

VACANCY ON CHILDREN, EDUCATION AND SKILLS SCRUTINY COMMITTEE

REPORT OF THE HEAD OF LAW AND GOVERNANCE

1. The Children, Education and Skills Scrutiny Committee comprises 12 elected members. In addition, there are currently two serving co-opted members and two vacant positions for co-optees.

The Committee is subject to the “political balance” rules, which are designed to ensure that the political composition of the Council’s decision making and deliberative committees, so far as possible, reflects the political composition of the full Council.

At Annual Council in May 2018, the seats on the Committee were allocated to the political groups as follows:

Labour 10
Conservative 1
Liberal Democrat and Others 1

2. Cllr Stephen O’Brien was nominated by the Liberal Democrat and Others Group and duly appointed by Council. By e-mail dated 2 August 2018, Cllr O’Brien gave notice of his resignation from the Committee and advised that he would not be replaced by a Liberal Democrat.
3. Following Cllr O’Brien’s resignation, written notification dated 10 August was sent to the Leader of the Liberal Democrats and Others Group, Cllr Niall Hodson, to advise of the vacancy and the opportunity to nominate a member of the Group to the seat. Cllr Hodson replied to confirm that the Group would decline to nominate for the vacancy at this time and would keep this decision under review.
4. Under the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations) if a political group has failed to express its wishes in relation to the appointment to a Committee seat within a period of three weeks of receiving notification of the vacancy, “the authority may make such appointment to that seat as they think fit.”
5. Council’s default power in respect of appointment is discretionary. An appointment “may” be made but there is no requirement to do so. In addition, the power to appoint has to be interpreted in its statutory context and the requirement for political balance. Where a political group has been allocated a seat on a committee, Council can exercise its power of appointment only by appointing a member of the political group to which the seat was allocated, unless the Council agrees “alternative arrangements” to the political balance allocations. Alternative arrangements for the allocation of seats other than on

the basis of strict political balance may be approved by the Council under section 17 of the Local Government and Housing Act 1989, provided no member votes against the proposal. Abstentions would not defeat a vote on such a proposal.

6. As the Children, Education and Skills Scrutiny Committee now has only one serving Opposition Member and the Liberal Democrat Group is currently declining to nominate a replacement, Council may wish to consider approving alternative arrangements, to allow a Majority Opposition group member to take up the vacant seat. The appointment of an additional Conservative member to the Committee would provide an opportunity for wider engagement and participation by Opposition members in the Scrutiny function, than would be achieved by leaving the seat vacant.
7. Whilst the Council could also agree alternative arrangements providing for the appointment of an additional Majority Group member to the Committee, in view of the number of seats already allocated to the Majority Group, it is suggested that appointment of an Opposition member would be a more appropriate option, for the reasons referred to above. The Leader of the Conservative Group, Cllr Robert Oliver, has advised that the Conservative Group would wish to nominate a member for appointment to the vacant seat and this is supported by the Leader of the Council.
8. The options which Council may wish to consider are therefore as follows:
 - (1) (i) to approve alternative arrangements to political balance;
 - (ii) allocate the vacant seat previously allocated to the Liberal Democrat and Others Group on the Children, Education and Skills Scrutiny Committee to the Conservative Group, so that the elected member representation on the Committee will be

Labour 10: Conservative 2; and
 - (iii) appoint a member nominated by the Conservative Group to the vacancy on the Committee; or
 - (2) appoint a Liberal Democrat and Others Group member to the vacant seat; or
 - (3) leave the seat vacant at this time.

9. Recommendation

Council is asked to consider how to deal with the vacant seat on the Children, Education and Skills Scrutiny Committee.

Background papers

None