



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>ANNUAL COUNCIL – 15 MAY 2024</b>
Subject	<b>APPOINTMENT OF COMMITTEES</b>
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Andrew Brown, Business Manager for Democratic Services Email: <a href="mailto:democratic@cotswold.gov.uk">democratic@cotswold.gov.uk</a>
Report author	Caleb Harris, Senior Democratic Services Officer Email: <a href="mailto:caleb.harris@cotswold.gov.uk">caleb.harris@cotswold.gov.uk</a>
Summary/Purpose	This report sets out those matters reserved to Council at its Annual Meeting: <ul style="list-style-type: none"><li>• To make appointments to Committees for the Civic Year 2024/25.</li><li>• To make appointments to the positions of Chair and Vice Chair of Committees for the Civic Year 2024/25.</li></ul>
Annexes	Annex A – Political Balance Annex B - Committee nominations 2024/25 (to follow) Annex C – Constitution Working Group and Publica Review Working Group Terms of Reference for 2024/25
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none"><li>1. DETERMINE that, in accordance with Section 15 of the Local Government and Housing Act 1989 (“the Act”), the Council shall continue to apply the political balance provisions under the Act to committees as shown in Annex A;</li><li>2. APPOINT Councillors to serve on the Council’s Committees and working groups as set out in Annex B for a term of office expiring at the next Annual Meeting of the Council;</li><li>3. APPOINT Chairs and Vice-Chairs for the Council’s Committees and working groups as shown in Annex B;</li><li>4. NOTE the arrangements for substitutions set out in part 4 of the</li></ol>



	<p>report;</p> <ol style="list-style-type: none"><li>5. AGREE to confirm the changes to the terms of reference to include substitute members for the Constitution Working Group;</li><li>6. AGREE the draft terms of reference for the Publica Review Working Group set out in Annex B.</li></ol>
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A



## **1. EXECUTIVE SUMMARY**

- 1.1 The report sets out the statutory requirement that Council agrees on an annual basis its committee membership for the forthcoming civic year 2024/25.

## **2. BACKGROUND**

- 2.1 The Local Government and Housing Act 1989 (“the Act”) requires the Council to allocate Committee seats to political groups in proportion, as far as is reasonably practicable to the size of those groups on the Council and that the Council review that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each Committee and across the relevant Committees taken as a whole, subject to Section 15 (5) (b) of the Act which provides that where the majority of seats on the Council are held by one political group, that group shall have a majority on all bodies to which appointments are made.
- 2.2 Under the Council’s political groups scheme, if the Council is unable to make appointments or matters change during the year the Chief Executive is authorised to consult with the group leaders and following that consultation to adjust the number and allocation of seats to each group to give effect to the rules on proportionality and to make appointments as necessary, in accordance with the nominations of the group leaders.
- 2.3 It is open to the Council or a Committee or other relevant council body carrying out a review, to adopt some other arrangement and allocate seats on a different basis other than that prescribed by the Act. Notice of such a proposal must be given in the council summons, and a decision would have to be made without any member voting against the arrangement. This is known as a ‘nem con vote’ by the Council. Abstentions from voting do not invalidate the ‘nem con vote’. Notice has been given on the Agenda so that Council is not denied that opportunity.
- 2.4 Committee membership is for one year with the appointments made at the Annual Meeting and will expire at the next Annual Council meeting on 21 May 2025.
- 2.5 Members who serve on Cabinet cannot serve on the Overview and Scrutiny Committee.
- 2.6 Under the Constitution, Members cannot serve on the Planning and Licensing Committee unless they have received the required training.
- 2.7 It is expected within the Constitution that the Chair of the Overview and Scrutiny Committee will be from an opposition group.

## **3. MAIN POINTS**

- 3.1 Under Section 15 of the Act, the Council must review the representation of the different political groups on Committees and other relevant Council bodies at the Annual Council



Meeting or as soon as practicable after that meeting. The statutory provisions have been added to by the Local Government (Committees and Political Groups) Regulations 1990 as amended in 1991.

- 3.2 The Constitution requires the Annual Meeting of Council to appoint Councillors to serve on the Council's Committees and other Council bodies for the Civic Year 2024/25.
- 3.3 Council may appoint the Chair and Vice-Chair of each committee or if Council does not do so the Chair and Vice-Chair will be elected at the first scheduled meeting of each committee. It is the custom and practice of the Council for this to be done at the Annual Meeting.

#### **4. SUBSTITUTIONS**

- 4.1 Where a Member is unable to attend a meeting of a committee of which they are a Member, they may arrange for a substitute member to attend in their place. Notification of substitution can be made by the Member appointing the substitute, the substitute Member, or in the case of a substitution within a political group by the Leader or Deputy Leader of the relevant political group.
- 4.2 The Constitution states that for each committee where substitution is applicable, substitutes are permitted in respect of each political group, and across non-aligned Members as if those members were to have formed a grouping. Substitution is only permitted within each political grouping, or within the non-aligned Members (i.e. a Member of a political group cannot substitute for a Member of another political group or a non-aligned Member; and a non-aligned Member cannot substitute for a Member of a political group).
- 4.3 Notification of substitution can be made by the Member appointing the substitute, the substitute Member, or in the case of a substitution within a political group by the Leader or Deputy Leader of the relevant political group.

#### **5. WORKING GROUPS**

- 5.1 Full Council has previously agreed to set up a number of Working Groups to cover a variety of issues which require Member input. Some of these Working Groups report to Council and provide recommendations for approval whilst others are to provide Member input for the work of officers or Cabinet Members.
- 5.2 Since the previous Annual Council in 2024, the Constitution Working Group and the newly established Publica Review Working Group require two decisions to be agreed.
- 5.3 The Constitution Working Group has recently agreed to include provisions for substitutions within its terms of reference which will enable the group to continue its work when Members are not able to attend.



**5.4** The Publica Review Working Group is a new working group which has been proposed by officers to enable Member input as announced by the Leader and Chief Executive at Council on 20 March 2024. The draft terms of reference attached at Annex B need to be agreed to by Full Council for the group to begin its work.

**5.5** In addition to Working Groups established by Council the Overview and Scrutiny Committee may establish Task and Finish Groups. These groups will be appointed by the Committee when required.

## **6. ALTERNATIVE OPTIONS**

**6.1** If Council wishes to alter the size or general remit of any Committee, it could pass a resolution requesting that officers produce a report to a future Full Council meeting with alternative proposals.

**6.2** If Council wishes to make further changes to the terms of references of Working Groups, it could delegate authority to the Chief Executive to do so.

## **7. FINANCIAL IMPLICATIONS**

**7.1** There are none arising.

## **8. LEGAL IMPLICATIONS**

**8.1** None in addition to those mentioned within the report.

## **9. RISK ASSESSMENT**

**9.1** An effective Committee structure and decision-making process is critical for the Council to deliver its Corporate Priorities.

**9.2** If appointments were not made, this could delay decision-making within the Council.

## **10. EQUALITIES IMPACT**

**10.1** Council is advised of the need to promote equality when appointing to committees.

## **11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**11.1** None.

## **12. BACKGROUND PAPERS**

**12.1** None.

(END)