

# Public Document Pack



PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.

## SUPPLEMENTARY AGENDA

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Astley Room - Castle House** on **Wednesday, 15th May, 2019** at **7.00 pm**.

### BUSINESS

- a APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS FOR 2019/20 (Pages 5 - 14)
- a APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES (Pages 15 - 22)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Martin T. Handley'.

Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs..

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Attendance Record**

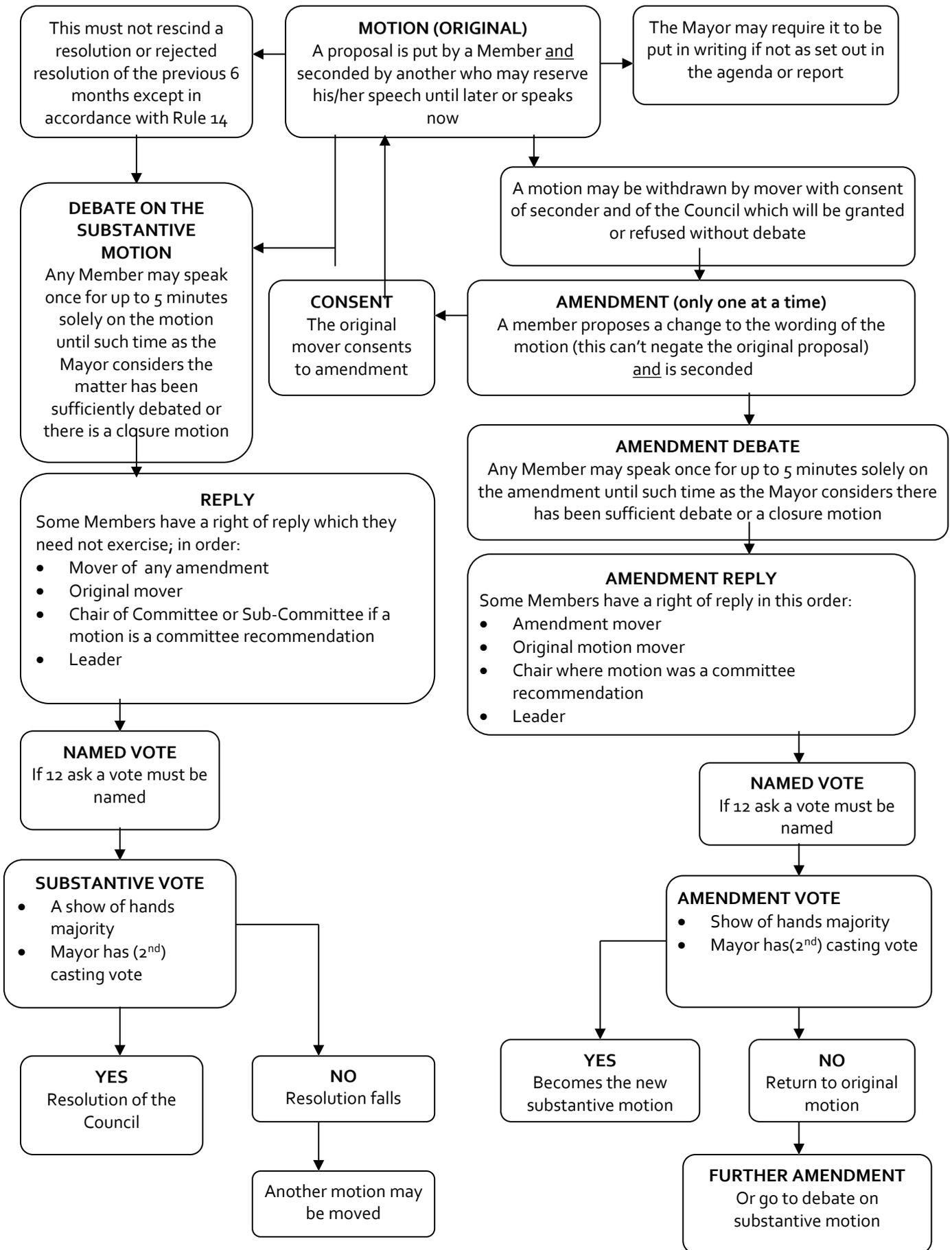
Please sign the Attendance Record sheet on entering the building. This will be located at the reception desk.

