

Report to:	Annual Council	Date of Meeting:	19 May 2022
Subject:	Appointment of Committees and Sub-Committees 2022/23		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	(All Wards);
Portfolio:	Regulation, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The purpose of this report is to allocate seats on the various Committees of the Council in order to comply with Section 15 of the Local Government and Housing Act 1989 and to make appointments to those seats in accordance with Section 16, together with the appointment of Chairs.

Recommendation(s): That:

- (1) the allocation of Committee Places be noted;
- (2) the Members, Chairs and Vice Chairs for the Committees and Sub-Committees set out in the appendix to this report be appointed for a maximum period of twelve months until the Adjourned Annual Council Meeting to be held in May 2023, subject to any changes political groups may make to memberships of Committees at meetings of the Council; and
- (3) at the next meeting of the Council nominations be sought from Groups to appoint additional Members (and Substitute Members) to fill one vacancy on each of the following Committees:
 - Audit and Governance Committee
 - Licensing and Regulatory Committee
 - Planning Committee
 - Joint Consultative Committee for Teaching Staffs
 - Local Joint Consultative Committee

Reasons for the Recommendation(s):

To comply with the requirements of the Council's Constitution.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
None
Legal Implications:
This paper will ensure that the Council complies with appropriate legislation
Equality Implications:
There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: N/A
Commission, broker and provide core services: N/A
Place – leadership and influencer: The proposals will ensure that appointments are made to the various Committees of the Council in order to comply with Section 15 of the Local Government and Housing Act 1989 and to make appointments to those seats in accordance with Section 16.
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener N/A

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6790/22) and Chief Legal and Democratic Officer (LD 4990/22) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Council meeting.

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Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 In accordance with Section 15 of the Local Government and Housing Act 1989, it is the duty of the Council, at its Annual meeting, where it is divided into different political groups, to review the representation of different political groups on Committees and Sub-Committees.

2. Political Composition of the Council

- 2.1 Following the Council Elections on 5 May 2022, the political composition of the Council is:

Political Group / Member	Seats on Council
Labour	46
The Liberal Democrat & Progressive Alliance Group	8
Conservative	5
Lydiate, Maghull, Aintree and Lunt Community Independents Group	3
Independents Group	2
Southport Councillor Group	2
Total	66

3. Allocation of Committee Places

- 3.1 In accordance with Section 15 of the Local Government and Housing Act 1989 (LG&HA 1989) and Local Government (Committees and Political Groups) Regulations 1990, where a Council is divided into different political groups, seats on Ordinary Committees must be allocated to give effect to the following principles:

- (a) all the seats on Committee are not to be allocated to the same political group;
- (b) the majority of seats on a Committee should be allocated to the group which has the majority of the Authority's membership;
- (c) subject to (a) and (b) above, the total number of seats on Committees must be allocated in proportion to the political strength on the Council; and

- (d) subject to (a), (b) and (c) above the number of seats on each Committee must be allocated in proportion to the political strength on the Council.
- 3.2 The term “Ordinary Committees” have a special statutory meaning. They only include Committees that have delegated powers to discharge the Council's statutory functions.
- 3.3 The political proportionality rules do not apply to the appointment of the Cabinet under Section 9 of the Local Government Act 2000.
- 3.4 The political proportionality rules do not need to apply to the appointment of Licensing Sub-Committees as Section 9 of the Licensing Act 2003 states that “A Licensing Committee may establish one or more Sub-Committees consisting of 3 Members of the Committee”. Furthermore, they are not “ordinary Committees” under the Local Government and Housing Act 1989.
- 3.5 The Local Government (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 made under the Health and Care Act 2012 provide that the Health and Wellbeing Board shall be a committee of the Council. The requirement for political balance does not apply to the Board and the Act requires that the Council membership is nominated by the Executive Leader (Leader of the Council).
- 3.6 A careful statistical analysis is considered prior to the allocation of the seats, to achieve the best fit both mathematically and to give effect to the principles cited above. In considering the statistical outcome of the elections and the allocation of seats, it is vital to appreciate that not all statistical outcomes can be rounded up and that there needs to be compromise in the system to achieve the overall apportionment of seats. In other words, some statistics that would ordinarily be rounded up might need to be rounded down in order to give effect to the statistical apportionment of seats to each party.

