

Record of operational decision

Decision title:	Allocation of vacant seat on the Planning and Regulatory Committee to the True Independents political group
Date of decision:	6 July 2021
Decision maker:	Chief Executive Officer
Authority for delegated decision:	Section 3.7.9 of the council's constitution states that the Chief Executive Officer can take all necessary decisions in cases of emergency. For the purposes of this scheme, 'emergency' shall mean any situation in which the chief executive believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the council may be compromised. 'All necessary decisions' includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others.
Ward:	Countywide
Consultation:	Group Leaders, Chief Executive, Monitoring Officer and Deputy Monitoring Officer
Decision made:	To allocate the vacant seat on the Planning and Regulatory Committee to the True Independents political group
Reasons for decision:	<p>At the meeting of annual Council on 28 May it was resolved that a seat on the Planning and Regulatory Committee was allocated to the not aligned member. Following the meeting the not aligned member resigned from the Planning and Regulatory Committee leaving a vacancy on the Committee.</p> <p>Group Leaders have met and discussed the allocation of the seat on the Planning and Regulatory Committee following the resignation of the not aligned member. The calculation of proportionality (based on the political composition of the Council) indicates that the True Independents political group has the greatest entitlement to the vacant seat on the Committee.</p> <p>The Group Leader of the True Independents has provided notification of the member who will take the seat on the Committee once the allocation of the seat to the True Independents has been completed.</p> <p>The ordinary meeting of the full Council on 23 July 2021 has been cancelled due to the ongoing COVID19 pandemic, uncertainty concerning what COVID19 regulations will be in effect on 23 July and a lack of substantive business for this meeting requiring Council approval. Full Council would have considered and agreed the allocation of the vacant seat at this meeting.</p> <p>Therefore the decision is taken under delegation 3.7.9 of the council's constitution which enables the Chief Executive Officer to take all necessary decisions in cases of emergency. The ongoing COVID19 pandemic constitutes an emergency and this is a necessary decision to fill the vacant seat on the Planning and Regulatory Committee.</p>

	<p>On 1 July the Chairman of the Council in accordance with the provisions of paragraph 4.1.19 of the constitution approved cancellation of the ordinary meeting of full council on 23rd July 2021 on the basis that there is no business requiring Council approval.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>The Local Government and Housing Act (LGHA) 1989 introduced a requirement that appointments to relevant committees achieve ‘political balance’.</p> <p>Section 15 LGHA 1989 provides for the review of representation of political groups and the determination of the allocation of seats. So reviews by the authority and by any committee with power to make appointments are required as soon as possible after the annual meeting or such times prescribed by statute or membership of committee changes.</p> <p>S16 LGHA 1989 provides that once a determination has been made it becomes the duty of the relevant authority or committee to exercise the power to make appointments as soon as practicable thereafter and to give effect about who is to be appointed as expressed by the relevant group.</p> <p>It is important that the Council has a fully constituted Planning and Regulatory Committee with a full membership to strengthen the validity of the decisions it takes.</p> <p>There is a legal risk associated with this decision. The allocation of seats on committees is a matter reserved to the full Council under paragraph 4.1.15 item 12 of the Council’s constitution.</p> <p>If the vacant seat on the planning and regulatory committee is not filled there is a risk, due to COVID19, that at a forthcoming meeting the Committee might not be quorate.</p> <p>Due to the ongoing COVID19 pandemic, uncertainty concerning what COVID19 regulations will be in effect on 23 July and a lack of substantive business requiring Council approval for the ordinary meeting of the full Council on 23 July has been cancelled. This necessary decision is therefore taken under the emergency provisions contained in 3.7.9 of the council’s constitution to ensure that the Planning and Regulatory Committee has its full membership to strengthen the legitimacy of its decisions.</p> <p>At the next ordinary meeting of the full council on 8th October 2021, the meeting will be asked to ratify the allocation of the seat on the Planning and Regulatory Committee.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>The decision to allocate the seat on the Planning and Regulatory Committee could be deferred until the ordinary meeting of the full Council on 8 October 2020. As outlined above it is preferable that the vacant seat on the Planning and Regulatory Committee is filled before this date to strengthen the decision making of the Committee and also to give effect to S16 LGHA 1989.</p>
<p>Details of any declarations of interest made:</p>	<p>None.</p>

Signed Paul Walker Date: 6 July 2021