

Report to Council

9 February 2022

By the Head of Legal & Democratic Services

INFORMATION REPORT



Horsham
District
Council

Not Exempt

Changes to Cabinet, Committee and PDAG memberships – January 2022

Executive Summary

On 3 December 2021, Councillor Jonathan Chowen was elected new Leader of the Council. He announced changes to Cabinet Portfolios and appointed and confirmed his Cabinet Members on 6 December.

The Cabinet reshuffle has led to a number of changes to the Cabinet portfolios. These are now Property and the Local Economy, Finance and Car Parking, Community Matters, Housing and Public Protection, Environment and Rural Affairs, Recycling and Waste, Leisure and Culture, Planning & Development and Horsham Town.

The current Committee and Policy Development Advisory Groups (PDAGs) memberships are therefore out of date and no longer align to the requirements set out in the Constitution and therefore need to be updated. The new Cabinet appointments also mean that some Committee memberships no longer adhere to the Constitution, for example, Cabinet Members cannot sit on Overview & Scrutiny Committee and only one Cabinet Member can sit on Governance Committee.

In addition to these changes, there have been three by-elections since the Group Nominations were agreed at the Annual Council Meeting in May 2021.

Recommendations

That Council note:

- a) Changes to the Cabinet Portfolios functions and responsibilities, Committee and PDAG memberships, as set out in Appendix 1 and Appendix 2 to the report.
- b) That the Monitoring Officer will make the required changes to the Constitution in accordance with 13.3 (b) 3, to reflect the Leaders announced appointments.

Reasons for Recommendations

- i) Article 7.1 (b) of the Constitution states that The Cabinet will consist of at least two but not more than 9 Councillors appointed to the Cabinet by the Leader. In order to more effectively discharge the work of the Executive, the Leader has reconfigured the Cabinet Portfolios.
- ii) To confirm to Full Council the changes that have been made to the Cabinet portfolios, Committees and Policy Development Advisory Groups membership.

Background Papers

The Council's Constitution.

Wards affected: All.

Contact: Sharon Evans, Monitoring Officer and Head of Legal & Democratic Services.

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to report to Council for noting the changes to the Cabinet Portfolios, Committee and PDAG membership and to recommend the delegation of authority to the Monitoring Officer to make the required changes to the Councils Constitution to reflect this.

2 Relevant Council policy

- 2.1 Article 7 and 8 of the Constitution

3 Details

- 3.1 When Jonathan Chowen became Leader on 3 December, he undertook a reshuffle of the Cabinet. The portfolios remain similar with some notable exceptions: Environment, Waste, Recycling & Cleaning has been split into two portfolios; Recycling & Waste and Environment & Rural Affairs. Other changes include responsibility for Parking moving to the Finance Portfolio. The functions and responsibilities for each are detailed in appendix 1.
- 3.2 The current Committee and PDAG memberships are therefore out of date and no longer align to the requirements set out in the Constitution and therefore need to be updated. The new Cabinet appointments also mean that some Committee memberships no longer adhere to the Constitution, for example, Cabinet Members cannot sit on Overview & Scrutiny Committee and only one Cabinet Member can sit on Governance Committee.
- 3.3 Article 8 of the Constitution allows for in-year changes to committees when there is a resignation and subsequent vacancy to fill.
- 3.4 In order to re-align committee memberships due to the movement of Cabinet positions the Leader, in consultation with the opposition leader and other parties, used the opportunity to seek from members their preferences as to committee membership. Members moved by preference therefore made subsequent vacancies that needed to be filled.
- 3.5 Since the Annual Council Meeting in May 2021, there have been changes to the 48 Councillors at Horsham District Council and three by-elections have taken place. The last by-election, on 16 December, led to a change in political balance when Councillor Sam Raby, Liberal Democrat, was elected. This slight shift in political balance means that the Liberal Democrats are entitled to one additional seat in place of a Conservative on one Committee. The Group Leaders agreed for this change to be applied to the Licensing Committee
- 3.6 Before completing the reshuffle, the Group Leaders consulted Members on their preferences. These were taken into account, where possible, whilst ensuring political balance and that the requirements relating to particular Committees, as set out in Article 8 of the Constitution, were adhered to.

- 3.7 The makeup of the Employment Committee has changed to ensure political balance. This has been necessitated as this year the Chairman of the Council is Liberal Democrat. A minor amendment to the constitution will reflect this change so it can be applied in the event that the Chairman of the Council is not from the Majority Group.
- 3.8 Property Investment matters are to be considered by the Finance PDAG, with the Leader, who is responsible for Property, and the Minority Group Leader attending. This will ensure that such matters are considered in a politically balanced PDAG, as required by the Constitution.

4 Next Steps

- 4.1 Members were notified of the reshuffle on 31 December 2021 and the changes became effective from 4 January 2022. This report asks Council to note these changes.

5 Outcome of Consultations

- 5.1 The proposed changes had been discussed with and is supported by the Leader of the opposition and other parties.

6 Other Courses of Action Considered but Rejected

- 6.1 To leave the current memberships unchanged. This would have left some Committees with incorrect political balance or included memberships contrary to 8.1 and 8.2 of the Council's constitution.

7 Resource Consequences

- 7.1 None.

8 Legal Considerations and Implications

- 8.1 None.

9 Risk Assessment

- 9.1 There are no risks identified in relation to this proposal.

10 Procurement implications

- 10.1 None.

11. Equalities and Human Rights implications / Public Sector Equality Duty.

11.1 None identified.

12 Environmental Implications

12.1 None identified.

13 Other Considerations

13.1 None.

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PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- 1.** Information relating to any individual.
- 2.** Information which is likely to reveal the identity of an individual.
- 3.** Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4.** Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5.** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6.** Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7.** Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

QUALIFICATIONS: ENGLAND

- 8.** Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under -
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
- 9.** Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- 10.** Information which -

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.