

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council

**DATE:** 29<sup>th</sup> September 2011

**CONTACT OFFICER:** Catherine Meek  
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(01753) 875011

**WARD(S):** All

### **PART I** **FOR DECISION**

#### **COMMITTEE/COUNCIL MEMBERSHIP**

##### 1 **Purpose of Report**

To consider the reallocation of vacant seats on the Licensing Committee and make appointments to them.

To seek Council's approval to the appointment of an Independent Co-opted Member position on the Standards Committee

To consider whether to grant Councillor Choudhry a dispensation to the 'six month' rule in the event that he does not attend the meeting

##### 2. **Recommendations**

The Council is requested to resolve:

- (a) That the allocation of seats agreed by the Council on 19<sup>th</sup> May 2011 be noted.
- (b) Whether or not to reallocate the two vacant seats on Licensing Committee and make appointments to them.
- (c) That Mr Ronald Roberts be appointed to the Standards Committee as an independent Co-Opted member with immediate effect to the day before the Council's Annual Meeting in 2015, or until such time that the Council makes other arrangements for the Local Standards Regime under the provisions of the Localism Bill when enacted.
- (d) Whether or not, in the event that Cllr Choudhry is unable to attend the Council meeting, that he be granted an extension to the six month due to his poor health and for what period of time.

#### **Community Strategy Priorities**

Effective, transparent and democratic decision making processes are an essential pre-requisite to the delivery of all the Council's priorities.

#### 4. **Other Implications**

- 4.1 The proposals have no workforce implications and any financial implications have been reflected within the approved budget. There are no Human Rights Act implications. Legal implications are noted within the body of the report.

#### **Committee allocations**

- 4.2 The recommendations within this report meet legal requirements. The relevant law in respect of allocating places on Committees is set out in Sections 15-17 of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended).
- 4.3 The Council agreed that allocation of seats at its annual meeting on 19<sup>th</sup> May 2011. The basic principles for allocating places on committees between political groups are:-
- (a) That not all of the seats on the committee are allocated to the same political group,
  - (b) That the majority party on the Council must have a majority over all the other groups on the committee.
  - (c) That subject to (a) and (b), the proportion of seats allocated to each political group of the total of all committees should be the same as the proportion of Members who belong to that group.
  - (d) That subject (a)-(c), the proportion of seats allocated to each political group on each committee should be the same as the proportion of Members who belong to that group.
- 4.4 The principles outlined above rank in priority. Principles (a) and (b) (no one party committees and the largest political group having a majority) must always be satisfied. Subject to those first principles the proportionality rule in (d) is applied and this distributes places proportionally among the political groups according to their respective size. For ordinary committees, however, there is a further political requirement – principle (c) applies. This means that the distribution of places on the individual committees must be adjusted so that proportionality is observed across all the ordinary committees taken as a whole (subject to principles (a) and (b)) even though this will often mean departing from proportionality within a particular committee. The effect is that a second and any subsequent opposition party will generally be entitled to some committee places even though their size does not entitle them to places on all committees.
- 4.5 Section 15 of the Regulations provides that where a political group has failed to express its wishes in relation to the appointment to an allocated seat within three weeks of it being allocated the authority may make such appointment to that seat as they think fit.
- 4.6 As an alternative to applying the political proportionality rules the Council is entitled under Section 17 of the Act to adopt different arrangements provided all of the members vote for/abstain from a proposal (ie: no member votes against).

## **Membership of the Standards Committee**

- 4.7 Under the Relevant Authorities (Standards Committee) Regulations 2001 (the Regulations), where a Standards Committee has more than three Members at least 25% must be Independent non-elected Members. The Council has chosen to provide for four Independent Members.
- 4.8 Under Regulation 4, a person may not be appointed as an Independent Member of a Standards Committee unless the appointment is
- (a) approved by the majority of the Members of the Authority;
  - (b) advertised in one or more newspapers circulating in the area of the Authority;
  - (c) of a person who has submitted an application to the Authority;
  - (d) of a person who has not within the period of 5 years immediately preceding the date of the appointment been a Member or Officer of the Authority;
  - (e) of a person who is not a relative or close friend of a Member or Officer of the Authority.

