



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 26th May 2023	

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: Lisa Turner</p> <p>Date Signature</p>	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

26th May 2023

REPORT TITLE: Appointment of Committees
PORTFOLIO: Leader of the Council
HEAD OF SERVICE: Mark Rizk
CONTACT OFFICER: James Abbott Ext. No. 1244
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.
- 1.2 The report also details a proposed amendment to the Scrutiny Committee structure and necessary changes to the Constitution as a result of these proposed changes.

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 election which took place on 4th May 2023, 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 all the Council's Corporate Priorities.

4. Appointment of Committees

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 two political groups have the following political share of the 37 seats:

- The Labour Group has a 56.76% share of the seats; this is based on 21 seats out of a total of 37 seats;
- The Conservative Group has a 40.54% share of the seats, this is based on 15 seats out of a total of 37 seats:

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

5. Committees Updates

5.1. Following the change of Council administration, it has been proposed that Scrutiny Committee structure be revised, increasing the number of committees from three to four as follows:

5.1.1. Scrutiny (Value for Money Council) Committee

5.1.2. Scrutiny (Regeneration, Development and Market Hall) Committee

5.1.3. Scrutiny (Health and Wellbeing) Committee

5.1.4. Scrutiny (Climate Change and Environment) Committee

5.2. These proposed changes provide opportunity for improved scrutiny of the Market Hall, Health and Climate Change aspects while still enabling effective scrutiny of Council policy and decision-making.

5.3. Proposed updates to the Scrutiny Committee terms of reference detailed in the Constitution (Parts 3la, 3lb and 3lc) are attached as Appendix 2, including adding a new Part 3ld and resolving any initially identified inconsistencies.

- 5.4. The Monitoring Officer may make other minor amendments that may be necessary that arise from amending Parts 3la, 3lb and 3lc, and adding a new Part 3ld (for example to ensure consistency with other Parts).
- 5.5. An additional Scrutiny Committee and the associated chairing responsibilities will lead to necessary changes to the Members Allowances budget. The proposed new Cabinet Structure also includes one additional Cabinet Support Member, and there is no longer a requirement for an allowance for the Leader of a Minority Group. The associated proposed revisions to the MTFS are detailed in Section 7 of this report.

6. Composition of Committees and Panels

- 6.1. Including the proposed revision to the scrutiny committee structure, the total number of Committee seats available is 91. 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 (Climate Change and Environment) Committee	8
Scrutiny (Health & Well Being) Committee	8
Scrutiny (Regeneration, Development and Market Hall) Committee	8
Scrutiny (Value for Money Council) Committee	8
Standards Committee	5
Total Committee seats	91

- 6.2. 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 (91). 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.
- 6.3. Any residual Committee seat(s) are then allocated to any Councillor(s) who are not part of a group.
- 6.4. 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:

Committee	Labour	Conservative	Ungrouped	Total
Licensing Committee*	6	4	1*	11
Planning Committee*	6	4	1*	11
Audit (Statement of Accounts) Committee	5	3	-	8
Audit Committee	5	3	-	8
Scrutiny (Climate Change and Environment) Committee	5	3	-	8
Scrutiny (Health and Well Being) Committee	5	3	-	8
Scrutiny (Regeneration, Development and Market Hall) Committee	5	3	-	8
Scrutiny (Value for Money Council) Committee	5	3	-	8
Chief Officer Standards Committee	3	2	-	5
Development Plan Committee	3	2	-	5
Standards Committee	3	2	-	5
Appeals Panel	2	1	-	3
Complaints Panel	2	1	-	3
Total	55	34	2	91

*Residual seats allocated to ungrouped Member.

6.5. 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.

7. Financial Considerations

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

7.1. The financial issues arising from this Report are changes to the Members Allowances budget as follows:

- 7.1.1. Requirement for an additional Members Allowance of £3,897* for one additional Scrutiny Committee chair;
- 7.1.2. Requirement for an additional Members Allowance of £4,426* for one additional Cabinet Support Member;
- 7.1.3. There is no current requirement for the Members Allowance of £1,063* for the Leader of a Minority Group;

7.2. The annual net impact on the MTFS is therefore an increase of £7,263* (pro-rata for 2023/24). It is proposed that this be funded in 2023/24 from revenue under-spend in 2022/23 and taken into account at the next re-refresh of the MTFS for 2024/25 onwards.

**subject to inflation*

8. Risk Assessment and Management

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

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

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

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

8.3. **Negative** (Threats):

8.3.1. 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.

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

9. Legal Considerations

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

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

9.1.1. 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.

9.1.2. 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.

10. Equalities and Health

- 10.1. **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.
- 10.2. **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.

11. 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.

12. Human Rights

- 12.1. There are no Human Rights issues arising from this Report.

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

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

14. Recommendation(s)

- 14.1. That the Council agrees to revise the Scrutiny Committee structure, increasing the number of Committees from 3 to 4 as detailed in Paragraph 5.1.
- 14.2. That, subject to Recommendation 14.1, to increase the budget for 2023/24 in relation to Members Allowances as detailed in Paragraph 7.2, to be funded from the 2022/23 revenue budget underspend, and to incorporate this increase

into the next refresh of the Medium Term Financial Strategy for 2024/25 onwards.

- 14.3. That, subject to Recommendations 14.1 and 14.2, that the Council agrees the updates to the Constitution as attached at Appendix 2, and that the Monitoring Officer makes any further necessary amendments to the Constitution as referred to in Paragraph 5.4.
- 14.4. That the Council agree to the number and allocation of Councillors serving on each Committee and Panel as set out in paragraph 6.4 of this report.
- 14.5. That, subject to Recommendation 14.4, the Council note and approve the appointment of Councillors to serve on each Committee and Panel (appendix 1 of the report refers).
- 14.6. That Council appoint the ungrouped Independent Member to the residual seats on Planning Committee and the Licensing Committee.

15. Background Papers

- 15.1. None

16. Appendices

- 16.1. Appendix 1: List of Members nominated to serve on Committees and Panels (May 2023) (to follow)
- 16.2. Appendix 2: Revised Scrutiny Committee Terms of Reference (Parts 3la, 3lb, 3lc and 3ld of the Constitution)