### **3. Mobile Phones**

Please switch off all mobile phones before entering the Council Chamber.

### **4. Notice of Motion**

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE COUNCIL

15 May, 2019

#### **APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS 2018/2019**

**Submitted by:** Democratic Services

**Ward(s) affected:** All

#### **Purpose of the Report**

To appoint to committees, and to appoint chairs and vice-chairs for 2019/20.

#### **Recommendations**

- (1) That the membership of committees for 2019/2020 be appointed in accordance with the nominations;
- (2) That the chairs and vice-chairs of committees for 2019/2020 be appointed in accordance with the nominations;
- (3) That the terms of reference and delegations to committees be as set out in the council's constitution

#### **Reasons**

Section 102 of the Local Government Act 1972 gives local authorities the power to appoint committees for the purpose of discharging functions in pursuance of arrangements made under section 101 (arrangements for discharge of functions by local authorities). Committees are appointed under this power for the "effective and convenient discharge of the authority's non-executive functions". Part 1A of the Local Government Act 2000 (updated by the Localism Act 2011) states that executive arrangements by a local authority must include provision for the appointment by the authority of one or more scrutiny committees. Section 6 of the Licensing Act 2003 requires each licensing authority to establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority to discharge the majority of its functions under that legislation.

#### **1. Background**

- 1.1 The Local Government and Housing Act 1989 ("the 1989 Act") imposes political proportionality requirements in respect of the appointment of committees (other than the Executive).
- 1.2 Specifically, section 15 of the Act requires that four principles be followed in allocating committee seats:-
  - (a) All seats on a committee cannot be allocated to the same political group;
  - (b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
  - (c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;

- (d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.
- 1.3 In order to fulfil these requirements in the order stated, and particularly to achieve the best fit of requirement (d) while maintaining requirement (c), it is usual for a small number of manual adjustments to be required to the allocations for individual committees.
- 1.4 Under Council Procedure Rule 3, the council also appoints chairs and vice-chairs of committees at its annual meeting.
- 1.5 Government advice on Scrutiny Committees suggests that local authorities might consider it appropriate to have all or some of these committees chaired by members outside the majority group.
2. **Issues**
- 2.1 There are some potential issues in the way committees are constituted which can hinder an authority's ability to fulfil the requirements of the 1989 Act.
- 2.2 If a committee has an even number of seats, depending on the size of the majority, this can effectively prevent the fulfilling of requirement (b) without grossly distorting the allocation and adversely affecting the ability to fulfil the other requirements. For this reason it is best practice for committees to have an odd number of seats.
- 2.3 Certain sizes of committee can lead to the necessity to make a large number of manual adjustments to the allocations on those committees to achieve overall proportionality (requirement (c)). This, in turn, distorts the ability to achieve a closeness of fit to requirement (d) in respect of the individual committees. For this reason it is best practice to avoid certain numbers of seats on individual committees, although these numbers will vary depending on the overall number of seats on an authority and how these are divided up between the political groups.
- 2.4 Section 16(2A) of the 1989 Act (inserted by Regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990) provides that each independent member (ie a member who is not part of a political group) is treated in the same way as a group for the purpose of the allocation of seats. This regularises the position insofar as it is in any case only possible to comply with the legislation and also fill all committee seats by treating each independent member in this manner.
- 2.5 The Licensing Committee, being the committee established under section 6 of the Licensing Act 2003, is not subject to the proportionality rules of the 1989 Act. However, this council (like many others) has previously determined that it will be treated in the same manner as the ordinary committees in that respect, and it is therefore included in the overall calculations.
3. **Proposal**
- 3.1 In light of the issues identified under section 2 above and recent changes to the memberships of the political groups, the overall size of the council's committees and the allocation of seats has been reviewed.
- 3.2 The resulting proposed committee structure and allocation of seats is set out below.