## **Attendance at meetings**

- 4.9 The Local Government Act 1972 states that 'if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.'

## **5. Supporting Information**

### **Allocation of Seats on Committees**

#### **Background**

- 5.1 At its meeting on 19<sup>th</sup> May 2011 the Council agreed the allocation of seats on the Council's Committees to political groups under the proportionality rules and appointed to those seats. The current allocation of seats is set out at Appendix 1.

#### **Licensing Committee**

- 5.2 Councillor Choudhry was appointed to the Licensing Committee as an independent member but has since indicated that he did not want to accept the appointment. The seat allocated to the BILLD Group was also left vacant and has not been appointed to. The BILLD Group has indicated that it does not wish to take up this appointment. It is therefore open to the Council to reallocate these vacancies to another member/Group.

#### **Standards Committee**

- 5.3 An advertisement was placed in the local press on the 11 March 2011 seeking applicants for the position of an Independent Co-opted Member of the Standards Committee. No applications were received.
- 5.4 In 2003 when the Council had difficulty appointing Independent Members the Standards Board for England was consulted and its representative advised that, as the Council had advertised the vacancy as required by the Regulations it was open to

the Council to seek to fill the vacant position by directly approaching suitable candidates with a view to getting them to submit an application.

- 5.5 An application for the vacant post was received on the 6 July 2011. The applicant, Mr Ronald Roberts, was interviewed on 7<sup>th</sup> September by the Group Leaders. Following the interview, the Group Leaders recommended the appointment of Mr Roberts as an Independent Co-opted Member of the Standards Committee for the period 30<sup>th</sup> September 2011 to the day before the Annual Meeting of the Council in 2015.

### **Six Months rule**

- 5.6 Any member of a local authority who fails to attend any meeting of the authority for a period of six months ceases to be a member of that authority unless the Council considers the reasons for failure to attend and agrees to extend the period.
- 5.7 Councillor Choudhry has advised the Deputy Borough Secretary that he is, and has been, unwell and has been unable to attend a meeting since the Planning Committee on 17<sup>th</sup> May 2011. Councillor Choudhry is anticipating attending this Council meeting if his health permits. However if he is unable to attend he has asked that the Council consider granting him a dispensation to extend the six month rule to allow time for his health to improve.

### 6. **Appendices**

Appendix 1 – Current allocation of seats on Committees.

### 7. **Background Papers**

Agenda and Minutes – Council – 19<sup>th</sup> May 2011

Local Government & Housing Act 1989 and associated Regulations

Local Government Act 1972.

**ALLOCATION OF SEATS – COUNCIL 19<sup>TH</sup> MAY 2011**

	<b>Total No. of Seats on Body</b>	<b>Labour (27) (65.85%)</b>	<b>Conservative (8) (19.51%)</b>	<b>BILLD (5) (12.19%)</b>	<b>P CHOUDHRY (1) (2.44%)</b>
Cabinet (Executive)	8	8			
<u>Standards</u> (Not in basket)	6	3	2	1	
Audit	5	3	1	1	
Overview & Scrutiny	9	6	2	1	
Planning	9	6	2	1	
Licensing	11	7	2	1	1
Employment & Appeals	9	6	2	1	
<b><u>TOTAL SEATS ALLOCATED</u></b>	<b>43</b>	<b>28</b>	<b>9</b>	<b>5</b>	<b>1</b>
<b><u>GROUP SEAT ENTITLEMENT (Basket)</u></b>		<b>28 (28.32)</b>	<b>9 (8.39)</b>	<b>5 (5.24)</b>	<b>1 (1.04)</b>