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| Report To: | Full Council |
| Date: | 20 th May 2024 |
| Subject: | Democratic Arrangements 2024/25 |
| Purpose: | To establish the democratic arrangements for the Council for the municipal year 2024/25, make appointments to outside bodies and re-appoint the Council's Independent Person. |
| Key Decision: | N/A |
| Portfolio Holder: | N/A |
| Report Of: | John Medler, Assistant Director – Governance & Monitoring Officer |
| Report Author: | Amanda Dickinson – Senior Democratic Services Officer |
| Ward(s) Affected: | None |
| Exempt Report: | No |

Summary

This report sets out recommendations for the Council to establish the democratic arrangements for the Council's Committees, Sub-Committees, Panels and Working Groups for the municipal year 2024/25, make appointments to outside bodies where these are due to be made and re-appoint the Council's Independent Person.

Recommendations

That the Council:

1. Approves the establishment of Committees, Sub-Committees, Panels and Working Groups for the Municipal Year 2024/25, including the allocation of seats to political groups and appointments (and substitutes) as nominated by Political Group Leaders, as set out in Appendix A to this report;
2. Appoints Chairmen and Vice-Chairmen of Committees, Sub-Committees and Panels in accordance with the nominations received at the Annual Meeting of the Council as set out in Appendix B to this report;

3. Approves the Programme of Ordinary Council and Committee Meetings for the Council Municipal Year 2024/25 as set out in Appendix C to this report and grants delegated authority to the Chief Executive in consultation with the relevant Chairman to amend meeting dates or cancel meetings as and when required;
4. Notes the membership of the Cabinet and Portfolios for the Municipal Year 2024/25 as set out in Appendix D to this report;
5. Makes appointments to the outside bodies where the Council is the appointing body as set out in Appendix E to this report; such appointments to automatically terminate at the end of the appointment term or if the Member ceases to be a Member of the authority; and
6. Re-appoints Alison Fairman as the Council's Independent Person until the Council's Annual Meeting in 2025 and establishes and makes appointments to the Council's Independent Panel as set out in section 7.4 of this report.

Reasons for Recommendations

To establish the Council's democratic decision-making arrangements and appointments to outside bodies for the municipal year 2024/25 in accordance with the provisions set out in the Council's Constitution and legislation.

Other Options Considered

Not to approve the Programme of Meetings and Membership of Committees and not to appoint the Chairmen and Vice-Chairmen of Committees and representatives to outside bodies.

1. Background

- 1.1 Members are requested to make the appropriate determinations regarding the democratic arrangements for the Council's Committees, Panels and Working Groups for the municipal year 2024/25 and appointments to outside bodies . Further information relating to each case is set out below.

2. Establishment of Committees, Sub-Committees, Panels and Working Groups

- 2.1 The Council's Constitution sets out that at the Annual Meeting, the Council will decide which panels (not including Scrutiny task and finish panels), committees, sub-committees or working group to establish for the following municipal year. Appendix A sets out the proposed arrangements for 2024/25 and which will operate in accordance with the relevant terms of reference as set out in the Council's Constitution.

- 2.2 In the case of those panels, committees and sub-committees where the political balance rules apply (as indicated in Appendix A) the allocation of seats to political groups must be made in accordance with the provisions of the Local Government and Housing Act 1989 (1989 Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). The legislation places a duty on the Council to review political balance at its annual meeting. Applying the principles set out in the legislation produces the allocation of seats to political groups as set out in Appendix A.
- 2.3 Once the allocation of seats has been determined, there is then a duty on the Council to give effect to the political group allocation by making appointments to seats in accordance with the wishes of the relevant political group. The proposed appointments to seats, as expressed by Group Leaders, are also set out in Appendix A.
- 2.4 The Constitution provides for substitutes (where applicable) as follows:-
- Planning Committee -,the Council will appoint the same number of named substitutes in respect of each political group as that group holds ordinary seats on the committees, up to a maximum of 2.
 - Audit and Governance Committee - the Council will appoint the same number of named substitutes in respect of each political group as that group holds ordinary seat on the committee, up to a maximum of 1.
 - Substitute Councillors will not be permitted for meetings of the Licensing / Regulatory and Appeals Committee
 - Open substitution will be permitted in the case of other Member groups and bodies (i.e. committees, panels, consultative committees and working groups) provided the appropriate form is completed prior to the meeting.

Details of named substitutes as received from Political Group Leaders are detailed in Appendix A

- 2.5 **The Council is therefore recommended to establish the Committees, Sub-Committees, Panels and Working Groups for the Municipal Year 2024/25, including the allocation of seats to political groups and appointments (and substitutes) as nominated by Political Group Leaders, as set out in Appendix A to this report,**

3. Appointment of Chairmen and Vice-Chairmen

- 3.1 A list of the nominations for the positions of Chairmen and Vice-Chairmen of Committees is attached at Appendix B to this report.
- 3.2 Members are reminded that District Audit has previously recommended that at least one Chairmanship of the Scrutiny Committees should be allocated to an opposition group member.
- 3.3 This arrangement is reflected in the Scrutiny and Policy Development Protocol agreed by Council, which states:

“Where a majority group (or coalition) controls the Council, the Chairman of the Overview and Scrutiny Committee should be from an opposition group.”