3.3 the political groups have been requested to submit nominations in accordance with their group allocations, and these are appended.

3.4 The groups' nominations for the chairmanships and vice-chairmanships of committees are also appended.

#### 4. **Legal and Statutory Implications**

4.1 The establishment of committees and the allocation of seats are undertaken in accordance with the relevant legislation, primarily the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government (Committees and Political Groups) Regulations 1990 (as amended), the Local Government Act 2000, the Localism Act 2011 and the Licensing Act 2003.

#### 5. **Equality Impact Assessment**

5.1 No equality or diversity issues have been identified in the preparation of this report.

#### 6. **Financial and Resource Implications**

6.1 There are no significant direct financial or resource implications arising from the proposals. There is no change to the number of chairmanships or vice-chairmanships so no impact on members' allowances.

#### 7. **Major Risks**

7.1 It is essential that the council's decision making structures and processes are robust and established in line with the relevant legislation and principles of good governance, to minimise the risk of legal challenge. The proposed approach seeks to ensure those aims are met.

The appointment of scrutiny committees enables the Council to achieve enhanced accountability and transparency of decision making process. Scrutiny is a key element of the Council's executive arrangements and is the main way by which executive decision-makers are held to public account for the discharge of the functions for which they are responsible.

7.2 The scrutiny process is a key mechanism for enabling councillors to represent the views of their constituents and other organisations to the cabinet and to the Council and, by examining the operation and impact of the Council's policies, is a useful means of improving the development and delivery of services. Lack of an effective scrutiny function could lead to a lack of democratic accountability for the Council.

#### 8. **List of Appendices**

8.1 The nominations for committee places, chairmanships and vice-chairmanships from each group will follow

#### 9. **Background Papers**

9.1 None.

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## Notification of Political Groups of the Borough Council

Members are advised that the Proper Officer has received notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the operation of four political groups on the Council namely:-

NAME & NUMBER OF MEMBERS	DESIGNATED LEADER	DESIGNATED DEPUTY LEADER
LABOUR	TONY KEARON	KYLE ROBINSON
CONSERVATIVE	SIMON TAGG	STEPHEN SWEENEY
LIBERAL DEMOCRAT	MARION REDDISH	IAN WILKES
BOROUGH INDEPENDENT GROUP	BERT PROCTOR	GARY WHITE

## Representation of Political Groups in Committees and Appointment of Members to Committees

		LABOUR	CONSERVATIVE	LIB DEM	BOROUGH INDEPENDENT GROUP
<b>Audit Standards &amp;</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>
		Mike Stubbs	Gill Burnett		Ken Owen
		Sarah Pickup	Barry Panter		
		Sylvia Dymond	Paul Waring		
<b>Substitutes</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>
		Kyle Robinson	Andrew Parker		Bert Proctor
		Gill Williams	Mark Holland		
			Graham Hutton		
<b>Independent Member</b>					
<b>Employment Committee</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>
		Elizabeth Shenton	Mark Holland		Bert Proctor
		Emily Horsfall	Stephen Sweeney		
		Andrew Fox-Hewitt	Simon Tagg		

<b>Substitutes</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>
		Mike Stubbs	Helena Maxfield		Ken Owen
		John Williams	Paul Northcott		
			Jill Waring		
<b>Licensing &amp; Public Protection</b>	<b>15</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>1</b>
		Gill Williams	John Cooper	June Walklate	Gary White
		John Williams	Graham Hutton		
		Tony Kearon	Andrew Parker		
		Kyle Robinson	Stephen Sweeney		
		Sylvia Dymond	Gill Heesom		
		Ruth Wright	Jill Waring		
		Mark Olszewski			
<b>Substitutes</b>	<b>15</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>1</b>
		Sylvia Burgess	Julie Cooper	Marion Reddish	Bert Proctor
		Sue Moffat	Trevor Johnson		
			John Tagg		
			Paul Northcott		
<b>Conservation Advisory</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>
		Allison Gardner	Julie Cooper	Ian Wilkes	
		Elizabeth Shenton	Trevor Johnson		
<b>Substitutes</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>
		Emily Horsfall	Gill Burnett	June Walklate	
			Barry Panter		
<b>Planning</b>	<b>12</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>1</b>
		Gill Williams	Jenny Cooper	Marion Reddish	Bert Proctor
		John Williams	Andrew Fear		
		Silvia Burgess	Helena Maxfield		
		Sue Moffat	Paul Northcott		
		Dave Jones	Simon Tagg		

