

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Council</b>	
<b>DATE OF DECISION</b>	<b>Wednesday 17 May 2023</b>	
<b>REPORT TITLE:</b>	<b>Appointments</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Stephen Lawrence-Orumwense</b> <i>Director of Legal Services and Monitoring Officer</i>	
<b>LEAD OFFICER:</b>	<b>Adrian May</b> <b>Interim Head of Democratic Services</b>	
<b>KEY DECISION?</b>	<b>No</b>	N/A
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>No</b>	Public
<b>WARDS AFFECTED:</b>	<i>All</i>	

## 1 SUMMARY OF REPORT

- 1.1** This report fulfils the requirements for the Council to make appointments to various committees and other bodies. This includes making appointments after reviewing and determining the representation of different political groups on certain committees giving effect to the wishes of the political group allocated the seats.
- 1.2** This report also sets out appointments to other committees and bodies and, where applicable, appointments of Chairs, Vice/Deputy-Chairs, and substitutes.

## 2 RECOMMENDATIONS

For the reasons set out in the report Council is recommended to:

- 2.1** Make appointments to committees giving effect to the wishes of the relevant political groups as set out in Appendix A to this report, where political balance rules apply;

- 2.2** Make appointments to other committees, panels, working groups, boards and outside bodies as set out in Appendix B to this report;
- 2.3** Agree the suspension of paragraph 2.3 of the Non-Executive Procedure Rules (Part 4F of the Constitution) for the 2023/24 municipal year;
- 2.4** Wherever applicable, to appoint Chairs and Vice/Deputy-Chairs and substitutes to those non-executive committees detailed in Appendix A to this report, without prejudice to the provisions set out in paragraph 2.4 of Part 4F of the Constitution, which would continue to apply enabling in-year vacancies to either the Chair or Vice/Deputy-Chair to be filled by election at the first meeting of the relevant committee or sub-committee, following notification to the Monitoring Officer;
- 2.5** Receive, for information, the following executive appointments made by the directly elected Mayor;
- i) The appointments of Cabinet Members, Cabinet Committees and Deputy Cabinet Members (as appropriate) (Appendix A);
  - ii) The appointments to Joint Committees (as appropriate) (Appendix A);
  - iii) The appointments to London Councils Committees (as appropriate) and panels and Local Government Association bodies (Appendix B); and,
- 2.6** Receive, for information:
- i) The appointments by the directly elected Mayor to those outside bodies, which relate to the exercise of an executive function (marked (\*) as detailed in Appendix B);
  - ii) The appointments of Leader of the Opposition and Shadow Cabinet (Appendix A); and,
  - iii) The appointments of political party group officers (Appendix A).

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1** The recommendations fulfil the Council's statutory and constitutional requirements.

### **4 BACKGROUND AND DETAILS**

- 4.1** This report follows on from a report also to be considered by Members at the Annual Council Meeting on 'Political Balance of the Council and Composition of Committees'. That report deals with the Council's duty to review and determine the representation of different political groups on certain committees and allocate seats.
- 4.2** This report is concerned with the subsequent duty to make appointments to those committees, giving effect to the wishes of the political groups allocated the seats. The appointments, including the appointment of substitutes (if applicable) are set out in Appendices A and B. The wishes of the party-political groups represented on the Council are listed in the attached appendices and are marked 'For agreement'.
- 4.3** This report is also concerned with all other appointments Council has to make or is being asked to receive/note as set out in Appendices A and B.
- 4.4** Although the Corporate Parenting Panel is not established as a formal committee of the Council, its terms of reference are included in the Constitution (Part 6E) and it has been re-established annually since 2007 as an informal advisory body to the Cabinet Member with responsibility for Children's Services and provides that four Members of the Administration, including, and to be chaired by, the Cabinet Member with responsibility for Children's Services, and four members of the Opposition will form the composition of the Board.
- 4.5** In accordance with Article 7 of the Council's Constitution, the power to make Executive Appointments is reserved to the Mayor of the Council under the 'Directly Elected Mayor and Cabinet' model of decision making. This includes positions such as Cabinet Members and portfolios, Cabinet Committees and Joint Committees exercising Executive functions.
- 4.6** Those Executive appointments made by the Mayor of the Council are listed in Appendices A and B and are marked 'For information'.
- 4.7** In accordance with Part 4A and Part 6A of the Council's Constitution, Annual Council is also asked to receive for information, those appointments made by political parties represented on the Council.
- 4.8** Those appointments are also detailed in the appendices' appointment schedules attached to this report and are marked 'For noting'. Council is asked to note those appointments.
- 4.9** Appointments to outside bodies are made for four years following local elections. Annual appointments in following years are restricted to those organisations that require annual appointments or where Members are unable to continue their membership.