3.4 **The Council is recommended to appoint Chairmen and Vice-Chairmen of Committees, Sub-Committees and Panels for 2024/25 in accordance with the nominations received at the Annual Meeting of the Council as set out within Appendix B**

3.5 The remainder of the appointments of Chairmen and Vice Chairmen will be made at the first meeting of the appropriate committee, panel or working group,

4. Boston Borough Council Schedule of Meetings 2024/25

4.1 A draft Schedule of meetings for the 2024/25 Municipal Year is attached at Appendix D to this report. This has been developed with relevant members and officers.

4.2 **The Council is recommended to approve the Programme of Ordinary Council and Committee Meetings for the Council Municipal Year 2024/25 as set out in Appendix A to this report and grant delegated authority to the Chief Executive in consultation with the relevant Chairman to amend meeting dates or cancel meetings as and when required.**

5. Cabinet and Allocation of Portfolios

5.1 In accordance with the Executive Arrangements adopted by the Council, the Leader was formally appointed by the Council at the Annual Meeting in 2023. The Leader then appoints Members to serve on the Cabinet and allocates portfolios as set out in Appendix D of the report, details of which are required to be submitted to the Annual Meeting of Full Council for information purposes.

6. Appointments to Outside Bodies

6.1 All Members of the Council, via the Political Group Leaders, have been invited to indicate their interest in being considered for appointment / reappointment on the various outside bodies on which the Borough Council is due to make appointments at the Annual Meeting 2024.

6.2 Current appointments are attached at Appendix E to this report. Nominations received for 2024/25 will be tabled at the meeting.

6.3 **The Council is recommended to make appointments to serve on the outside bodies listed in Appendix E; such appointments to automatically terminate at the end of the appointment term or if the Member ceases to be a Member of the authority.**

7. Reappointment of Independent Person and Independent Panel

7.1 The Localism Act 2011 places a duty on the Local Authority and each of the Parish Councils within the Borough to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply. The Act also requires that the Council adopts arrangements for dealing with complaints on breaches of the Code of Conduct both by Borough Council members and by Parish Council members within

the Borough. This must include provision for the appointment of at least one Independent Person.

7.2 Further legislation (The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) requires the Council to establish a panel of at least two Independent Persons appointed by itself or another authority to advise it in considering a decision relating to the dismissal of any of its statutory officers. The Independent Persons appointed by Councils within the South and East Lincolnshire Councils Partnership act as the Independent Panel for each Council.

7.3 Alison Fairman is Boston Borough Council's current Independent Person. Her appointment is set to expire at the annual council meeting in May 2024. Ms Fairman has significant relevant professional experience and knowledge to undertake the role and is willing to continue to act as the Council's Independent Person whilst the Council recruits a new Independent Person in 2024/25. In accordance with the Localism Act 2011, there is no prescribed time limit on the length of appointment of an Independent Person.

7.4 **Accordingly it is recommended that the Council reappoint Alison Fairman as Boston Borough Council's Independent Person until the Council's Annual Meeting in May 2025 and establish and make the following appointments to the Council's Independent Panel:**

Independent Panel

(Consisting of the Independent Persons appointed by each authority)

| Boston BC | East Lindsey DC | South Holland DC |
|------------------|------------------------|-------------------------|
| Alison Fairman | Charles Gladwin | Mike Sofianos |

Expected Benefits to the Partnership

Implementing the necessary changes will ensure compliance with the law and will allow the Council to continue to undertake its business.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

None.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

To meet the provisions of the Local Government Act 1972, the Council's Constitution, the Local Government and Housing Act 1989, the Local Government (Committee and Political Group) Regulations 1990, the Localism Act 2011 and the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.

Data Protection

None.

Financial

None.

Risk Management

None.

Stakeholder / Consultation / Timescales

Consultation on the Schedule of Meetings has been undertaken with Group leaders and Committee Chairmen, in addition to senior officers. Appointments to committees and sub-committees, and outside bodies, reflect the wishes of the relevant political group/group leader.

Reputation

None.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

None.

Health and Wellbeing

None.

Climate Change and Environmental Implications

None.

Links to 12 Missions in the levelling Up White Paper

None.

Acronyms

None.

Appendices

Appendices are listed below and attached to the back of the report:

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| Appendix A | Membership of Committees 2024/25 |
| Appendix B | Chairmen and Vice-Chairmen of Committees 2024/25 |
| Appendix C | Programme of Meetings 2024/25 |
| Appendix D | Cabinet Appointments and Portfolios |
| Appendix E | Council Representation on Outside Bodies 2024/25 |

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

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| Report author: | Amanda Dickinson – Senior Democratic Services Officer amanda.dickinson@boston.gov.uk |
| Signed off by: | John Medler, Assistant Director – Governance & Monitoring Officer john.medler@e-lindsey.gov.uk |
| Approved for publication: | N/A |