<b>Substitutes</b>	<b>12</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>1</b>
		Sylvia Dymond	Mark Holland	Ian Wilkes	Ken Owen
		Ruth Wright	Graham Hutton		
			Barry Panter		
			Stephen Sweeney		
<b>Health, Wellbeing &amp; Partnerships SC</b>	<b>11</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>
		Ruth Wright	Julie Cooper	Ian Wilkes	Ken Owen
		Sylvia Burgess	John Cooper		
		Sue Moffat	Helena Maxfield		
		Tony Kearon	Barry Panter		
		Allison Gardner			
<b>Substitutes</b>	<b>11</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>
		Sarah Pickup	Jenny Cooper	June Walklate	Bert Proctor
		Andrew Fox-Hewitt	Gill Heesom		
			Graham Hutton		
			Andy Fear		
<b>Economy, Environment &amp; Place SC</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>1</b>
		Emily Horsfall	Jenny Cooper	Marion Reddish	Gary White
		Amelia Rout	Andy Fear		
		Mark Olszewski	Gill Heesom		
		Dave Jones	John Tagg		
			Barry Panter		
<b>Substitutes</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>1</b>
		Tony Kearon	Andrew Parker	June Walklate	Ken Owen
		Amelia Rout	Helena Maxfield		
			Paul Waring		
			Gill Burnett		

<b>Finance, Assets &amp; Performance SC</b>	<b>11</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>1</b>
		Mike Stubbs	Gill Burnett		Bert Proctor
		Tony Kearon	Andy Fear		
		Kyle Robinson	Graham Hutton		
		Sarah Pickup	Helena Maxfield		
		Amelia Rout	Paul Waring		
<b>Substitutes</b>	<b>11</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>1</b>
		Dave Jones	John Cooper		Ken Owen
		Elizabeth Shenton	Barry Panter		
			John Tagg		
			Andrew Parker		

## Appointment of Chairs and Vice-Chairs of Committees (in accordance with Standing Order 46(1))

Members are advised of the following nominations for the positions of Chair and Vice-Chair for the various Committees of the Council. Where there are two nominations (**highlighted in bold**), the Council must vote on which Member to appoint:-

COMMITTEE	CHAIR	VICE-CHAIR
Audit & Standards	CLLR PAUL WARING CLLR SARAH PICKUP	CLLR KEN OWEN CLLR SYLVIA DYMOND
Conservation Advisory	CLLR JULIE COOPER CLLR ALLISON GARDNER	CLLR TREVOR JOHNSON CLLR ELIZABETH SHENTON
Employment Committee	<b>PORTFOLIO HOLDER</b>	<b>NO NOMINATION REQUIRED</b>
Licensing & Public Protection	CLLR MARK OLSZEWSKI	CLLR JUNE WALKLATE CLLR GILL WILLIAMS CLLR GRAHAM HUTTON
Planning	CLLR ANDY FEAR CLLR JOHN WILLIAMS	CLLR MARION REDDISH CLLR DAVE JONES
Health, Wellbeing & Partnerships SC	CLLR IAN WILKES CLLR RUTH WRIGHT	CLLR JULIE COOPER CLLR ALLISON GARDNER
Economy, Environment & Place SC	CLLR GARY WHITE CLLR EMILY HORSFALL	CLLR MARION REDDISH CLLR AMELIA ROUT CLLR GILL HEESOM

