

Report to: **COUNCIL**

Date: **14 December 2023**

Title: **MEMBER APPOINTMENTS**

Portfolio Area: **Council – Cllr Brazil**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: email: [Darryl.White@swdevon.gov.uk](mailto:Darryl.White@swdevon.gov.uk)

---

**RECOMMENDATIONS:**

**That Council is RECOMMENDED to:**

- 1. appoint, for the remainder of the 2023/24 Municipal Year, the Members set out in paragraph 2.2 to the existing pool of Committee Substitutes;**
- 2. disapply the political balance provisions that are set out in the Local Government and Housing Act 1989 and amend Appendix E: 'Arrangements for the Appointment of Substitute and Co-Opted Persons to Committees, Panels and Boards' of the Council Constitution accordingly;**
- 3. approve, with effect from 31 December 2023, the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee; and**
- 4. note that the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee' have been re-titled to the: 'South Devon National Landscapes Committee' and the 'Tamar Valley National Landscapes Committee' respectively.**

## 1. Executive summary

### Committee Substitute Members

- 1.1. To provide additional resilience to the Audit & Governance; Development Management; Licensing; and Overview & Scrutiny Committees, this report seeks to increase the pool of Substitute Members that are able to serve on these Committees;

### Heart of the South West (HotSW) Joint Committee

- 1.2 Following a clear steer from Council Leaders and Senior Members of several Constituent Local Authorities, a proposal is being brought forward to this meeting that seeks the consideration of Full Council to the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee.

### AONB Partnership Committees

- 1.3 The Council has been advised that, with effect from Wednesday, 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales have become '*National Landscapes*';
- 1.4 Given that the Council makes formal appointments at its Annual meeting each May to the South Devon AONB Partnership Committee and the Tamar Valley AONB Partnership Committee, these will now need to be re-titled accordingly.

## 2. Background

### Committee Substitute Members

- 2.1 In recent months, Committees of the Council have experienced several near misses whereby meetings were almost declared 'inquorate' (and therefore unable to meet formally) due to a number of appointed Members having sent their respective apologies;
- 2.2 Whilst there is an existing appointed pool of Committee Substitutes, Group Leaders have been consulted and, in an attempt to provide additional resilience, have expressed a wish for the pool to be increased as follows:

<b>Audit &amp; Governance Committee</b>	<b>Development Management Committee</b>	<b>Licensing Committee</b>	<b>Overview &amp; Scrutiny Committee</b>
Cllr Abbott	Cllr Birch	Cllr Birch	Cllr Allen

Cllr Allen	Cllr Cooper	Cllr Bonham	Cllr Carson
Cllr Birch	Cllr Dennis	Cllr Brazil	Cllr Hancock
Cllr Brazil	Cllr Dewynter	Cllr Cooper	Cllr Long
Cllr Cooper	Cllr Hopwood	Cllr Hancock	Cllr Oram
Cllr Dewynter	Cllr Jackson	Cllr Hawkins	Cllr Pannell
Cllr Edie	Cllr Munoz	Cllr Hodgson	
Cllr Hawkins	Cllr Yardy	Cllr Hopwood	
Cllr Hodgson		Cllr Jackson	
Cllr Hopwood		Cllr Long	
Cllr Jackson		Cllr McKay	
Cllr Long		Cllr Munoz	
Cllr McKay		Cllr O'Callaghan	
Cllr Munoz		Cllr Nix	
Cllr O'Callaghan		Cllr Steele	
Cllr Pannell		Cllr Taylor	
Cllr Penfold		Cllr Yardy	
Cllr Steele			
Cllr Thomas			

- 2.3 In making these substitute nominations, consideration has been given to the following Constitutional requirements:

#### **Development Management Committee**

- Neither the Leader of the Council nor the lead Executive Member for Planning can be Members of the Development Management Committee; and

#### **Overview & Scrutiny Committee**

- No Member of the Executive can be a Member of the Overview & Scrutiny Committee.

- 2.4 To be able to serve on the Council's Regulatory Committees (Development Management and Licensing), there is not only a requirement to attend ongoing training, but newly appointed Members are also required to attend at least one related training session before they can take part in the debate and vote at Committee meetings;
- 2.5 In the upcoming months, Development Management and Licensing training sessions will be convened and officers are committed, as part of an adopted Member Learning & Development Plan, to holding regular refresher sessions;
- 2.6 It is a requirement of the Local Government and Housing Act 1989 for appointments to formal Committees of the Council to be proportionate to the political composition of the Council ('politically balanced');

- 2.7 Having sought additional Substitute Member nominations from Group Leaders, both the Leader of Council and the Leader of the Main Opposition Group have expressed their strong wish that every able Member should be added to the pool irrespective of political grouping, with substitutes appointed not necessarily always on a like-for-like political group basis;
- 2.8 In order for this wish to be enacted (i.e. that political balance is waived in respect of the substitute protocol), it is a requirement of the Act that **NO MEMBER CAN VOTE AGAINST THIS PROPOSAL AT THIS FULL COUNCIL MEETING;**
- 2.9 Assuming that this proposal is approved (with no Members voting against it), then it will be a consequent requirement to amend Appendix E 'Arrangements for the Appointment of Substitute and Co-Opted Persons to Committees, Panels and Boards' of the Council Constitution accordingly.

### **Heart of the South West (HotSW) Joint Committee**

- 2.10 Appendix A to this report presents a generic report produced by Somerset Council colleagues that sets out the reasons for the recommendation to dissolve the Heart of the South West Joint Committee;
- 2.11 It is being proposed that the Joint Committee be dissolved on 31 December 2023. Importantly, even if the Council does not support this recommendation, if at least eight of the other Constituent Authorities are in agreement, then it will still be dissolved;
- 2.12 Since the Committee is currently one of our recognised Outside Bodies to which we annually appoint (Cllr Brazil is our 2023/24 representative, with Cllr Thomas being his substitute), this Committee will be removed from the list if it is ultimately dissolved.

### **AONB Partnership Committees**

- 2.13 The Council is asked to note that the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee' have been re-titled to the: 'South Devon National Landscapes Committee' and the 'Tamar Valley National Landscapes Committee' respectively.

## **3. Options available and consideration of risk**

### **Committee Substitute Members**

- 3.1 In the event of a Member voting against the wish to disapply the political balance rules, then the Council will simply revert to

its statutory requirements to appoint Substitute Members from within the same political group.

#### **4. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		As set out in the report.
Financial implications to include reference to value for money		Substitute Members are able to claim for travel and subsistence in accordance with the adopted Scheme of Members' Allowances.
Risk		Section 3 above refers.
Supporting Corporate Strategy		N/A
Climate Change - Carbon / Biodiversity Impact		None
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		None
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

#### **Supporting Information**

##### **Appendices:**

**A** – generic report produced by Somerset Council on the proposed withdrawal and dissolution of the Heart of the SW Joint Committee

##### **Background Papers:**

The Council Constitution