

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**CORPORATE LEADERSHIP TEAM'S REPORT TO**

**Council**  
**20<sup>th</sup> November 2024**

**Report Title:** Supplementary Report to Committee Membership and Appointment to Outside Bodies

**Submitted by:** Chief Executive

**Portfolios:** One Council, People & Partnerships

**Ward(s) affected:** All Wards

**Purpose of the Report**

This supplementary report is an addendum to the Committee Membership and Appoint to Outside Bodies report, including additional recommendations, noting a change in political proportionality of the Council and an associated report of matters in relation to this decision. To further note that the Council is asked to nominate a position to an outside body, the Charity of Sir John Offley.

**Recommendation:**

**That Council:**

- 1. Notes the change to political balance of the Council following a vacancy within Town ward.**
- 2. Notes the timeline and decisions arising from the implementation of considerations of the Local Government Act 1972.**
- 3. Notes that as a result of this change, the seats allocated to the Conservative Party on the Finance, Assets and Performance Scrutiny Committee be increased by one seat, with a corresponding decrease of one seat for the Labour Party.**
- 4. Approves the nomination of a member of the Conservative Party to the Finance, Assets and Performance Scrutiny Committee.**
- 5. Notes a change of representation for the Labour Group at the Audit and Standards Committee, with Cllr. Philip Reece to replace the previous member.**
- 6. Notes that following a by-election for Madeley in July 2024, the Council is asked to nominate a Trustee to the Charity of Sir John Offley, and endorses the nomination of Cllr. Jill Whitmore to this position.**

**Reasons**

Following notification by the Monitoring Officer, this report seeks to comply with the political proportionality requirements in the Local Government and Housing Act 1989, following change in political balance and to appoint a Council trustee to an outside body.

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 result of a change in membership in the Labour Group, there one seat on the Finance, Assets and Performance Scrutiny Committee will move from the Labour Group to the Conservative Group.

2. **Issues**

- 2.1 Following a period of absence from attending meetings of the Council since full Council on 15<sup>th</sup> May 2024, in the absence of a reason approved by the authority before the expiry of that period, the Monitoring Officer was obliged to notify Cllr. Wendy Brockie on 13<sup>th</sup> November 2024 that Section 85(1) of the Local Government Act 1972 (“the 1972 Act”) would take effect on 15<sup>th</sup> November 2024.
- 2.2 On Thursday 14<sup>th</sup> November, the Chief Executive further wrote to Cllr. Brockie setting out the considerations in moving to enact the legislation. Following this, on Friday 15<sup>th</sup> November a vacancy was noted.
- 2.3 On Tuesday 19<sup>th</sup> November, the Chief Executive was advised that Cllr. Brockie had tendered her resignation to the Council. This had been sent to a generic email address on 14<sup>th</sup> November, which is not regularly monitored, rather than to the Monitoring Officer as the responsible officer in response to his letter of 13<sup>th</sup> November or directly to the Chief Executive. The Chief Executive has confirmed receipt of this email on 19<sup>th</sup> November 2024.
- 2.4 It is therefore noted that the reason for a vacancy is that of resignation of a councillor pursuant to S.84 (1) of the Local Government Act 1972 . This does not materially affect the considerations provided to Cllr. Brockie by the Monitoring Officer or Chief Executive.

2.5 Consequently, a vacancy has arisen and therefore there has been a temporary change in political balance, which requires a change of 1 seat for the Finance, Assets and Performance Scrutiny Committee as set out in Section B1, paragraph 5.2 (j) of the Council's Constitution

2.6 Following the by-election for Madeley held in July 2024, the Clerk of the Charity of Sir John Offley has requested a nominee trustee for the charity. The charity is recognised as an outside body, with the nomination required to be a serving Madeley ward councillor. Cllr. Jill Whitmore has indicated her willingness to accept this position.

### **3. Proposal**

3.1 That the changes referred to above be made.

### **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 In order to be compliant with the terms of Section B1, paragraph 5.2 (i) of the Council's Constitution and the political proportionality requirements of the Local Government and Housing Act, no alternate options can be considered.

### **6. Legal and Statutory Implications**

6.1 There are no additional legal or statutory implications associated with this decision.

### **7. Equality Impact Assessment**

7.1 There is no direct equality impact and therefore an assessment is not required.

### **8. Financial and Resource Implications**

8.1 Not applicable

### **9. Major Risks**

9.1 There is a risk of inadequate representation at meetings of a Scrutiny Committee and an outside body if these positions are not filled. In respect of the Scrutiny Committee allocation, this will hold in force until the election of a councillor following the vacancy which has arisen.

### **10. Sustainability and Climate Change Implications**

10.1 There are no direct implications arising from this report.

11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

12.1 This report seeks a change of seat for the Finance, Assets and Performance Scrutiny Committee which is responsible for scrutinising how the Council plans for and uses its finances (including income generation) and other assets including staffing and assets related to digital delivery.

13. **Earlier Cabinet/Committee Resolutions**

13.1 Not Applicable.

14. **List of Appendices**

14.1 Not Applicable.

15. **Background Papers**

15.1 Not Applicable