Finance, Assets & Performance SC	CLLR HELENA MAXFIELD	CLLR BERT PROCTOR
	CLLR MIKE SUBBS	CLLR SARAH PICKUP
<b>MAYOR AND DEPUTY MAYOR NOMINATIONS</b>		
NOMINATION FOR MAYOR	CLLR ELIZABETH SHENTON CLLR SIMON WHITE	-
NOMINATION FOR DEPUTY MAYOR	CLLR JOHN COOPER CLLR ELIZABETH SHENTON	-

<b>Outside Bodies – Community Groups</b>					
<b>Allowance p/a</b>	<b>Organisation/Partnership</b>	<b>Number of places</b>	<b>Status of Body</b>	<b>Current Representatives</b>	<b>Nominations 2019/22</b>
N/A	<p>Community Centres Management Committees:</p> <p>Audley                      Bradwell Lodge Community Centre *                      Butt Lane                      Chesterton                      Clayton                      Crackley                      Harriet Higgins                      Holly Road                      Knutton                      Marsh Hall                      Red Street                      Silverdale, Park Road                      Silverdale, Social Centre                      Whitfield                      Wye Road</p> <ul style="list-style-type: none"> <li>• CIC – Community Interest Group (Appoints own Directors)</li> </ul>	Up to 3 on each	Community		<p>Ward members automatically become the Council’s nominated representatives for community centres situated within their wards for the period of their office, negating the need to make specific nominations each year</p> <p>Ward Members do not have voting rights unless co-opted or elected to the Management Committee</p>

Residents Associations

Ward Members automatically become the Council's nominated for any Residents Association within their ward for the period of their office, negating the need to make specific nominations each year.

Ward Members do not have voting rights unless co-opted or elected to the Residents Association.

## Outside Bodies – Third Sector

Allowance p/a	Organisation/Partnership	Number of places	Status of Body	Current Representatives	Nominations 2019/22
	Go Kidsgrove	1	Third Sector	Portfolio Holder for Town Centres, Business and Assets	Portfolio Holder
N/A	North Staffs Victim Support	1	Third Sector	Portfolio Holder for Safer Communities	Portfolio Holder
	Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)	1	Third Sector	Leader	Portfolio Holder
£5,000 P/A	Aspire Housing (having two direct subsidiaries, PM Training and The Realise Foundation).	1	Local Body	Elizabeth Shenton	Paul Northcott Elizabeth Shenton
	Campaign to Protect Rural England - County Branch	1	Regional Body	Barry Panter	Barry Panter
	Local Government Association – General Assembly	1	National Body	Leader	Leader
	Local Enterprise Partnership	1	Regional Body	Leader or relevant Portfolio Holder	Leader

Page 18	Locality Action Partnerships: Audley Butt Lane Betley, Keele and Madeley Clayton Poolfields, Thistleberry and Town East Newcastle Greater Chesterton Kidsgrove Newcastle Rural Partnership of Western Communities	N/A	Local body		The LAP constitutions state that membership is open to “Any County or District Councillor representing any part of the area” - this negates the need to make specific nominations annually.
	Business Improvement District	1	Local Body	Portfolio Holder for Town Centres, Property and Business	Portfolio Holder
	Newcastle-under-Lyme Partnership (Local Strategic Partnership)  (Strategic Board)	1 + sub	Local Body	Leader  (substitute Deputy Leader)	Leader  (substitute Deputy Leader)
	“Enjoy Staffordshire” Destination Management Partnership	1	Local Body	The Portfolio Holder – Leisure and Culture	Portfolio Holder
	Staffordshire County Council Health Scrutiny Committee	1	Local body	Chair of Health Scrutiny	Chair of ‘Health’ Scrutiny
	Staffordshire Health and Wellbeing Board	1	Local body	Leader or relevant portfolio holder (if required)	Leader or relevant portfolio holder (if required)

