

**COUNCIL:**

**19 DECEMBER 2013**

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**REPORT OF COUNTY CLERK AND  
MONITORING OFFICER**

**AGENDA ITEM: 14**

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**COMMITTEE MEMBERSHIP: NOMINATIONS TO VACANCIES**

**Background**

1. The Council at its Annual Meeting on 23 May 2013 received and approved nominations from political groups to the seats allocated on each Committee. Subsequent changes to the Committee Membership have been reported to the Council.

**Issues**

Committee Membership

2. The Council has the following Member vacancies on Committees:

Audit Committee	one vacancy
Democratic Services Committee	one vacancy
Children & Young People Scrutiny Committee	one vacancy
Community & Adult Services Scrutiny Committee	one vacancy
Economy & Culture Scrutiny Committee	one vacancy
Corporate Parenting Panel	one vacancy

3. Political Groups have been asked to provide formal notification of nominations to the Proper Officer for inclusion on the amendment sheet.

Standards & Ethics Committee: - Independent Member Appointment

4. The Council at its meeting 22 September 2011 approved the appointment of Dr James Downe as an Independent Member of the Standards and Ethics Committee for a term of four years, with the appointment to take effect from a future date to be confirmed when the next existing Independent Member stepped down from the Committee.
5. The term of office for Mr Akmal Hanuk ended on the 1 November 2013 and Dr James Downe as the appointed Independent Member took up office from 2 November 2013 for a four-year term.

## **Legal Implications**

6. Sections 15 to 17 of the Local Government and Housing Act 1989 lay down requirements designed to ensure that there is political balance on Committees (this requirement does not apply to a Standards Committee).
7. Whilst it is for the Council to ensure that there is a balance of political groups within Committees, it is for each political group to determine who should represent that group on the committee. By Section 16 of the 1989 Act, where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee. Regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990 ('the 1990 Regulations') requires political groups to be notified of their allocation on a Committee in order that they may nominate individuals to serve on that Committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so.
8. However, apart from this provision, the Council has no discretion in the matter—its function is simply to give effect to the wishes of the political groups.
9. Under Regulation 13 the wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail.
10. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the proper officer (the Chief Executive) to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Chief Executive) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.
11. For the avoidance of doubt the requirements for political balance do not apply to the Cabinet or a Committee of the Cabinet or to the Standards and Ethics Committee.

## **Financial Implications**

12. Assuming that the number of Committees remains unchanged there are no additional financial implications arising from this report that have not been included within the Council's budget for 2013/14.

## **RECOMMENDATIONS**

The Council

- (1) notes the nominations received for the vacancies on Committees as set out on the amendment sheet;
- (2) notes that Dr James Downe the appointed Independent Member of the Standards and Ethics Committee took up his four-year term of office as from 2 November 2013, in accordance with the decision of Council on 22 September 2011.

**MARIE ROSENTHAL**

**County Clerk and Monitoring Officer**

12 December 2013