2, Part 3 of the Council's Constitution, be approved for the forthcoming municipal year;

(3) the delegation of Council functions and Proper Officer appointments be confirmed, as set out in Part 3 of the Council's Constitution;

- (4) the size of the committees, as detailed in Appendix 2 to this report (to follow), be approved;**
- (5) seats of each committee be allocated to political groups in accordance with Appendix 2 to this report (to follow);**
- (6) seats on those committees which are not subject to political balance rules be allocated in accordance with Appendix 2 to this report (to follow);**
- (7) nominations of councillors to serve on each committee be received (details to be circulated at the meeting);**
- (8) consideration be given to the appointment of chairs and vice-chairs of the committees listed at Appendix 2 to the report (to follow) (details to be circulated at the meeting);**
- (9) the delegation of executive functions, as confirmed by the Leader, and set out in Part 3(4) of the Council's Constitution, be noted;**
- (10) consideration be given to the appointment of a representative and a substitute, from the membership of the Overview and Scrutiny Committee, to Cumbria County Council's Health Scrutiny Committee for the forthcoming year;**
- (11) volunteers be sought for three Members of the Licensing Committee and one substitute to sit on a Licensing Sub-Committee on Monday, 30 May 2022; and**
- (12) consideration be given to the appointment of a second Human Resources Committee Member to the Joint Consultative Panel for the forthcoming year.**

3.0 Background and Proposals

- 3.1 In accordance with the Council's Constitution, the Annual meeting of the Council will consider, amongst other matters:-
 - which committees to establish for the forthcoming municipal year;
 - the size and Terms of Reference for those committees;
 - the allocation of seats to political groups in accordance with the political balance rules, as provided for in the Local Government and Housing Act 1989 (LGHA 1989);
 - nominations of Councillors to serve on each committee; and
 - the appointment of chairmen and vice-chairmen of standing committees and subcommittees.
- 3.2 Following the elections held on 6 May 2021 the political balance of the council was made up of 14 Conservatives, 3 Labour, 33 Liberal Democrats and 1 Green Party Member. During the year, Councillor Fiona Hanlon resigned from the Liberal Democrat Group and became an Independent Member. Following this change the political balance of the council is made up of 14 Conservatives, 3 Labour, 32 Liberal Democrats, 1 Green Party Member and 1 Independent Member. There have been no District Council elections this year. Details of the political membership of the Council are shown in Appendix 1.

- 3.3 The responsibility for Council functions delegated to each committee, and the size of each committee, is set out in Table 2, Part 3 of the Council's Constitution. Copies of the Constitution have been made available to all Members prior to this meeting and can be found on the Council's website.

Allocation of committee places and appointment of committee chairs and vice-chairs

- 3.4 The provisions of the LGHA 1989 include the requirement that, where Members of the Council are divided into political groups, then the membership of its committees and sub-committees must reflect the political balance of the Council as a whole.
- 3.5 Under LGHA 1989, the number of committee places to be allocated on committees of the Council is proportionate to that of the Council membership. However, the overall allocation must also be proportional to the Council membership. The Council is required to approve those allocations. The resulting allocation of committee places is set out in Appendix 2 (to follow).
- 3.6 The Council is bound to have regard to the wishes of the political groups in allocating committee places to individual councillors. A list of those councillors put forward by political groups for each committee will be circulated to members as soon as they are available, in addition to nominations received for the chairmen and vice-chairmen of the appropriate committees.

Lake Administration Committee

- 3.7 Section 16A of the Local Government (Committees and Political Groups) Regulations 1990 provides that the requirement of political balance does not apply to a committee or sub-committee which has established exclusively to discharge functions of the authority in part of the area of that authority. However, the Council, by custom and practice, has appointed the 16 elected members of the Lake Administration Committee in accordance with the political balance of the Council. The eight co-opted places are filled by persons nominated by Lakes Parish Council (three) and Windermere Town Council (five), as stipulated in the legal agreement made between the three councils in 1975. The Chairman and Vice-Chairman of this Committee will be appointed at its first meeting in the new municipal year as the Committee cooptees are entitled to vote on these appointments.

