

Annual Council Meeting

26 May 2022

Report of the Director of Governance

Allocation to Seats and Appointments to the Council Structure and Other Bodies for 2022/23 and Allocation of Motions

Summary

1. At its Annual General Meeting, Full Council considers the allocation of seats on Committees and other bodies every year and makes appropriate appointments for the coming Municipal Year. This report sets out details of those arrangements, together with a proposed schedule of motions from Groups for consideration at ordinary meetings of Council, as required by the Council Procedure Rules.

Background

2. The Council is required to review committee membership and political proportionality on committees annually in order to run its business during the 2022/23 Municipal Year. The distribution of seats on committees is allocated in accordance with the proportionality principles set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
3. In accordance with the Local Government Act 2000 covering Executive arrangements, the Council Leader is responsible for appointing between two and nine Executive Members.
4. Constitutionally, the Annual Meeting must approve a schedule of motions allocated to Groups for consideration at ordinary Council meetings.

Allocation of Seats

5. Full Council is asked to approve appointments to those available seats to which the political balance rules must be applied under the terms of the Local Government & Housing Act 1989. Council is also asked to

consider applying the rules to the remaining bodies it chooses to set up, in accordance with previous practice. Full details are contained in Annex A which is attached to this report.

6. Whilst political proportionality will be applied to all other Committees, City of York Council has determined that it shall not apply to
 - Joint Standards Committee and its Sub Committees; and
 - The Health and Wellbeing Board

Appointments to Committees, Working Groups & Other Bodies

7. Further to the allocation of seats referred to above, Full Council is asked to make appointments to those Committees and other bodies set out in Annex B. These include various external bodies, together with Chairs and Vice Chairs of Committees and membership of Ward Committees. These appointments will be made in accordance with nominations to be made by political groups, together with nominations to places allocated to Independent Members.
8. Also included within Annex B are the details of statutory appointments which the Council is required to make to its Health & Wellbeing Board. This is a Committee of the Council but one to which proportionality rules do not have to be applied. Statutorily, the Council must appoint the Council Leader (or their nominee) to the Board. It is proposed that the Executive Member for Health & Adult Social Care be appointed as the Leader's nominee for the 2022/23 Municipal Year. In addition it is proposed that an additional the Executive Member be appointed to the Board.
9. Traditionally, the Council has also appointed a further 2 Members to the Board. It is proposed that these Members be appointed from next 2 largest groups on the Council:
 - 1 Labour;
 - 1 Green.

Appropriate nominees will be circulated prior to the meeting.

10. The Health and Care Act 2022, has very recently come into force and the Council is working with Health Partners to determine the future working relationships and responsibilities. Regulations to assist with the implementation are yet to be published however it is inevitable that these Regulations will trigger a formal review of the terms of reference and

membership of the Health and Wellbeing Board during 2022-2023. Alongside this the York Alliance Place Board is in the process of being established in accordance with the Health and Care Act 2022 and the known appointments at this stage are included within Annex B.

Impact of the Review of the Constitution

Planning Committees

11. As a result of the review of the Constitution, the Planning Committees have been re-named; Planning Committee A (formerly Main Planning Committee) and Planning Committee B (formerly Area Planning Sub-Committee). Following consultation with the Chairs and Vice Chairs of the two Planning Committees and with Group Leaders, the decision has also been taken to reduce the size of membership for each Committee as follows:
 - Planning Committee A will comprise of 11 Members (formerly 15);
 - Planning Committee B will comprise of 9 Members (formerly 11)
12. Proportionality calculations are based on this revised membership of 11 and 9 respectively.

York's Commitment to Corporate Parenting

13. Article 20 the Council's Constitution now determines the Elected Member representation for its Corporate Parenting Responsibility.
14. The Lead Executive Portfolio Members for Adults and Children are both automatically appointed alongside two Elected Member representatives from Show Me I Matter. So as to avoid duplication, the two appointments from Show Me I Matter will not include the Lead Executive Portfolio Members for Children and Adults. The number of Elected Members to be appointed to Show Me I Matter has been increased to accommodate this.

