

**COUNCIL**  
**14 JANUARY 2016****CONSTITUTIONAL MATTERS AND APPOINTMENTS**

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**(a) Election of the Leader of the Council****Recommendation**

- 1. The Head of Legal and Democratic Services recommends that Council elects the Leader of the Council.**
- Council will be aware that Mr A I Hardman has resigned as Leader of the Council and so there is a vacancy as of the date of Council. The Council operates under a 'Leader and Cabinet' model for its executive arrangements and election to the position of Leader of the Council is a matter for Full Council.

**(b) Political Balance on Committees****Recommendation**

- 3. The Head of Legal and Democratic Services recommends that Council considers the political balance on committees in the light of the recent Stourport-on-Severn by-election and confirms the allocation of seats in accordance with Appendix 1.**
- The Council is under a legal duty to ensure that the seats on its committees are allocated between its respective Political Groups in accordance with the principles of political balance - as far as is reasonably practicable.
- These principles of political balance (in descending order) are that as far as is reasonably practicable: not all seats are allocated to a single Group; a majority Group has a majority on each of the committees; subject to that, the overall number of committee seats allocated to each of the Groups reflect political balance across the Council; and subject to all of the above that seats on individual committees reflect political balance between the Groups.
- The recent by-election following the death of Mr J Parish led to the election of Mr Tony Muir, who has joined the Conservative Group on the Council. However, Mr A I Hardman is currently not a member of the Conservative or any other Group. Therefore, as of 8 January 2016, the Political Group memberships (with 1 non-Grouped independent) are:

Conservative	32
Labour	11
2013	6
Independent Alliance	5
UKIP	2.

7. At present, the only net change in Political Group sizes following the by-election has been a reduction in members of the Independent Alliance Group from 6 to 5. The consequential calculations on political balance are that the total number of committee seats allocated to the Independent Alliance Group needs to reduce from 10 to 9.
8. There is flexibility for Council to determine the committee from which the Independent Alliance Group should lose this seat. There is a practical advantage for that lost seat to be from one of the committees on which Mr Parish served, but no constitutional or legal requirement for this. It is a matter for Council to determine but in consultation with the Group Leader it is suggested that the Independent Alliance Group loses its seat on the Waste Credit Governance Committee, reducing the committee's size by 1. The attached Appendix shows a proposed allocation of committee places to reflect the reduction in size of the Independent Alliance Group.

### **(c) Designation of statutory Scrutiny Officer**

#### **Recommendation**

9. **The Head of Legal and Democratic Services recommends that Council designates the post of Democratic Governance and Scrutiny Manager as the Council's statutory Scrutiny Officer.**
10. Section 9FB of the Local Government Act 2000 requires the Council, as an upper tier local authority, to designate one of its officers as the statutory Scrutiny Officer.
11. The functions of this Scrutiny Officer are to promote the role of the Overview and Scrutiny committees, provide support to them and their members, and provide support and guidance to all members and officers in relation to scrutiny functions. The Council's Head of Paid Service (Chief Executive), Monitoring Officer (Head of Legal and Democratic Services) and Chief Financial Officer may not be designated as the statutory Scrutiny Officer.
12. The Council's May 2015 Constitution designates the Overview and Scrutiny Manager as the statutory Scrutiny Officer. This was the substantive post held by Suzanne O'Leary, who has recently left the Council. As a result of streamlining, Democratic Services management posts have been merged into one and the specified post no longer exists. It is therefore recommended that the designated post of statutory Scrutiny Officer should be that of the successor post of Democratic Governance and Scrutiny Manager. That post is currently being filled on a temporary basis by Mr Jodie Townsend, who has taken on the role previously held by Suzanne O'Leary.

#### **Contact Points**

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In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.