Licensing Committee

- 3.8 Whilst the Licensing Committee is not required to be politically balanced, the Council has traditionally adopted this practice and the functions under the Licensing Act 2003 have been dealt with by this Committee along with other non-licensing Act functions which do require a Committee that is politically balanced. In order to provide clarity around these different functions the terms of reference as set out in Table 2 have been divided between a Licensing Committee (Licensing Act 2003 functions) and a Licensing Regulatory Committee to deal with other licensing matters and for the same Members to sit on both committees.
- 3.9 It has been necessary to make arrangements for a Licensing Sub-Committee meeting to take place on Monday, 30 May 2022 at 10 a.m.. This is regarding a two-day Festival in the village of Aldingham. Volunteers are required for three Members to sit on the panel plus one substitute. Panel Members should, if possible, be politically and gender balanced and already have received the appropriate training.

Scheme of Delegation to Officers

- 3.10 The Scheme of Delegation to Officers and Proper Officer appointments is as set out in Part 3 of the Constitution.

Cumbria County Council Health Scrutiny Committee

- 3.11 South Lakeland District Council nominates a representative and substitute to Cumbria County Council's Health Scrutiny Committee on an annual basis from the membership of the Overview and Scrutiny Committee. To ensure that the representatives are able to attend the first meeting of the Health Scrutiny Committee, this decision is included in the appointments made at the Annual Meeting of the Council from members of the Overview and Scrutiny Committee.

Joint Consultative Panel

- 3.12 The Human Resources Committee, in addition to the Chairman, nominates an additional member of the Committee to sit on the Joint Consultative Panel. Nominations are sought from the membership of the Human Resources Committee to take up this role.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Details of political makeup of the Council and terms of office for councillors
2	Size and seats to be allocated to political groups on committees – to follow

5.0 Consultation

- 5.1 The leaders of the political groups have been consulted and have been asked for nominations in relation to committee places, committee chairs and vice-chairs, where applicable.

6.0 Alternative Options

- 6.1 At its Annual Meeting, the Council is required to give consideration to the allocation of committee places, appointment of committee chairs and vice-chairs of committees and sub-committees, terms of reference to each committee and the scheme of delegation.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no additional financial, resource or procurement implications arising as a result of this report.

Human Resources

- 7.2 There are no additional staffing implications arising as a result of this report.

Legal

- 7.3 The report and its recommendations have regard to the relevant legislation and constitutional requirements.

7.4 The Cumbria Structural Changes Order 2022 provided that there would be no District Council elections in 2022. Further that South Lakeland District Council will no longer exist from the 31st March 2023. Instead the Council is being replaced by the new Westmorland and Furness Unitary Council. At this time all Councillors will no longer be Councillors of South Lakeland District Council and their terms of office will end.

Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: The report deals with constitutional issues. There are no health, social, economic or environmental impacts arising as a result of this report.

Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? No

7.7 If you have not completed an Impact Assessment, please explain your reasons: It is considered that the recommendations will have a neutral effect on equality and diversity.

Risk

Risk	Consequence	Controls required
Committees are not properly constituted.	Challenge to decision making process.	Review constitutional makeup
The Constitution of the Council is not up to date.	Challenge to decision making process. Failure to comply with relevant legislation.	Ensure review and make any necessary legislative changes.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Council Constitution	https://www.southlakeland.gov.uk/media/7573/south-lakeland-district-council-constitution-2021.pdf
Local Government and Housing Act 1989	https://www.legislation.gov.uk/ukpga/1989/42/content/s
Localism Act 2011	https://www.legislation.gov.uk/ukpga/2011/20/content/s/enacted

Tracking Information

Signed off by	Date sent	Date Signed off
Monitoring Officer	Report Author	
CMT		

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	06/05/2022
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	18 May 2022