The first step is to ensure that the allocation of seats reflects the outcome of the election. The second step is to ensure that the party with the most members is allocated the most seats. Following which the primary principle is that each party achieves their overall allocation of seats across all of the Ordinary Committees (Section 15 (5) (c) of the LG&HA 1989 refers). Where possible and subject to that primary principle, only then can the principles be applied to each committee. It is not possible to give effect to this last principle even though the statistics for each individual ordinary committee might suggest otherwise.

- 3.7 It is therefore recommended that the seats on the Ordinary Committees be allocated as shown below:

Committee	Places	Lab	Lib Dem and Progressive Alliance	Con	Lydiate, Maghull, Aintree and Lunt	Independents	Southport Cllr Group
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					Community Independents		
Audit & Governance	10	7	1	1	1	0	0
Licensing & Regulatory	15	10	2	1	1	0	1
Planning	15	10	2	1	1	1	0
O&S Adult Social Care and Health	10	7	2	1	0	0	0
O&S Children's Services & Safeguarding	10	7	1	1	1	0	0
O&S Regeneration & Skills	10	8	1	1	0	0	0
O&S Regulatory, Compliance & Corporate Services	10	7	1	0	0	1	1
Total	80	56	10	6	4	2	2

3.8 The allocation of seats on ad-hoc Committees is as follows:

Committee	Places	Lab	Lib Dem and Progressive Alliance	Con	Lydiate, Maghull, Aintree and Lunt Community Independents	Independents	Southport Cllr Group
Licensing Urgent Referral Sub	3	2	0	1	0	0	0
Pay and Grading Committee	7	5	1	1	0	0	0
Planning Urgent Referral Sub	3	2	1	0	0	0	0
JCC Teachers	9	6	1	0	1	0	1
Local Joint Consultative	12	8	1	1	1	1	0
Public Engagement and Consultation Panel	4	3	1	0	0	0	0

3.9 Lydiate, Maghull, Aintree and Community Independents Group

3.10 The Lydiate, Maghull, Aintree and Community Independents Group were entitled to one place on each of the following Committees:

- Audit and Governance Committee
- Licensing and Regulatory Committee
- Planning Committee
- Overview and Scrutiny Committee (Children's Services and Safeguarding)
- Joint Consultative Committee for Teaching Staffs
- Local Joint Consultative Committee

3.11 However, notice has been received from the Lydiate, Maghull, Aintree and Community Independents Group that they only wish to take up a place on the Overview and Scrutiny Committee (Children's Services and Safeguarding).

3.12 It is therefore recommended that at the next meeting of the Council nominations be sought from other Groups to appoint Members (and Substitute Members) to fill the one vacancy on each of the following Committees:

- Audit and Governance Committee
- Licensing and Regulatory Committee
- Planning Committee
- Joint Consultative Committee for Teaching Staffs
- Local Joint Consultative Committee

4. Appointment of Members to Committees

4.1 Section 16 of the Local Government and Housing Act 1989 provides that after the Authority has determined the allocation of seats, it is the duty of the Authority to exercise its power to make appointments to Committees to give effect to the wishes of the various political groups, as to who is to be appointed to the seats of that body which have been allocated to that particular group. The seats are the property of the various political groups for appointment and dismissal.

4.2 The appointment of members in line with the wishes of the groups are shown in the appendix to this report.

5. Terms of Reference of Committees and Working Groups

5.1 The Terms of Reference of Committees and Working Groups are detailed in Chapters 6 and 7 of the Councils Constitution and can be accessed by following the link

<https://modgov.sefton.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13370&path=0>