

**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.