



Ward(s) Affected: All

## Decision making following a resignation

### Report by the Director for Communities

#### Executive Summary

##### 1. Purpose

- 1.1 To inform the Council of the resignation of Councillor Jim Deen.
- 1.2 The report outlines decisions required by Council to ensure that committee appointments are determined according to the relevant legislation.

##### 2. Recommendations

- 2.1. That the Council notes the revised political balance of the Council as set out in paragraph 3.3.
- 2.2. That Council notes that there are no changes to seat allocations on Committees.
- 2.3. That Council notes the appointment of Cllr xxx to the Planning Committee.
- 2.4. That the Council appoints the Chairman of the Planning Committee until the meeting of the Annual Council in May 2023.
- 2.5. That the Council considers the appointment of a Deputy Mayor until the meeting of the Annual Council in May 2023.

### **3. Context**

- 3.1 The Council received notice of Cllr Jim Deen's resignation on the 23 March 2023. Under s84(1) of the Local Government Act 1972 the resignation is effective upon receipt of the notice by the person or body to whom it is delivered.
- 3.2 Decision making is governed by the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007 where this relates to Executive arrangements.
- 3.3 The new calculation of the political balance of the Authority is as follows:

Number of seats on Council:		Proportion of seats	
22	Labour	59.5%	
13	Conservative	35.14%%	
1	Liberal Democrat		

- 3.4 The resultant allocation of seats on committees is not affected by the resignation.
- 3.5 The resigned Councillor was a member and Chairman of the Planning Committee and the Deputy Mayor.

### **4. Issues for consideration**

- 4.1 To note the change to the overall political balance of the Council resulting from the resignation
- 4.2 To note the appointment of Councillor xxx to the Planning Committee.
- 4.3 There is a vacancy in the position of Chair of the Planning Committee. The post will need to be filled by a Member of the Planning Committee with the requisite training (or to have received the training by the next Planning Committee).
- 4.4 There is a vacancy in the Position of Deputy Mayor. Cabinet Members are prohibited from holding the position of Deputy Mayor.
- 4.5 In relation to the appointment of the positions to the Chairman of Planning and the Deputy Mayor the following rules apply.

Where there are appointments to be made (including appointments to outside bodies, to Leader, or to the position of Mayor or Deputy Mayor) and there are more nominations than positions to which appointments are to be made, the following rules will apply:

- (a) if practicable then the vote shall be by simple majority;
- (b) Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and:
  - (i) if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed.
  - (ii) if no candidate receives more than half of all of the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person.

## **5. Engagement and Communication**

- 5.1 Group Leaders have been consulted following the change.

## **6. Financial Implications**

- 6.1 There are no direct financial implications arising from this report

## **7. Legal Implications**

- 7.1 s106 Local Government Act 1972 provides that Councils may make standing orders for the regulation of their proceedings and business
- 7.2 s111 Local Government Act 1972 provides that the Council shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions.
- 7.3 s15, 16 and 17 of the Local Government and Housing Act 1989 set out powers and duties in relation to political balance on Committees and the exceptions and exemptions therein.
- 7.4 Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 sets out regulations regarding appointments to Executive and Committees in Councils that have adopted Executive arrangements

## **Background Papers**

- Local Government Act 1972
- Local Government and Housing Act 1989
- Local Government Act 2000
- Local government and Public Involvement in Health Act 2007
- Knowles on Local Authority Meetings – A manual of Law and Practice

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