

COUNCIL

9 NOVEMBER 2023

CONSTITUTIONAL MATTERS

(a) Warndon Parish By-Election and Political Balance

- 1. The Assistant Director for Legal and Governance recommends that Council approves the recalculation of political balance set out as an Appendix and requires her to give effect to it in accordance with the nominations from the respective Group leaders from time to time.**

Executive Summary

2. As a result of the Warndon Parish by-election, the Appendix sets out a proposed allocation of seats amongst the political Groups which meets the rules of political balance by increasing the Green and Independent Alliance (GAIA) group's allocation by 2 seats and reducing the Conservative group's allocation by 2 seats. There are no other changes.

Background details

3. Following the passing away of Cllr Andy Roberts, the Warndon Parish by-election took place on Thursday 19 October. The successful candidate was Cllr Andrew Cross, who has joined the Green and Independent Alliance Group.

4. As a result, the GAIA Group increased by 1 member (from 6 to 7), and the Conservative Group reduced by 1 member (from 44 to 43). This impacted on political balance ie the number of seats on committees allocated to those 2 political Groups.

5. It is therefore proposed that the Conservative Group loses a seat on the Appointments Etc panel and on a Scrutiny panel. The GAIA Group gain a seat on the Appointments Etc panel and on a Scrutiny panel.

6. The membership of the political groups as of 1 November 2023 is:

- Conservative 43 (-1)
- Unity 7
- G.A.I.A 7 (+1)

7. Legislation requires that the allocation of seats on ordinary committees must, as far as reasonably practicable, be in accordance with the principles of political balance. These principles are based on the membership of political Groups within the Council which members join, rather than political parties as such.

8. Political balance principles are that the majority Group is entitled to a majority on each committee; subject to this, the aggregate allocation of committee seats overall

should reflect political balance, and subject to this, individual committee membership should reflect political balance as far as practicable. Council can depart from these principles in allocating seats provided no member votes against doing so.

9. A proposed allocation of seats on Committees is set out in the Appendix reflecting the political composition of the Council, and which is compliant with the principles of political balance. The Conservative Group are eligible to have 76% of seats on committees. GAIA and Unity groups are each eligible to have 12% of seats on committees.

10. Changes in the individual membership of committees would be made by the Assistant Director for Legal and Governance in accordance with the nominations from the respective political Groups in accordance with the Local Government and Housing Act 1989

(b) Vice-Chairmanship of Health Overview and Scrutiny Committee

Recommendation

11. The Assistant Director for Legal and Governance recommends that the nominee of the Health Overview and Scrutiny Committee (HOSC), Cllr Christine Wild, be appointed as Vice Chairman of the HOSC.

12. The Council from time to time appoints Chairmen and Vice Chairmen of member bodies to fill certain positions within its constitutional structures.

13. The Council is asked on an annual basis to agree the appointment of a Vice Chairman of the Health Overview and Scrutiny Committee when the nomination of the District Councils has been made.

14. The Council's Constitution states that the Vice Chairman of the Health Overview and Scrutiny Committee is to be selected by and from the District representatives on that Committee. The nomination from the District representatives made at the Health Overview and Scrutiny Committee on 11 October 2023 was Cllr Christine Wild, representing Malvern Hills District Council.

(c) Independent Remuneration Panel

15. The Chief Executive and the Assistant Director for Legal and Governance recommend that appointments be made to the Independent Remuneration Panel as set out in paragraphs 20 - 22 of the report.

16. The Local Authorities (Members' Allowances) Regulations 2003 require local authorities to establish and maintain an Independent Remuneration Panel (IRP) to be responsible for making recommendations to the Council regarding the Members' Allowances Scheme. The Council must have regard to a report of the Panel when creating or amending its scheme of allowances.

17. The Panel must comprise at least 3 members and be independent of the Council. Previously it has been agreed by Council that membership of the Panel should be 5 in total, with varied backgrounds and to include one citizen representative.

18. As there were two vacancies on the Panel, Council authorised the recruitment process with interviews being carried out by the Chief Executive with available Panel members. The vacancies were advertised on the Council's website, on LinkedIn and the Council's social media channels, as well as details being circulated to other volunteers who support the Council. Details of the role were published, and applicants completed an application form setting out their experience and interest in the role.

19. The recruitment process has concluded and has resulted in the following prospective Panel member being recommended for the Council's consideration:

20. Mr Raymond Tomkinson is a resident of Wyre Forest and has senior management and consultancy experience, having worked in local government, CIPFA and latterly on various projects and reviews with local authorities and Government departments.

21. Mr Tomkinson's appointment is for a four-year term, which may be renewed. The current continuing members of the Panel are:

(a) Professor Paul Jackson

Professor Jackson is Professor of African Politics and Director of Research for the College of Social Sciences at the University of Birmingham.

(b) Mr Andrew Manning Cox

Mr Manning Cox is immediate past High Sheriff of Worcestershire 2022-23. He was senior litigation partner at Gowling WLG (UK) LLP, before his retirement, with over 30 years of experience in successful disputes resolution worldwide. He has extensive experience as a non-executive chair of large organisations.

(c) Richard Quallington (voluntary and community services).is Executive Director at Action in Communities in Rural England.

22. Council has previously confirmed that membership of the Panel would be for a four-year term, which may be renewed. Membership should also be staggered to enable a combination of knowledge and experience and fresh viewpoints. The three current members are content to carry on in their roles to provide continuity. Paul Jackson and Richard Quallington have agreed to continue for a further two years until November 2025, to enable the new members to take on their roles. It is proposed that the Council will then recruit new members to the Panel to take up their roles from November 2025. Council is asked to confirm staggering the terms of office as suggested.

23. It was not possible to recommend a second new Panel member, so the role is being readvertised with a view to bringing a recommendation to the next Council meeting.

Supporting information

Appendix – Political Structures – Proposed Allocation of Places

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report: