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| Report subject | Appointment of Councillor to Appeals Committee |
| Meeting date | 7 November 2023 |
| Status | Public Report |
| Executive summary | <p>Council is asked to appoint a councillor to serve on the Appeals Committee which is vacant following due notice from the Leader of the Poole Engage Political Group.</p> <p>The seat can be allocated to any member of the Council except members of the Cabinet.</p> |
| Recommendations | <p>It is RECOMMENDED that:</p> <p>Council appoints a Councillor by way of nominations to fill the vacant seat on the Appeals Committee.</p> |
| Reason for recommendations | To provide a full membership on the Appeals Committee, enabling meetings to be convened promptly and to determine appeals in a timely manner. |
| Portfolio Holder(s): | Councillor Vikki Slade (Leader of the Council) |
| Corporate Director | Ian O'Donnell (Director for Resources) |
| Report Authors | Richard Jones (Head of Democratic Services and Interim Monitoring Officer) |
| Wards | Not applicable |
| Classification | For Decision |

Background

1. The Council is required to allocate seats to committees and other applicable bodies in accordance with the political balance provisions. This allocation was last undertaken at the Council meeting held on 11 July 2023.
2. Seats on committees, which are allocated to political groups, are to be filled by councillors of the respective political group in accordance with the wishes of the relevant group.

3. The Monitoring Officer has been notified by the Leader of the Poole Engage Political Group, which consists of two members, that whilst recognising the important work of the Appeals Committee neither member of the group is able to attend the scheduled meetings and has given notice that they are unable to appoint to the seat in question.
4. The Local Government (Committees and Political Groups) Regulations 1990 makes provision, where a political group is unable to appoint a member of that group to an allocated seat, for the council to 'make such appointment as they think fit'.
5. This does not require a recalculation of political balance and the seat may be allocated to any councillor regardless of political grouping.

Appeals Committee

6. The Appeals Committee meets two or three times a month, typically at 10.00am on various days of the week. The Committee predominately determines appeals by parents against the Council's decision in relation to the provision of school transport assistance in cases of need, special circumstances or safety.
7. Each meeting will draw three or four members from the wider membership pool to form a panel to determine each case. It is important to have a full complement of committee members to ensure appeals can be heard and determined in a timely manner.
8. The appointment will remain in place until a full review of political balance is undertaken which shall be in May 2024 unless a review is triggered in the meantime.

Options Appraisal

9. There are two options available to the Council. **Option 1** would be to leave the seat vacant and operate with six committee members, whilst **Option 2** would be to appoint a councillor to serve on the committee and establish a full complement of members on the committee.
10. Option 2 is the preferred and recommended option. It is critical that appeals can be scheduled quickly to avoid unnecessary delays in hearing and determining cases before this committee. Even a single member reduced pool can cause significant issues in convening meetings. Appointing a councillor would alleviate these pressures.
11. Training will be provided to the appointed councillor although there may be a councillor who has served on the committee previously but been unable to serve due to the political balance restrictions.
12. If more than one valid nomination is received for the seat it will be necessary to conduct a secret ballot in accordance with the Council's procedure rules.

Summary of financial implications

13. There are no financial implications arising from this report.

Summary of legal implications

14. The Council is ordinarily required to allocate seats on committees in accordance with the political balance of the Council, however, where a political group fails to appoint to a seat allocated to them, the Council may appoint another councillor to

that seat. This does not need to be in accordance with the political balance provision and may be appointed regardless of any dissent.

Summary of human resources implications

15. There are no human resource implications arising from this report.

Summary of sustainability impact

16. There are no sustainability issues arising from this report.

Summary of public health implications

17. There are no public health issues arising from this report.

Summary of equality implications

18. Many of the appellants seeking a review through the Appeals Committee have direct or indirect characteristics protected under the equalities duty. Maintaining the membership at seven members will mean that meetings can be scheduled more promptly and avoid unnecessary delays in hearing cases. This has informed the proposed recommendation to fill the vacant position.

Summary of risk assessment

19. There are no specific additional risks arising from this report which have not been covered separately. The primary risk is the delay in convening and hearing appeals in a timely manner if the membership remains at a reduced level.

Background papers

None

Appendices

There are no appendices to this report.