Appointment of Substitutes

15. The political proportionality calculations and the allocation of seats to political Groups does not take into account or have any bearing on the appointment of substitutes. Pursuant to Article 7, of the Constitution, the appointment of a substitute Member can come from any political Group.

West Yorkshire Combined Authority (WYCA)

16. Details of places available to the Council in relation to WYCA Advisory Panels (formerly Leeds Enterprise Panels), together with its nominations to fill those places, are also set out in Annex B.

Schedule of Motions

17. A schedule of allocation of motions to ordinary Council meetings is attached at Annex C to this report. This covers the full existing Council 4 year term and was approved at Annual Council in 2019, therefore Annual Council is not required to determine the allocation of motions for the municipal year 2022-2023.

Consultation

18. In accordance with the usual process for gathering nominations to available places at the Annual Council Meeting, all party Groups have been consulted on and provided with the necessary information on available places.

Options

19. Options open to the Council are:
 - (i) to approve or not approve the allocation of seats in accordance with the arrangements set out in Annex A;
 - (ii) to make the appointments proposed at the meeting (in accordance with nominations to be circulated) to Committees and other bodies set out in Annex B, including the appointment of Chairs and Vice Chairs to Committees, or propose alternatives.

Council Plan

20. Establishing an appropriate decision making and scrutiny structure, is essential in providing a framework through which the Council can make decisions relating to the delivery of its core priorities, effectively.

Implications

Financial

21. Not applicable to this report.

Human Resources (HR)

22. Not applicable to this report.

Equalities

23. The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Legal Implications

24. Section 15 of the Local Government and Housing Act 1989 imposes a duty on the Council to allocate seats on its ordinary and advisory committees to party groups, giving effect, “so far as is reasonably practicable”, to principles set out in the Act. These principles are:
- a) Not all the seats on the body are allocated to the same political group;
 - b) That the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority’s membership;
 - c) Subject to (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees as is borne by the number of members of that group to the membership of the authority;
 - d) Subject to (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
25. The Council is statutorily obliged to make appointments to committees, advisory committees, sub Committees and certain other prescribed

bodies in accordance with these political balance rules. These rules may only be waived where no Member votes against the proposal. As with previous years, it is suggested that the rules be waived in relation to appointments to the Joint Standards Committee, in the interests of fairness, independence and equality on this Committee.

26. A failure to meet the above legal requirements brings with it a risk of the Council operating with no agreed political management arrangements (in the form of a decision making and scrutiny structure) should Annual Council fail to make any such arrangements.
27. Article 7, sets out the City of York Council approach to the use of substitutes who can be appointed from any political group. However any substitute appointed to the two Planning Committees and the Licensing Committee must have undertaken the pre-requisite training prior to sitting on the committee in question.

Crime and Disorder, Information Technology and Property

28. Not applicable to this report.

Recommendations

29. Members are asked to consider the recommendations and annexes attached to this report and:
 - (i) Agree the allocation of seats in accordance with Annex A; and
 - (ii) Approve appropriate nominations to Committees and other bodies, as well as appointments to Chairs and Vice-Chairs, as set out in this report and its annexes, together with details of any nominations and appointments which may be circulated prior to the meeting;
 - (iii) Note the proposed allocation of motions for consideration at Ordinary Full Council meetings for the period 20221-2023, as approved by Annual Council in 2019; and
 - (iv) In the event that the Leader of the Council notifies the Monitoring Officer of any changes to the Executive Portfolios, the Monitoring Officer will update the Council's Constitution accordingly.

Reason: To fulfil the Council's statutory and constitutional requirements.

Contact details:

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**Chief Officer Responsible for the
report:**

Director of Governance

**Report
Approved**



Date 18/05/2022

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes:

- Annex A - Allocation of seats 2022/23
- Annex B - Appointments to Committees and other bodies 2022/23, including outside bodies, and Ward Committees
- Annex C – Allocation of Motions