



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Appointment of Committees	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Council 13 th May 2022	

Is this an Executive Decision:	NO	Is this a Key Decision:	NO
Is this in the Forward Plan:	NO	Is the Report Confidential:	NO



If so, please state relevant paragraph from Schedule 12A LGA 1972:	Non applicable
<p>Essential Signatories:</p> <p>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</p> <p>Monitoring Officer: John Teasdale</p> <p>Date Signature</p> <p>Chief Finance Officer: Sal Khan</p> <p>Date Signature</p>	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

13th May 2022

REPORT TITLE: Appointment of Committees

PORTFOLIO: Leader of the Council

HEAD OF SERVICE: Sal Khan

CONTACT OFFICER: Andrea Davies Ext. No. 1306

WARD(S) AFFECTED: None specific

1. Purpose of the Report

- 1.1 For the Council to approve the number and allocation of Councillors to serve on Committees, to receive nominations to those committees from the political groups and to appoint to those committees.

2. Background

- 2.1. In accordance with provisions set out in Section 15 of the Local Government and Housing Act 1989, the Council is required to review the representation of the different political groups on bodies appointed by the Council as soon as practicable following notification of a change of membership of any political group.
- 2.2. Following the changes to the Committees agreed at the Council meeting held on 13th December 2021 (to be implemented with effect from the Annual Council meeting), and the resignation of Cllr Whittaker from the Conservative group on 13th May 2022, this report provides an update on the ramifications for the Membership of the Committees and Sub Committees of the Council.

3. Contribution to Corporate Priorities

- 3.1. The committees which are appointed play an important role in implementing the Council's Corporate Priorities.

4. Report

4.1. Section 15 of the Local Government and Housing Act 1989 sets out the principles to be followed when determining the allocation of seats to political groups. The main principles, which must be satisfied sequentially, include:-

(a) That the number of seats on ordinary Committees/Bodies..... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of the TOTAL number of seats available must mirror the political make-up of the Authority).

(b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on INDIVIDUAL Committees must mirror the political make-up of the Authority).

4.2. The three political groups have the following political share of the 39 seats:

- The Conservative Group has a 59% share of the seats; this is based on 23 seats out of a total of 39 seats;
- The Labour Group has a 28% share of the seats, this is based on 11 seats out of a total of 39 seats;
- The Independent Alliance Group has a 10% share – this is based on 4 seats out of a total of 39 seats.

4.3. There is one seat which does not fall within a group.

5. Composition of Committees and Panels

5.1. The total number of Committee seats available is 83. The Council has the following non-executive Committees and Panels, as detailed in the table below, including the associated number of seats available on each Committee / Panel:

Committee	Total Membership
Appeals Panel	3
Audit (Approval of Statement of Accounts) Committee	8
Audit Committee	8
Chief Officer Standards Committee	5
Complaints Panel	3
Development Plan Committee	5
Licensing Committee	11
Planning Committee	11
Scrutiny (Community Regeneration) Committee	8

Scrutiny (Environment and Health and Well Being) Committee	8
Scrutiny (Value for Money Council Services) Committee	8
Standards Committee	5
Total Committee seats	83

- 5.2. The entitlement for each political group is calculated based on the political balance shown at section 4.2 of the report and the total number of Committee seats available (83). The Council also has the discretion to take into account Councillor wishes insofar as it does not breach the rules shown at section 4.1 of the report.
- 5.3. Any residual Committee seat(s) are then allocated to any Councillor(s) who are not part of a group.
- 5.4. The political groups have been allocated their Committee seats, and the residual seats allocated to the Independent Member (ungrouped), following the application of the political balance calculations and appropriate correspondence with Group Leaders as necessary as shown in the table below:

	Conservative	Labour	Independent Alliance	Ungrouped Member	Total
Licensing Committee	6	3	1	1*	11
Planning Committee	6	3	1	1*	11
Audit (Statement of Accounts) Committee	5	3	0	0	8
Audit Committee	5	3	0	0	8
Scrutiny (Community Regeneration) Committee	5	2	1	0	8
Scrutiny (Environment and Health and Well Being) Committee	5	2	1	0	8
Scrutiny (Value for Money Council Services) Committee	5	2	1	0	8
Chief Officer Standards Committee	3	1	1	0	5
Development Plan Committee	3	1	1	0	5
Standards Committee	3	1	1	0	5
Appeals Panel	2	1	0	0	3
Complaints Panel	2	1	0	0	3
Total	50	23	8	2	83

*Residual seats allocated to ungrouped Members.

5.5. The Council is asked to approve the number and allocation of Councillors to serve on the Committees and Panels, to receive nominations to those Committees and Panels from the political groups (attached at appendix 1) and to appoint those Committees and Panels.

6. **Financial Considerations**

This section has been approved by the following member of the Financial Management Unit: Lisa Turner

6.1. There are no financial issues arising from this Report

7. Risk Assessment and Management

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. The Council will have an adequate number of Members involved in matters which are appropriate for them to consider.

7.2.2. The Members of the Committee will be validly appointed.

7.3. **Negative** (Threats):

7.3.1. If insufficient Members are appointed, or appointments are not made lawfully, this may have an impact on the ability of the Council to conduct its business.

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. Legal Considerations

*This section has been approved by the following member of the Legal Team:
John Teasdale*

8.1. The main legal issues arising from this Report are as follows.

8.1.1. The proposals set out above comply with the requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

8.1.2. Failure to apply the legislative requirements of political proportionality could mean a committee or body being unlawfully constituted. This would mean any decision taken by that committee could be seen as unlawful and open to challenge.

9. Equalities and Health

9.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

9.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

10. Data Protection Implications – Data Protection Impact Assessment (DPIA)

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

11. Human Rights

11.1. There are no Human Rights issues arising from this Report.

12. Sustainability (including climate change and change adaptation measures)

12.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) **N/A**

13. Recommendation(s)

13.1. That the Council agree to the number and allocation of Councillors serving on each Committee and Panel as set out in paragraph 5.4 of this report.

13.2. That, subject to the above, the Council note the nominations of the political groups to the Committees and Panels (appendix 1 of the report refers);

13.3. That, subject to the above, the Council appoint Councillors to serve on each Committee and Panel in accordance with those nominations.

13.4. That Council appoint the ungrouped Independent Member to the residual seats on Planning Committee and the Licensing Committee.

14. **Background Papers**

14.1. None

15. **Appendices**

15.1. Appendix 1: List of Members nominated to serve on Committees and Panels (May 2022) (to follow)