

ANNUAL COUNCIL, 25 MAY 2022

**SUBJECT: ESTABLISHING THE COMMITTEES OF THE COUNCIL AND
CONFIRMING THE SCHEME OF DELEGATION**

In accordance with the Constitution, Annual Council, among other things, appoints its Committees.

This report deals with the appointment and sizes of Committees, the co-opted members and observers etc. and recommends such appointments consistent with previous decisions of the Council.

Council is also required under s.100(G)(2) of the Local Government Act 1972 to agree that part of the Scheme of Delegation which it is for the full Council to agree.

Council is recommended to confirm the delegations to officers in respect of those powers reserved to full Council by the Functions and Responsibilities Regulations 2000.

The delegations are set out in the Council's Constitution, most notably, in Part 2, the Articles, and the relevant provisions of Part 3 of the Council's Constitution (Responsibility for Functions).

There are no other changes proposed to the current make up of committees.

RECOMMENDATIONS

- (1) That, so far as necessary to enable any changes proposed and agreed during this meeting to be carried in to effect, Council Procedure Rule 20.2 (proposals to amend the Constitution to be referred to Governance Committee without discussion) be suspended.

Annual Council, 25 May 2022

- (2) That, subject to the Council's consideration of any motion or amendment to this report relating to changes in the Committee structure, the Committees listed in Appendix 1

be appointed for the 2022/23 Municipal Year and that:

- (a) As required by statute, two voting co-optees representing the Church of England and the Roman Catholic Church and three parent governor co-optees selected in accordance with the appropriate Regulations, be appointed to the Children & Learning Services Overview and Scrutiny Sub-Committee.
- (b) The other non-elected member "appointments" and invitations to attend shown in the Appendix (and particularly its annexes) be confirmed.
- (3) Those Committees be appointed with:
- (a) the membership sizes and
- (b) the political balance
- indicated in Appendix 2 (to follow).
- (4) That the delegation of non-executive functions (as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (amended) to officers be agreed as set out in the Council's Constitution.
- (5) To agree that all officers with delegated powers have power to further delegate those powers to other officers under s.101 of the Local Government Act 1972 or as provided for by any other legislation and may agree a scheme of delegation to officers for their service areas.

Staff Contact: Zena Smith, Head of Democratic and Election Services
zena.smith@haverling.gov.uk

Background Papers List

None

APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

Name of Committee	Notes
Adjudication and Review Committee	<i>See annex 1</i>
Appointments Committee	
Audit Committee	
Governance Committee	
Highways Advisory Committee	
Licensing Committee	
Pensions Committee	<i>See annex 2</i>
Strategic Planning Committee	
Planning Committee	
Overview and Scrutiny Board	
Children & Learning Overview and Scrutiny Sub-Committee	<i>See annex 3</i>
Crime and Disorder Sub-Committee	
Environment Overview and Scrutiny Sub-Committee	
Health Overview and Scrutiny Sub-Committee	
Individuals Overview and Scrutiny Sub-Committee	
Towns & Communities Overview and Scrutiny Sub-Committee	
Joint Venture Working Party	

Annual Council, 25 May 2022

Health & Wellbeing Board

Adjudication and Review Committee

The major part of the work of this Committee is carried out through Hearings Panels. The composition of Hearings Panels varies according to the nature of the issue adjudicated – as indicated in the following table:

Type of hearing	Membership of Panel
Corporate complaints	Three Members and a non-voting independent person
Children Act complaints	Three independent persons
Community Care Act complaints	Two Members and an independent person as chairman, with voting rights
Housing tenancy appeals	Three Members

The independent persons used for such hearings are taken from a pool of such people appointed on behalf the Adjudication & Review Committee, managed by Legal & Governance Services, who have received training appropriate to that role.

Pensions Committee

The Pensions Committee is responsible for the management of the Council's Pension Fund investment portfolio.

In addition to the Members of the Committee, there is a non-voting co-opted member representing the organisations that have scheduled or admitted status within the Council's pension scheme (public and private sector bodies, some of whose employees are members of the pension scheme, mainly because they are former employees whose employment has transferred to another organisation).

Although not strictly Members of the Committee, in accordance with the Constitution, two representatives of the staff are appointed by the unions to attend and contribute to meetings of the Committee. These appointees have no voting rights but are entitled to participate in the discussion of exempt or confidential material.

Children and Learning Overview & Scrutiny Sub-Committee

The law requires that the Council co-opt to this Overview & Scrutiny Sub-Committee one representative of each of the Anglican and Roman Catholic Churches, and three members representing governors of schools in the three sectors of education, primary, secondary and special. All co-opted Members have the same rights as elected Members, including the right to vote, may attend when issues relating to Education are being discussed and have the right to participate in such discussions.

It should be noted that this statutory requirement applies to any Overview & Scrutiny Committee that scrutinises education matters.

In addition, the Council's Constitution provides for three non-voting representatives of local teacher unions and professional associations to attend meetings of the Committee and participate in the discussion of matters relating to education.

POLITICAL BALANCE PRINCIPLES

The Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The relevant principles are, in order of priority:

1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
3. The total share of all the seats available for all Committees allocated to each political Group and to Members not in a Group must be proportionate to that Group's/Members' share of the total Council membership.
4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group or to Members not in a Group must be proportionate to that Group's/those Members' share of total Council membership.

In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own. With the distribution of seats on the Council that results from the election, it is inevitable (a) Groups/Members will not all be able to be represented on every Committee and (b) that one Group's representation on some Committees will be at the expense of another's.

The minimum number of Councillors in a group for it to exist is two.

The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.

To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Annual Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to the Committee

Annual Council, 25 May 2022

so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

The “wishes of the Group” may be communicated to the Proper Officer and will be implemented forthwith. Changes may be effected at any time by notice to the Proper Officer and will be notified to all Members in the next available edition of the weekly Calendar Brief.

It should be noted that the Constitution provides that the Chairmen and Vice-Chairmen of Committees are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council.

RECOMMENDED SEAT ALLOCATION

To follow.