

**ANNUAL COUNCIL, 24 MAY 2023**

**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, 24 May 2023**

- (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 2023/24 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 People 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.
- (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 Committee and Election Services  
zena.smith@haverling.gov.uk

## **Background Papers List**

None

**APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

<b>Name of Committee</b>	<b>Notes</b>
Audit Committee	
Governance Committee	<i>See annex 1</i>
Licensing Committee	
Pensions Committee	<i>See annex 2</i>
Strategic Planning Committee	
Planning Committee	
Overview and Scrutiny Board	
People Overview and Scrutiny Sub-Committee	<i>See annex 3</i>
Places Overview and Scrutiny Sub-Committee	
Appointments Sub-Committee	

**Governance Committee**

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:

<b>Type of hearing</b>	<b>Membership of Panel</b>
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 of the Governance Committee, managed by Committee 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.

### **People 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 Sub-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, 24 May 2023**

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**

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the default position.

	<b>CONS</b>	<b>HRA</b>	<b>LAB</b>	<b>EHRG</b>	
<b>Governance</b>	<b>12</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>
<b>Licensing</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Planning</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Strat. Planning</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Pensions</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Audit</b>	<b>8</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>
<b>People OSSC</b>	<b>12</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>
<b>Places OSSC</b>	<b>12</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>
<b>O &amp; S Board</b>	<b>12</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>
<b>Total seats allocated</b>	<b>84</b>	<b>31</b>	<b>35</b>	<b>13</b>	<b>5</b>
<b>Appointments S-C</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>



**Annual Council, 24 May 2023**

- Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

## **PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES**

The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

### **Basic allocation of seats**

The seat entitlements of the Groups are agreed by a formula using the percentage of the membership of the Council represented by each Group (or Member(s) not in a Group), operating through a sequence of stages as follows:

**First**, the percentage of each Group's membership of the Council (and of any Members not within a Group) is calculated to two decimal places.

**Next**, that percentage is applied to the number of seats available on each Committee to agree each Group's potential entitlement to seats on that Committee. Where the resulting figure is not a whole number, generally it is rounded to the nearest whole number following the mathematical convention that numbers below .5 are rounded down, and those .5 or more are rounded up.

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil, as there is a specific number of seats available on each Committee and no other Group may have more seats on any Committee than its entitlement.

Once the size of the Groups are known, a table will be drawn up which will show the basic allocation on the basis of these principles to Committee sizes ranging from 3 Members to 15.

**Finally**, fine adjustment is required to ensure that, so far as reasonably practicable, the seats allocated reflect the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process.

### **Specific allocations**

For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.

Once the number of seats available on each Committee has been agreed, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives

## **Annual Council, 24 May 2023**

each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.