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**Report of Corporate Management Team**

**Helen Lynch, Head of Legal and Democratic Services**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To agree the appointments process of Members to Joint and Other Bodies.

**Executive summary**

- 2 The Council is required to agree at its annual meeting the appointments to the joint bodies and other bodies to which the Council are invited to nominate representatives. The background and criteria for appointing to these bodies is set out in paragraph 4 of the report.

**Recommendation**

- 3 The Council is asked to:
  - (a) agree the allocation of seats on the County Durham Fire and Rescue Authority as detailed in Appendix 2.
  - (b) agree the allocation of seats to the Business Durham Advisory board as set out in paragraph 4(b) to the report.
  - (c) agree the allocation of seats on the Charter Trust as detailed in Appendix 3.
  - (d) agree the allocation of seats on the Police and Crime Panel as detailed in Appendix 4.
  - (e) agree that the Chair of the Audit Committee is nominated to serve on the Joint Audit Committee to assist the Durham Police

and Crime Commissioner, and Chief Constable, noting the nomination is subject to approval of the Durham Police and Crime Commissioner.

- (f) note the positions on the North East Combined Authority, and the North East Combined Authority and North of Tyne Combined Authority Joint Transport Committee, and authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s) to make appointments once the specifics of the determination of allocation to political groupings are advised to the council by the NECA secretariat.
- (g) authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:-
  - (i) identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
  - (ii) identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

If a consensus on the allocation of seats to Members within the electoral division cannot be reached, should the division be represented by Members from different parties and agreement cannot be reached, the party with the largest proportion of seats on the Council would be allocated the seat.
  - (iii) the bodies which are not local to a particular electoral division, for example, those with a County or Regional remit, appointments be made in accordance with the overall political proportionality of the Council, except in the case of bodies providing services in one particular locality, in such circumstances the membership would be from that locality.
- (h) authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), to make any changes to memberships of the main outside bodies/ joint bodies approved by Council, which may become necessary during the course of 2023/24.

## Appointments Process

- 4 The Council is required to agree at its annual meeting the appointments to the joint bodies, and other bodies to which the Council is invited to nominate representatives. For those bodies not specifically referenced in paragraphs (a) to (f) below, the criteria for appointments is listed in paragraph (g). Where a joint body or other body has an annual meeting any changes of member representation would be effective from that date.

(a) County Durham and Darlington Fire and Rescue Authority

This is a joint body and seats are required to be allocated in accordance with political proportionality, as set out in Appendix 2.

(b) Business Durham Advisory Board

The Council agreed at its meeting on 14 July 2021 that the membership of the Board for the municipal year 2021/22 be:

- (i) The Chair of the Council, the Leader of the Council, the Deputy Leader of the Council and the Cabinet Portfolio Holder for Economy and Partnerships and the portfolio holder for Housing and Assets and to the Business Durham Advisory Board for the municipal year 21/22.
- (ii) To appoint the Cabinet member for Neighbourhoods and Climate to support on the wider and strategic linkages between climate change and business for the municipal year 21/22.
- iii) To appoint the Leader of the Labour Group to the board for the municipal year 2021/22 and include a provision for an official named substitute if the Leader of the Labour Group is unavailable to attend.

It is proposed that the agreed composition adopted in 2021/22 and 2022/23 continue for 2023/24.

(c) Charter Trust of the City of Durham

The Council agreed the composition of the Charter Trust on 20 March 2013 as a result of the Electoral Boundary Review of County Durham. The composition of the Trust is as set out in Appendix 3, and Council is required to confirm the appointments to the Trust. For the municipal year 2021/22 and 2022/23 the Council did not appoint to the three additional trustee positions as listed in paragraph 4 of Appendix 3.

(d) Police and Crime Panel

The Council agreed to the composition of the Police and Crime Panel, which is a joint committee with Darlington Borough Council, on 25 July 2012. Its composition of 12 members is made up of 7 elected representatives of Durham County Council, 3 elected representatives of Darlington Borough Council, and 2 independent co-opted members.

