

# Swindon Borough Council

## Appeals Committee

**Tuesday, 20 February 2007**

Committee Room 1, Civic Offices, Swindon (Anticipated meeting room)

**At 5.20 p.m.**

### **Conservative Councillors**

Sinead Darker (Chair)  
Brian Mattock (Vice-  
Chair)  
Andrew Bennett  
Michael Bray  
Mavis Childs  
Melanie Duff  
Wayne Lawley  
Peter Mallinson  
William Morton  
Eric Shaw  
John Short  
Steve Wakefield  
Brian Ford (Deputy)

### **Labour Councillors**

David Glaholm  
Fay Howard  
Kevin Small  
John Ballman  
(Deputy)  
Ray Ballman (Deputy)  
Maureen Caton  
(Deputy)  
Maurice Fanning  
(Deputy)  
Des Moffatt (Deputy)  
Barrie Thompson  
(Deputy)  
Robert Wright  
(Deputy)  
Steve Allsopp  
(Deputy)  
Michael Barnes  
(Deputy)

### **Liberal Democrat Councillors**

### **Swindon Independent Councillors**

Andy Harrison

**Committee Officer:** Alison Smith (Telephone 01793 463612)

email: [alsmith@swindon.gov.uk](mailto:alsmith@swindon.gov.uk)

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 463000)

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## **AGENDA**

### **1. Apologies for Absence**

### **2. Minutes** (Pages 1 - 2)

To receive the minutes of the meeting held on 19<sup>th</sup> May 2006.

### **3. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

### **4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

## **5. Appointments to Sub-Committees (Pages 3 - 6)**

**Date of Despatch:** 12 February 2007

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

### APPEALS COMMITTEE

FRIDAY, 19 MAY 2006

PRESENT:- Councillors Colin Lovell (Chair), Andrew Bennett, Mavis Childs, Melanie Duff, Brian Ford, Geraldine Frost, David Glaholm, Andy Harrison, Fay Howard, Wayne Lawley, Brian Mattock, William Morton, Eric Shaw and Philip Young.

Apologies for absence were received from Councillors Michael Bray, Sinead Darker and John Short

#### 1. Minutes

Resolved – That the minutes of the meeting held on 27<sup>th</sup> June 2005, be confirmed and signed.

#### 2. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

#### 3. Public Question Time

No public questions were received during the meeting.

#### 4. Local Government Act 1989 - Section 15: Review of Political Balance Arrangements

Resolved – That, further to Minute 14(2) of the Borough Council and having carried out a review under Section 15 of the Local Government and Housing Act 1989 this Committee continue to apply political balance arrangements under the Act.

#### 5. Appointment of Sub-Committees

Resolved – (1) That an Ad hoc Appeals Sub-Committee be appointed having the functions set out in the document “Swindon Council Constitution 2006/07” and comprising Councillors Andrew Bennett, Mavis Childs, Melanie Duff, David Glaholm, Colin Lovell, Brian Mattock, and John Short.

(Deputies: All Members nominated to serve on this Committee for their respective Groups.)

(2) That a Council Tax Benefits Review Board be appointed having the functions set out in the document “Swindon Council Constitution 2006/07” and comprising 3 Councillors to be drawn from Councillors Andrew Bennett, Mick Bray, Mavis Childs, Sinead Darker, Melanie Duff, Geraldine Frost, David Glaholm, Andy Harrison, Fay Howard, Wayne Lawley, Colin Lovell, Brian Mattock, Bill Morton, Eric Shaw, John Short and Philip Young.

(Deputies: All Members nominated to serve on this Committee for their respective

Groups.)

(3) That an Education Appeals Sub-Committee be appointed having the functions set out in the document "Swindon Council Constitution 2006/07" and comprising 3 Councillors to be drawn from Councillors Andrew Bennett, Mick Bray, Mavis Childs, Sinead Darker, Melanie Duff, Geraldine Frost, David Glaholm, Andy Harrison, Fay Howard, Wayne Lawley, Colin Lovell, Brian Mattock, Bill Morton, Eric Shaw, John Short and Philip Young.

(Deputies: All Members nominated to serve on this Committee for their respective Groups.)

(4) That an Introductory Tenancy Review Board be appointed having the functions set out in the document "Swindon Council Constitution 2006/07" and comprising 3 Councillors to be drawn from Councillors Andrew Bennett, Mick Bray, Mavis Childs, Sinead Darker, Melanie Duff, Geraldine Frost, David Glaholm, Andy Harrison, Fay Howard, Wayne Lawley, Colin Lovell, Brian Mattock, Bill Morton, Eric Shaw, John Short and Philip Young.

(Deputies: All Members nominated to serve on this Committee for their respective Groups.)

(5) That a Social Services Review Panel be appointed having the functions set out in the document "Swindon Council Constitution 2006/07" and comprising 3 Councillors to be drawn from Councillors Andrew Bennett, Mick Bray, Mavis Childs, Sinead Darker, Melanie Duff, Geraldine Frost, David Glaholm, Andy Harrison, Fay Howard, Wayne Lawley, Colin Lovell, Brian Mattock, Bill Morton, Eric Shaw, John Short and Philip Young.

(Deputies: All Members nominated to serve on this Committee for their respective Groups.)

(6) That a Staff Appeals Sub-Committee be appointed having the functions set out in the document "Swindon Council Constitution 2006/07" and comprising Councillors Mavis Childs, Sinead Darker, David Glaholm, Colin Lovell, Brian Mattock, Bill Morton and Eric Shaw.

