

COUNCIL

21 NOVEMBER 2018

VACANCY ON CHILDREN, EDUCATION AND SKILLS SCRUTINY COMMITTEE

REPORT OF THE HEAD OF LAW AND GOVERNANCE

1. At its meeting on 19 September, Council considered a report regarding the current vacancy on the Children, Education and Skills Scrutiny Committee, which has arisen due to Cllr O'Brien relinquishing his seat on the Committee and the Liberal Democrat and Others Group declining to nominate a member of their group to take the seat in his place.
2. Members are reminded that the Committee comprises 12 elected members, together with a number of 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

3. 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."
4. 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.

5. At the Council meeting in September, a motion was moved for “alternative arrangements”, to allow a Majority Opposition group member to take up the vacant seat, however this was defeated as there were six votes against the proposal. The Council did not make any appointment to the seat, nor did it formally resolve that the seat be left vacant.
6. Council is therefore recommended to give consideration to how it wishes to deal with the vacant seat.
7. Options which the Council may wish to consider are:
 - (1) (i) to approve alternative arrangements to political balance; and
(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; or
 - (4) continue to review the position in respect of appointment to the vacant seat at future Council meetings, until an appointment is made.

8. **Recommendation**

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