It is necessary to appoint members in accordance with legislation relating to political balance, and also as described in the Police and Reform and Social Responsibility Act 2011 - the "balanced appointment objective". This means that Councillors on the panel represent all parts of the relevant police area, represent the political make-up of the relevant authorities when taken together, and have the skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively.

The 10 seats to elected members will remain 7 elected representatives of Durham County Council, and 3 elected representatives of Darlington Borough Council. The political make-up of the relevant authorities when taken together is shown in Appendix 4.

(e) Representative – Joint Audit Committee

At each annual Council meeting since 2013, Council has agreed the nomination from the Authority for a representative to serve on the Joint Audit Committee to assist the Police and Crime Commissioner and Chief Constable. The Joint Committee's membership was to be enhanced by the appointment of two elected members, one from Durham County Council and one from Darlington Borough Council. In accordance with custom and practice, Councillor A Watson as the Chair of the Council's Audit Committee was nominated to this position at the annual council in May 2022. It is proposed that the Chair of the Audit Committee for 2023/24 is nominated to this position.

The appointee would receive reasonable travel and other expenses in connection with their role, and an allowance which would be reimbursed by the Police and Crime Commissioner, and Chief Constable. Council is required to determine the appointment for the ensuing year.

(f) North East Combined Authority

The Council is also required to agree appointments to the North East Combined Authority and to the North East Combined

Authority and North of Tyne Combined Authority Joint Transport Committees. The following positions will be required to be appointed to however the NECA secretariat have not yet provided the special requirements for appointment including whether there are any specific requirements of allocations to political groupings on the council and to take into account the local elections held on 4 May 2023. In the circumstances it is suggested that once the position has been confirmed by the NECA secretariat, the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s) make appointments.

#### North East Combined Authority

- One member to the Leadership Board;
- A substitute member to the Leadership Board;
- Two members to be representatives on the Overview and Scrutiny Committee
- Two substitute members to the Overview and Scrutiny Committee
- One member to the Audit and Standards Committee
- A substitute member to the Audit and Standards Committee
- One member to the Economic Development and Digital Advisory Board
- A substitute member to the Economic Development and Digital Advisory Board;

#### North East Combined Authority and North of Tyne Combined Authority Joint Transport Committees

- One member to the North East Joint Transport Committee;
- A substitute member to the North East Joint Transport Committee
- Two members to the North East Joint Transport Overview and Scrutiny Committee
- Two substitute members to the North East Joint Transport Overview and Scrutiny Committee

- One member to the North East Joint Transport Audit and Standards Committee
- A substitute member to the North East Joint Transport Audit and Standards Committee

(g) Other Bodies

In relation to the appointment to all other bodies to which the Council are invited to nominate the current criteria for appointment to these bodies is set out below:-

The Head of Legal and Democratic Services, in consultation with the appropriate Group Leaders, is authorised to make appointments to the other bodies to which the Council are invited to nominate, in accordance with the following criteria:-

- identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
- identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

If a consensus on the allocation of seats to Members within the electoral division cannot be reached, should the division be represented by Members from different parties and agreement cannot be reached, the party with the largest proportion of seats on the Council would be allocated the seat.

- the bodies which are not local to a particular electoral division, for example, those with a County or Regional remit, shall be appointed to in accordance with the overall political proportionality of the Council, except in the case of bodies providing services in one particular locality, when the membership would be from that locality.

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## **Appendix 1: Implications**

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**Legal Implications** – The Council is required at its annual meeting to decide the appointments to the joint bodies, and other bodies to which the Council is invited to nominate representatives. The allocation of seats to political groups must be in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