	Staffordshire LGA – Waste Board	1	Local Body	Portfolio Holder for Environment and Recycling	Portfolio Holder
	Staffordshire Playing Fields Association	1	Local Body	Portfolio Holder for Leisure, Culture and Heritage	Portfolio Holder
£920.04 P/A	Staffordshire Police and Crime Panel	1+ sub	Local Body	Portfolio Holder for Safer Communities	Portfolio Holder
	Stoke-on-Trent and Staffordshire Strategic Partnership	1	Local Body	Leader	Leader
N/A	Waste and Mineral Site Liaison Committee – Acton Composting Site (Committee is Active)  <b>ONE elected member</b> (whose ward is not specified in any related S106 agreement) - the site lies within the Loggerheads and Whitmore ward	1	Local Body	Vacant	<b>Graham Hutton</b>

<p>Waste and Mineral Site Liaison Committee – Knutton Quarry (Committee is Active)</p> <p><b>TWO elected members</b> (the quarry lies predominately within the Knutton and Silverdale ward, with a small part located within the Silverdale and Parkside ward.</p> <p>There is a section 106 agreement that requires the liaison committee and for invitations for membership of up to two elected councillors. Whilst there are no conditions dictating which wards the councillors should be drawn from, it should be noted that this committee also determines community projects and the level of financial support from the S106 funds. These projects must be located within the Silverdale and Knutton ward.</p> <p>Please note: Councillor Huckfield has sat on the liaison committee as a Staffordshire County Council member. It is understood that Councillor Huckfield is not seeking re-election as a Staffordshire County Councillor in May 2017</p>	2	Local Body	<p>Amelia Rout</p> <p>Brian Johnson</p>	<p><b>Amelia Rout</b></p> <p><b>Brian Johnson</b></p>
<p>Waste and Mineral Site Liaison Committee – Keele (Madeley Heath) Quarry (Committee not yet Active)</p> <p><b>TWO elected members</b> (whose wards are not specified in any related S106 agreement) - the quarry lies within the Madeley ward</p>	2	Local Body	<p>Simon White</p> <p>Gary White</p>	<p><b>Simon White</b></p> <p><b>Gary White</b></p>

	<p>Waste and Mineral Site Liaison Committee –Holditch House Waste Site (Committee not yet Active (<i>however as permission implemented August 2016, the County Council will be pushing the operator to arrange a meeting soon</i>))</p> <p><b>ONE elected member</b> (whose ward is not specified in any related S106 agreement) - the site lies within the Holditch ward</p>	1	Local Body	Chris Spence	<p><b>Ken Owen</b> <b>Emily Horsfall</b></p>
	<p>Waste and Mineral Site Liaison Committee –Walleys Landfill Site (Committee is Active)</p> <p><b>FOUR elected members (*previously six)</b> Red Industries have taken over as owners and operators of the site and a unilateral undertaking has formalised the previously voluntary liaison committee (reference N.12/09/216 MW approved 26/5/2016), reducing the number of invited Borough Council elected members from 6 to 4.</p> <p>The unilateral undertaking specifies that Red Industries must invite four elected councillors on behalf of the Borough Council, plus two elected councillors from Staffordshire County Council, one elected councillor on behalf of Silverdale Parish Council and one on behalf of Knutton Parish Council (albeit that Knutton Parish Council does not exist). The undertaking does not specify from which wards the Borough Council elected members should be drawn from. Walley's Landfill site lies within the Thistleberry ward but also adjoins the Knutton and Silverdale and Silverdale and Parkside wards.</p>	6	Local Body	<p>Marion Reddish</p> <p>Dave Jones</p> <p>Amelia Rout</p> <p>Brian Johnson</p>	<p><b>Marion Reddish</b></p> <p><b>Dave Jones</b></p> <p><b>Amelia Rout</b></p> <p><b>Brian Johnson</b></p>

Page 22	West Midland Reserve Forces and Cadets Association	1	Regional Body	Stephen Sweeney	Mike Stubbs Stephen Sweeney
	West Midlands Employers	1 + sub	Regional Body	Leader (Substitute – Portfolio Holder for Finance & Resources)	Leader
	District Councils Network	1	National Body	Leader	Leader
N/A	LGiU Assembly	1	National Body	Julie Cooper	Julie Cooper