

**Annual Council Meeting**

**25 May 2023**

**Report of the Director of Governance**

**Committee Arrangements, Allocation of Seats and Appointments to the Council Structure and Other Bodies for 2023/24, 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.
2. The Council is required to review committee membership and political proportionality on committees annually in order to run its business during the 2023/24 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 is required to also appoint its Council Leader at its Annual Meeting. Under the same statutory provisions, once the Council Leader is appointed by Annual Council, they are then responsible for appointing between two and nine Executive Members.
4. Constitutionally, the Annual Meeting must also approve a schedule of motions allocated to Groups for consideration at ordinary Council meetings.

**Proposed Scrutiny Committee Changes**

5. In order to streamline the Council's scrutiny function, the leading group have proposed a reduction in the number of the existing scrutiny committees, from six to four, with corresponding rises in the number of places on each committee to ensure the increased workloads of the new

committees are manageable. If approved, these changes will require associated amendments to the Constitution.

6. Council is therefore asked to approve the amended scrutiny committee arrangements. If approved, any necessary constitutional changes will be made.

### **Allocation of Seats**

7. 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.
8. In previous years, the City of York Council has determined that the principle of political proportionality shall not apply to either the Joint Standards Committee (and its Sub Committees), or to the Health and Wellbeing Board. For this municipal cycle, those committees have been included in the political balance calculations and will be politically balanced bodies.

### **Appointments to the Executive**

9. Council will be aware that one role of the Leader is to appoint their Executive Members. Annex B sets out, for information, the Executive Members, and their respective portfolios, which the Leader will be appointing.

### **Appointments to Committees, Working Groups & Other Bodies**

10. Council will be aware that section 16(1) of the Local Government and Housing Act 1989 provides:

*“Where any relevant authority or any committee of a relevant authority have determined the allocation to different political groups of the seats on a body to which section 15 above applies, it shall be the duty of that authority or committee so to exercise their power to make appointments to that body as to give effect—*

- (a) as soon as practicable after the determination; and*
- (b) if a vacancy subsequently occurs on that body, as soon as practicable after the occurrence of the vacancy,*

*to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group”.*

11. Consequently, where committee places are subject to group allocation and the group expresses its wishes, the Council is under a duty to give effect to those Group wishes.
12. In light of the group allocations of seats referred to above, Full Council is asked to note the group allocations to those Committees and other bodies set out in Annex B, and to agree any non-Group vacancies which may exist. With regard to future changes in Group nominations, Council is also asked to delegate authority to put such changes into effect to the Director of Governance and Monitoring Officer.
13. 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.
14. Also included within Annex B are the details of statutory appointments which the Council is required to make to its Health & Wellbeing Board. Statutorily, the Council must appoint the Council Leader (or their nominee) to the Board. It is proposed that the Executive Member for Health, Wellbeing & Adult Social Care be appointed as the Leader's nominee for the 2023/24 Municipal Year. In addition, it is proposed that an additional e Executive Member be appointed to the Board.
15. The Council has also previously appointed a further 2 Members to the Board. It is proposed that these Members be appointed from next largest group on the Council. Appropriate nominees will be circulated prior to the meeting, if not already set out in Annex B.
16. Finally, Council will note from the proposed appointment to the Yorkshire Purchasing Organisation that there is a request that Council waives the political balance requirements for that organisation. Council is therefore asked to waive political balance in that case.

### **York's Commitment to Corporate Parenting**

17. Article 20 the Council's Constitution now determines the Elected Member representation for its Corporate Parenting Responsibility.

18. 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.

### **North Yorkshire Police, Fire and Crime Panel**

19. Council is also asked to agree to revised arrangements for the North Yorkshire Police, Fire and Crime Panel. The Panel is required to consist of 10 elected members, drawn from the local authorities in the North Yorkshire Police area. Prior to the local government reorganisation of April 2023, this consisted of 2 places for the City of York Council, and one each for the seven District Councils and for North Yorkshire County Council.
20. Following local government reorganisation, it is now proposed that the City of York Council will have 3 places (to be allocated on a politically balanced basis: 2 Labour; 1 Liberal Democrat), and the new North Yorkshire Council will have the remaining 7 places. Council is therefore asked to agree the revised arrangement, and Group nominations should be provided prior to the next meeting of the Panel on 21 June 2023.

### **Appointment of Substitutes**

21. The political proportionality calculations, and the allocation of seats to political Groups, do not take into account, or have any bearing on, the appointment of substitutes. Groups are invited to appoint designated substitutes for committees, to ensure both quoracy and balance on those committees. Any substitute appointed to either Planning Committee, or to the Licensing Committee, must have undertaken the requisite training prior to sitting on the committee in question.
22. Notwithstanding previous advice sought, the question of out-of-group substitutions has been raised, and advice sought from Peter Oldham KC. That advice concludes that on balance the practice of out-of-group substitutions is not lawful, and Council is therefore asked to agree that such substitutions will no longer be permitted and request the Monitoring Officer to make the appropriate constitutional changes.

## **West Yorkshire Combined Authority (WYCA)**

23. 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**

24. A proposed schedule of allocation of motions to ordinary Council meetings is attached at Annex C to this report, in accordance with the requirements of the Council's Constitution. For completeness, it shows the proposed allocation for the coming Municipal Year, together with projections for allocations for the remainder of the existing Council 4-year term, up to the local elections in 2027.

### **Consultation**

25. 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**

26. Options open to the Council are:
- a) to approve the revised scrutiny committee arrangements; the allocation of seats in accordance with the arrangements set out in Annex A; the constitutional amendments to committee structures and out-of-group substitutes; waiving of political balance rules for the Yorkshire Purchase Organisation place; and the delegation of approval of future changes to group allocations to the Director of Governance and Monitoring Officer; or not approve the above and to propose alternatives.
  - b) 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 not make the appointments proposed and to propose alternatives.

## **Council Plan**

27. 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**

28. Not applicable to this report.

### **Human Resources (HR)**

29. Not applicable to this report.

## **Equalities**

30. 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**

31. 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.

- 32. 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.
- 33. 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.

### **Crime and Disorder, Information Technology and Property**

- 34. Not applicable to this report.

### **Recommendations**

- 35. Members are asked to consider the recommendations and annexes attached to this report and:
  - (i) Agree the revised scrutiny committee arrangements;
  - (ii) Agree the allocation of seats in accordance with the arrangements set out in Annex A;
  - (iii) Agree the constitutional amendments to committee structures and out-of-group substitutes;
  - (iv) Agree the delegation of approval of future changes to group allocations to the Director of Governance and Monitoring Officer;

- (v) Agree the amended arrangements for the North Yorkshire Police, Fire and Crime Panel, and ask Groups to nominate representatives prior to the next meeting of the Panel on 21 June 2023;
- (vi) Note the Executive appointments and respective portfolios to be approved by the elected Leader of the Council;
- (vii) Note the group 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, in light of the Council's duty to give effect to group nominations;
- (viii) Waive political balance requirements in respect of the Yorkshire Purchasing Organisation place, as noted in Annex B;
- (ix) Agree the proposed allocation of motions for consideration at Ordinary Full Council meetings for the period 2023-2027; and
- (x) 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** 17/05/2022

**Specialist Implications Officer(s):** None

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Annexes:**

- Annex A - Allocation of seats 2023/24
- Annex B - Appointments to Committees and other bodies 2023/24, including outside bodies, and Ward Committees
- Annex C – Allocation of Motions