- 4.10** In respect of Executive appointments to outside bodies, Article 4.1 (g) of the Constitution provides that the Mayor or the Monitoring Officer, after consultation with the relevant Cabinet Member, may make appointments to outside bodies as necessary during the year. In respect of non-Executive appointments, the General Purposes Committee or the Monitoring Officer, after consultation with the Chair of the General Purposes Committee, may make appointments to outside bodies as necessary during the year.
- 4.11** Over the last few years, with the exception of the Licensing Act Sub-Committee, Chairs and Vice-chairs were appointed by Annual Council instead of being appointed at the first meeting of each committee. For different reasons, because on some committees the Labour and Conservative Groups have the same number of Members, Council is therefore recommended to consider suspending the Constitution (i.e. Part 4F, Non-Executive Procedure Rules, para 2.3) so that Chairs and Vice/Deputy-Chairs are appointed by Annual Council instead.
- 4.12** This is without prejudice to the provisions in paragraph 2.4 of Part 4F of the Constitution which provides that in the event of an in-year appointment to the position of Chair or Vice Chair, this may continue to be filled at the first meeting of the relevant committee or sub-committee following notification to the Monitoring Officer.
- 4.13** As soon as possible after Council has appointed to committees, committees who have sub-committees are required in turn to review political balance, allocate seats and make appointments in accordance with the wishes of political groups in respect of their own sub-committees.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1** Not applicable.

## **6 CONSULTATION**

- 6.1** Political groups have been approached in advance so that arrangements for committees and other decision-making bodies can be managed in advance of this Council meeting.

## **7. CONTRIBUTION TO COUNCIL PRIORITIES**

- 7.1** This report contributes to priority 4: Ensure good governance is embedded and adopt best practice.

## **8. IMPLICATIONS**

- 8.1 FINANCIAL IMPLICATIONS**

- 8.1.1** The Scheme of Members' Allowances was approved by the General Purposes Committee on 21 February 2023 and was adopted by Council at its meeting on 1 March 2023. The various appointments may involve Special Responsibility Allowances, which are included in the existing budgets and approved in the Scheme of Members' Allowances which is detailed in Part 6A of the Constitution of the London Borough of Croydon.
- 8.1.2** Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 09/05/23

## **8.2 LEGAL IMPLICATIONS**

- 8.2.1** The law relevant to political balance and composition of committees is explained and applied in an earlier report of the same title to be considered by Members before this report.
- 8.2.2** By sections 101 and 102 of the Local Government Act 1972 the council has the power to arrange for its functions to be discharged in a number of different ways. These include by appointing members to committees.
- 8.2.3** Comments approved by Looqman Desai, Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer. (Date 24/04/2023)

## **8.3 EQUALITIES IMPLICATIONS**

- 8.3.1** Whilst political parties are not bound by law to implement the Public Sector Equality Duty, the underlying principle of the Equality Act 2010 is that everyone should be treated fairly and has opportunities to fulfil his or her full potential. However, by virtue of providing leadership in the provision of Public Sector Services, members appointed to Local Government committees are bound by the requirements of the Public Sector Equality Duty.
- 8.3.2** As a public body, the Council is required to comply with the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010. The PSED requires the Council to have due regard to the need to eliminate discrimination, harassment or victimisation and advance equality of opportunity and foster good relations between different people when carrying out their activities and functions.
- 8.3.3** The Equality Act 2010 can help increase diversity and improve participation in the democratic institutions. By fully reflecting the people they serve and the society in which they live, political parties can be more inclusive and make decisions that work for everyone. However, positive action cannot be legally forced on political parties.
- 8.3.4** Comments approved by John Mukungunugwa, Equalities Officer, on behalf of the Equalities Programme Manager on 04/05/2023.

## **8.4 HR IMPLICATIONS**

**8.4.1** There are no immediate HR implications arising from the content of this report.

**8.4.2** Comments approved by Gillian Bevan, Head of HR Resources and Assistant Chief Executives Directorates on behalf of the Chief People Officer. (Date: 2/5/23)

## **9. APPENDICES**

**9.1** *A Appointments – Blues – Appointments to Cabinet, Cabinet Committees, Deputy Cabinet Members, Statutory Executive Joint Committees, Leader of the Opposition and Shadow Cabinet, Non-Executive Committee appointments, Political Party Group Officers – May 2023*

*B Appointments – Pink – Appointments to London Councils, Local Government Association, Internal Panels, Consultative Bodies, Outside Bodies, Strategic Partnerships - May 2023*

## **10. BACKGROUND DOCUMENTS**

**10.1** None.

## **11. URGENCY**

**11.1** N/A