

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S
REPORT TO

Council
23 September 2020

Report Title: Committee, Outside Body and Group Leader/Deputy Leadership Appointments 2020/21

Submitted by: Chief Executive

Portfolios: Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To appoint to committees, including chairs and vice-chairs, for 2020/21. To note the position in respect of appointments to outside bodies and Group Leader/Deputy Leadership positions.

Recommendation

That Council makes the committee appointments set out in the Appendix to this report and notes the position in respect of appointments to outside bodies and Group Leader/Deputy Leadership positions.

Reasons

In accordance with the requirements of the Constitution, and to enable council business to be conducted through committees (Sections 101 & 102 of the Local Government Act 1972; Section 6 of the Licensing Act 2003) and to comply with the requirements in respect of Scrutiny (Part 1A of the Local Government Act 2000).

1. **Background**

Committee Appointments

- 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 2, 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.

Outside Body Appointments

- 1.6 The appointments previously made by Council to Outside Bodies were made up to 2022. There are currently no vacancies in the appointments that have been made. Accordingly, there is no need to make any appointments to Outside Bodies at this meeting.

Group Leadership/Deputy Leadership

- 1.7 For completeness, Political Group Leader and Deputy Leaderships are also reported in the appendix to this report.

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 in the appendix. The political groups have been requested to submit nominations in accordance with their group allocations, and these are also shown in the appendix.

3.3 The groups' nominations for the chairmanships and vice-chairmanships of committees are also shown in the appendix.

4. **Reasons for Proposed Solution**

4.1 To comply with the legislative requirements and Council's constitution.

5. **Options Considered**

5.1 N/A

6. **Legal and Statutory Implications**

6.1 Dealt with in the body of the report.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 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.

9. **Major Risks**

9.1 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.

9.2 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.

9.3 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.

10. **Sustainability and Climate Change Implications**

10.1 N/A

11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 Nominations

14. **Background Papers**

14.1 N/A