

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CHIEF EXECUTIVE'S URGENT DECISION ON BEHALF OF

Council
01 November 2021

Report Title: Allocation of Committee Seats to Political Groups

Submitted by: Monitoring Officer

Portfolios: One Council, People & Partnerships

Ward(s) affected: N/A

Purpose of the Report

To re-allocate committee seats to the political groups following a change in political proportionality of the Council.

Decision

That, using the urgency powers set out in the Constitution:-

- 1. The seats on the Council's committees be allocated to the political groups as set out in paragraph 2.6 below.**
- 2. The Chair and Vice-Chair roles remain unaffected.**
- 3. The Monitoring Officer be authorised to appoint Members to the allocated seats in accordance with the wishes of the respective Group Leaders.**
- 4. The allocations and appointments be confirmed at the next ordinary meeting of Council.**

Reasons

To comply with the political proportionality requirements in the Local Government and Housing Act 1989

1. Background

1.1 The Local Government and Housing Act 1989 ("the 1989 Act") imposes political proportionality requirements in respect of the allocation of seats on ordinary committees to the political groups.

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 On account of the resignation of one Labour Councillor, and the dissolution of the Borough Independent Group (“BIG”) and the Newcastle Independent Group (“NIG”), with those Group Members joining the Conservative Group, there is a need to review the proportionalities and committee seat allocations.

2. Issues

2.1 This decision is taken in accordance with paragraph 1 (“Matters of Urgency”) on page 78 of the Council’s Constitution. The urgency arises on account of the need for this decision to be taken at a time before a meeting of full Council can be convened.

2.2 Ordinarily, in circumstances such as these (resignations and/or party membership changes) the number of councillors affected is relatively low and so the effect on political proportionality is not significant. It is, therefore, normally appropriate to await the next ordinary Council meeting to make the necessary changes to committee seat allocations.

2.3 However, on this occasion, 5 members are affected with the result that the Conservative Group gains an overall majority on Council. The view is taken, therefore, that it is appropriate to amend the proportionalities by way of urgent decision in advance of the next ordinary Council meeting, particularly as there are substantive committee meetings between today’s date and the next ordinary Council meeting where the proportionalities should be correct to accord with the provisions of the 1989 Act.

2.4 In accordance with the urgency provisions, the Mayor would ordinarily have been consulted on the urgency of the matter. However, as the Mayor is one of the affected members, the Deputy Mayor has been consulted in his place on this occasion and is content for the decision to be taken as an urgent decision.

2.5 The current proportionalities and allocations (set at Council on 19 May 2021) are as follows:-

Committee	Labour	Conservative	Lib-Dem	NIG	BIG	Total Places
Audit & Standards	3	3	0	1	0	7
Employment	3	3	0	0	1	7
FAPS Scrutiny	5	5	0	1	0	11

Conservation Advisory	2	2	1	0	0	5
HWP Scrutiny	5	5	0	1	0	11
EEP Scrutiny	4	5	1	0	1	11
Planning Committee	5	5	1	1	0	12
Licensing & Public Protection	7	6	1	0	1	15
Total Places	34	34	4	4	3	79

2.6 The revised proportionality calculations result in the following allocations:-

Committee	Labour	Conservative	Lib-Dem	Total Places
Audit & Standards	3	4	0	7
Employment	3	4	0	7
FAPS Scrutiny	5	6	0	11
Conservation Advisory	2	2	1	5
HWP Scrutiny	5	6	0	11
EEP Scrutiny	4	6	1	11
Planning Committee	5	6	1	12
Licensing & Public Protection	6	8	1	15
Total Places	33	42	4	79

2.7 It can be seen that with the exception of licensing and public protection committee, the changes are simply a transfer of places from the dissolved NIG/BIG Groups to the Conservative Group.

2.8 In respect of licensing and public protection committee, the Conservative Group gains one seat from the transfer of the Borough Independent Group Member to the Conservative Group. There is a further 1 seat Conservative gain on this committee and a one seat Labour loss on account of the resignation of Labour Councillor Brian Johnson which is treated, for the purposes of the proportionality calculation, as a vacant (ungrouped) seat.

2.9 As a result of these changes:-

- a) The Labour Group Leader will inform the Monitoring Officer which Labour Member he wishes to remove from the Licensing and Public Protection Committee; and,
- b) The Conservative Group Leader will inform the Monitoring Officer which Conservative member he wishes to appoint to the Licensing and Public Protection Committee.

2.10 The Monitoring Officer shall be authorised to make the said changes to the Licensing and Public Protection Committee.

2.11 Additionally, there are two Chairs and one Vice Chair held by BIG/NIG members. These roles will transfer to the Conservative Group along with the holders of those roles.

3. **Proposal**

3.1 That, using the urgency powers set out in the Constitution:-

- a) The seats on the Council's committees be allocated to the political groups as set out in paragraph 2.6 above.
- b) The Chair and Vice-Chair roles remain unaffected.
- c) The Monitoring Officer be authorised to appoint Members to the allocated seats in accordance with the wishes of the respective Group Leaders.
- d) The allocations and appointments be confirmed at the next ordinary meeting of Council.

4. **Reasons for Proposed Solution**

4.1 To comply with the political proportionality requirements of the Local Government and Housing Act 1989.

5. **Options Considered**

5.1 To await the next meeting of full Council to propose the changes, however this would have the effect of at least two substantive committees being run otherwise than in accordance with the requirements of the 1989 Act.

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 N/A

9. **Major Risks**

9.1 Dealt with in the body of the report.

10. **Sustainability and Climate Change Implications**

10.1 None identified.

11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable.

13. **List of Appendices**

13.1 Not Applicable.

14. **Background Papers**

14.1 Not Applicable

DECIDED BY:-

Martin Hamilton (Chief Executive) under the aforementioned powers



Signed

Dated 1 November 2021