(Deputies: All Members nominated to serve on this Committee for their respective Groups.)

## Appointments to Sub-Committees

Appeals Committee

Date 20<sup>th</sup> February 2007

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**Author: Director of Law and Democratic Services**

**Wards Affected**

All

### **Purpose**

To consider changes to Sub-Committee Membership for the remainder of the Municipal Year, 2006/07.

### **Recommendation**

Appeals Committee is recommended to:

Determine that, further to Minute 14(2) of the Council, and having carried out a review under Section 15 of the Local Government and Housing Act 1989, the Committee shall continue to apply the political balance provisions under the Act; and

Amend this Committee's Sub-Committees and Panels membership for the remainder of the Municipal Year, 2006/07 as set out in Paragraph 2.8 of the report.

Note the appointment of Councillor Sinead Darker as Chair of the Appeals Committee for the remainder of the Municipal Year 2006/07.

## **1 Reasons**

- 1.1 Subsequent to the appointment of Committees and other bodies at Annual Council on 19<sup>th</sup> May 2006, Councillors Colin Lovell and Philip Young have been appointed as Cabinet Members and are no longer members of the Appeals Committee.
- 1.2 Councillors Steve Wakefield and Peter Mallinson have been appointed to Appeals Committee resulting in a review of the Membership of its Sub-Committees and Panels.

## **2 Detail**

- 2.1 Council has appointed Councillors Steve Wakefield and Peter Mallinson to serve on the Appeals Committee to replace Councillors Colin Lovell and Philip Young. There has been no change in the political balance arrangements as a result but the Committee is requested to re-affirm the political balance arrangements pertaining to the Committee.
- 2.2 Council appointed Councillor Sinead Darker as Chair of the Appeals Committee for the remainder of the Municipal Year 2006/07.

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Further information on the subject of this report can be obtained from Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

## Appointments to Sub-Committees

Appeals Committee

Date 20<sup>th</sup> February 2007

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- 2.3 It is open to this Committee when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Notice of Meeting, and a decision would have to be agreed without any Member voting against the arrangements.
- 2.4 It is recommended that the Appeals Committee on behalf of the Council, having carried out a review under Section 15 of the Local Government and Housing Act 1989, should continue to apply the political balance provisions under the Act.
- 2.5 The remainder of this report assumes that the Committee will not want an alternative arrangement to the political balance provisions set out in the Act and Regulations.
- 2.6 The Act sets out four principles that must be followed. They are:
- (a) not all the seats on the Committee may be allocated to the same political group;
  - (b) the majority of the seats on the Committee must be allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, the number of seats on the ordinary committees (relevant bodies) of the Borough Council, which are allocated to each political group, must bear the same proportion to the total of all the seats on the ordinary committees of the Borough Council as is borne by the number of members of that group to the membership of the Borough Council; and
  - (d) subject to paragraphs (a) to (c) above, the number of the seats on the committee which are allocated to each political group should bear the same proportion to the number of all the seats on that committee as is borne by the number of members of that group to the membership of the Borough Council.
- 2.7 The procedure adopted by the Council in appointing Committees will apply equally to this Committee when appointing Sub-Committees.
- 2.8 *Appointments to Sub-Committees and Panels* – The Committee is recommended to agree:
- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Ad-Hoc Appeals Sub-Committee;

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## **Appointments to Sub-Committees**

Appeals Committee

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- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Council Tax Benefits Review Board;
- that Councillor Peter Mallinson replace Councillor Philip Young as a Conservative Group representative on the Council Tax Benefits Review Board;
- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Education Appeals Sub-Committee;
- that Councillor Peter Mallinson replace Councillor Philip Young as a Conservative Group representative on the Education Appeals Sub-Committee;
- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Introductory Tenancy Review Board;
- that Councillor Peter Mallinson replace Councillor Philip Young as a Conservative Group representative on the Introductory Tenancy Review Board;
- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Social Services Review Panel (Adults);
- that Councillor Peter Mallinson replace Councillor Philip Young as a Conservative Group representative on the Social Services Review Panel (Adults);
- that Councillor Steve Wakefield replace Councillor Colin Lovell as a Conservative Group representative on the Staff Appeals Sub-committee.

### **Alternative Options**

No alternative options are proposed because it is a requirement of the Local Government and Housing Act 1989 to apply political balance arrangements.

### **Risk Management**

#### *Financial and Procurement Implications*

There are no financial or procurement implications.

Any costs will be met from existing budgets. The “Basic” Allowance for all Councillors in 2006/07 is £7,250.

#### *Legal/Human Rights Implications*

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## **Appointments to Sub-Committees**

Appeals Committee

Date 20<sup>th</sup> February 2007

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Legal and Human Rights considerations have been taken fully into account in compiling this report. The Council is required to comply with the requirements of the Section 15 of the Local Government and Housing Act 1989. These Statutory provisions have been added to by the Local Government (Committees and Political Groups) Regulations 1990, as amended by the Local Government (Committees and Political Groups) (Amendment) Regulations 1991.

*Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

The delivery of effective, accountable and transparent decision-making by the Council directly links to those parts of the new Corporate Plan relating to the "Role of the Council" and "Transforming the Organisation".

### **Consultees / Appendices**

The Director of Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Group Leaders were also consulted on this report.

### **Background Papers**

Constitution 2006/07.

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