**Finance** – None specific within this report

**Staffing** – None specific within this report

**Risk** – None specific within this report

**Equality and Diversity/ Public Sector Equality Duty** – None specific within this report

**Climate Change**- None specific within this report

**Accommodation** – None specific within this report

**Crime and Disorder** – None specific within this report

**Human Rights** – None specific within this report

**Procurement** – None specific within this report

**Disability Issues** – None specific within this report

**Consultation** – As set out in the report

## Appendix 2: Joint Body – County Durham and Darlington Fire and Rescue Authority

### Seats to be allocated in accordance with political proportionality

	Combined number of Seats	126		126		126		126		126		126		126		126	
		Labour		Conservative		Liberal Democrat		DG		DCCIG		ST		TUG		CDI	
		56		22		17		13		9		3		3		3	
		44.44%		17.46%		13.49%		10.32%		7.14%		2.38%		2.38%		2.38%	
Combined Fire Authority	21	9	9.33	4	3.67	3	2.83	2	2.17	1*	1.50*	*	0.50	*	0.50	*	0.50

In 2022 the Durham County Council Independent Group, The Spennymoor and Tudhoe Independent Group, and The Unaligned Group all had equal shares to one seat. The seat was allocated to the Durham County Council Independent Group for 2022/23 , the Unaligned Group for 2023/24 and the Spennymoor and Tudhoe Independent Group for 2024/25, provided that the political entitlement remained unchanged for those years. The order of allocation was determined by the drawing of lots.

However, following the recent formation of the County Durham Independent Group, the Durham Group is entitled to one less seat than last year. The Durham County Council Independent Group, the Spennymoor and Tudhoe Independent Group, the Unaligned Group and the County Durham Independent Group all have equal shares to two seats. On that basis the seats will be allocated to two groups in the year 2023/24 two groups in the second year 2024/25, provided that there is no change in political balance in those years. It has been agreed with the Group Leaders that the order of the allocations will be determined by drawing lots.



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## **Appendix 3: Membership of the Charter Trust for the City of Durham**

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### **Membership of the Charter Trust for the City of Durham**

1. Members representing any of the electoral areas as set out below which remain wholly within the original Charter Trustees boundary:-
  - Belmont
  - Brandon
  - Coxhoe
  - Durham South
  - Elvet and Gilesgate
  - Framwellgate and Newton Hall
  - Neville's Cross
  - Sherburn
2. The three Elected Members of the Deerness Electoral Division.
3. The Trustees representing the Trimdon and Thornley: Willington and Hunwick; and Esh and Witton Gilbert areas be one Member from each of these areas receiving the highest number of votes for their Electoral Division at the 2021 County Election.
4. The three additional Trustees representing the wider area are below.  
(NOTE: For the municipal year 2021/22 the Council did not appoint to the three additional trustee positions listed below).
  - The existing Chairman of the County Council (If the Chairman was a Charter Trustee as of right, the position would not be filled by another member)
  - A Cabinet Member
  - An additional Member appointed by the Leader of the Council.

## Appendix 4: Police and Crime Panel

The seats must be politically proportionate to the total number of councillors in the Force area as shown below (10 seats):-

Authority	LAB	CON	LD	DG	DCCIG	Ind (DBC)	Green (DBC)	Unaligned Group	S and T	CDI	Total
Durham	56	22	17	13	9			3	3	3	126
Darlington	24	15	3			1	7				50
<b>Total</b>	<b>80</b>	<b>37</b>	<b>20</b>	<b>13</b>	<b>9</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>176</b>

	Lab	Con	Lib Dem	DG	DCCIG	Ind (Darl)	Green (Darl)	Unaligned Group	S and T	CDI
Proportion	80/176	37/176	20/176	13/176	9/176	1/176	7/176	3/176	3/176	3/176
%	45.45	21.02	11.36	7.39	5.11	0.57	3.98	1.70	1.70	1.70
Actual Seats	<b>5 seats</b> (4.55)	<b>2 seats</b> (2.10)	<b>1 seat</b> (1.14)	<b>1 seat</b> (0.73)	<b>1 seat</b> (0.51)	<b>0 seats</b> (0.06)	<b>0 seats</b> (0.40)	<b>0 seats</b> (0.17)	<b>0 seats</b> (0.17)	<b>0 seats</b> (0.17)

### Durham County Council

7 seats - Labour 3; Conservative Group 1; Liberal Democrat 1; The Durham Group 1 and DCC Independent Group 1

### Darlington Borough Council

3 seats - Labour 2; Conservative 1