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# **Appointment of Council Committees 2023- 2024 Municipal Year**

Decision to be taken by  
Full Council

Date of meeting: 6<sup>th</sup> July 2023

Lead director/officer: Kamal Adatia

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## Useful information

- Ward(s) affected: All
- Report author: Kamal Adatia, Monitoring Officer
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- Report version number: 1

## 1. Summary

This report seeks the approval of Members to establish those Council Committees that were not established at the AGM on 18<sup>th</sup> May 2023 or the Special Meeting on 22<sup>nd</sup> June 2023 and also approval of the calendar of meetings for those Committees.

## 2. Recommended actions/decision

(i) That the:-

Governance and Audit Committee  
Standards Committee

be established in accordance with the existing Terms of Reference, (except for the Governance and Audit Committee), the size of each being as detailed at Appendix A, and it being noted that the remaining places will be filled in accordance with relevant procedures and in consultation with the relevant Members.

- (ii) That the amended Terms of Reference for the Governance and Audit Committee (formerly Audit and Risk Committee), as attached at Appendix B, be approved.
- (iii) That the Chairs and Vice-Chairs (as appropriate) of the bodies listed in part (i) above be in accordance with the lists at Appendix A.
- (iv) That the Employees Committee be established with the Terms of Reference and size as specified within the Council's Constitution, with the process for the appointment of Chair and membership being in accordance with the provisions of the Constitution.
- (v) That the decision of Council taken on 18<sup>th</sup> May 2023 to fix the size of the Licensing and Public Safety Committee comprise 16 Councillors be superseded with a decision that it comprises 15 Councillors.
- (vi) The calendar of meetings, as attached at Appendix C be approved.
- (vii) The Scrutiny Terms of Reference as detailed at part 3 of the Council's Constitution be confirmed and the Scrutiny Configuration (to be circulated prior to the meeting) and included with the script, be approved.

### **3. Background and options with supporting evidence**

#### Appointment of Committees

- 3.1 Council Procedure Rule 35 requires the Council to appoint such committees as it shall determine and to agree their respective size and Terms of Reference.
- 3.2 Full Council Elections took place on 4<sup>th</sup> May 2023. As a result, the appointment of Committees has been undertaken in three stages for this municipal year:
- (i) The Council's Licensing Committee (and subcommittees) and Planning Committee were established at the Annual General Meeting on 18<sup>th</sup> May 2023. This was because these are decision-making Committees which had items of business to resolve and therefore needed to be operational early into the municipal year.
  - (ii) A Special Meeting of Council was convened on 22<sup>nd</sup> June 2023. At this meeting the Council made a decision regarding the establishment of the following Scrutiny Committees:
    - Overview Select Committee
    - Adult Social Care
    - Children, Young People and Education
    - Economic Development, Transport and Climate Emergency
    - Public Health and Health Integration
    - Culture and Neighbourhoods
    - Housing
  - (iii) This meeting, which will deal with the establishment of the three remaining Council Committees:
    - Governance & Audit Committee
    - Standards Committee
    - Employees Committee

#### Political Balance

- 3.3 If the recommendations of this report are approved, the Council will operate 13 Committees that are subject to political balance. The rules regarding political balance are contained in legislation (Local Government and Housing Act 1989 & The Local Government (Committees and Political Groups) Regulations 1990. (These laws and regulations were established, based on the former Widdicombe Rules.) These establish four rules as follows:
1. All the seats on a committee should not be allocated to the same political group. (*Preventing domination by a single group*)

2. If one political group has a majority in the full Council, that political group should have a majority on each committee. (*Ensuring a majority group enjoys a majority on all committees*)
3. Subject to the above two rules, the total number of seats on all the committees of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council. (*Aggregating all committee places and allocating fair shares*)
4. Subject to the above three rules, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council. (*Ensuring as far as practicable fairness on each committee*)

It is critical that these rules are applied in the above order, with 1. being the most important.

3.4 The current political balance of the Council is as follows:

<i>57.41% Labour</i>
<i>31.48% Conservative</i>
<i>5.56% Green</i>
<i>5.56% Liberal Democrat</i>

3.5 The thirteen Council Committees will have, between them, 100 places. Rule 3 above means that the four groups on the Council should share these 100 places in the following proportions (subject to rule 2, which may adjust the balance slightly):

<i>57 Labour</i>
<i>31 Conservative</i>
<i>6 Green</i>
<i>6 Liberal Democrat</i>

3.6 Applying Rule 4 to this spread of places will require the Groups to liaise with one another and to agree a spread of places on a Committee-by-committee basis. In accordance with Council Procedure Rule 35 appointment of Councillors to fill places on Committees or Sub-Committees, or any vacancies which may arise, shall be by the Monitoring Officer in consultation with the political group whips, and with the consent of any Councillor being appointed.

3.7 Council has established that its scrutiny Committees will have 8 members. Applying Rule 2 means that the Labour group will always require 5 places on an 8 member committee, in order to ensure that they have the majority. If rule 4 were to be subsequently applied, this would give the remaining 3 places to the Conservative Group. However, Rule 3 requires that a balance is achieved across places on all Committees therefore, following a process of negotiation, it may well be that the Green or Liberal Democrat groups take a place on some scrutiny committees as well as places on other committees. A similar process of discussion/negotiation will apply to places on the Standards Committee.

- 3.8 The application of the rules on political balance regarding the Council's larger Committees (Licensing and Public Safety, and Planning and Development Control) has already been discussed with the four political Groups and the allocation of places has been agreed.

#### Size of Licensing and Public Safety Committee (LPSC)

- 3.9 At its meeting on 18<sup>th</sup> May the Council established a LPSC comprising 16 Elected Members. This number was chosen because 16 more accurately aligned to the political balance of the Council, as opposed to the former Committee size of 15 Members. However, the choice of this size of Committee neglected to acknowledge that there exists a statutory limit on the size of LPSC of 15 Members. It is proposed therefore to reduce the size of this Committee back down to 15 places. The Monitoring Officer assures that there were no adverse consequences of a 16 Member committee between 18<sup>th</sup> May and 6<sup>th</sup> July.

#### Calendar of meetings

- 3.10 The calendar of meetings for the remainder of the municipal year is attached at Appendix C. This is the overall plan for meetings for the forthcoming year and has been drawn up in order to accommodate all known formal meetings, balanced over the municipal year. Further amendments to the calendar can be accommodated at committee level subject to relevant provisions within the Council committee and Scrutiny committee procedure rules within the Constitution.

#### Appointment of Chairs and Vice Chairs

- 3.11 Appendix A shows the places and size of the proposed Committees, except for the Employees Committee where the Chair is appointed on a per-meeting basis in accordance with constitutional rules. Nominations for the Chair and Vice Chair positions have been included in Appendix A.

#### Terms of Reference

- 3.12 The Constitution requires Council to agree the Terms of Reference of all Committees and Boards. This has partly taken place at previous Council meetings where the establishment of Committees has been discussed, and therefore the Terms of Reference for the Planning and Development Control Committee, Licensing and Public Safety Committee and Health and Wellbeing Board have already been confirmed.
- 3.13 Council is now asked to agree the Terms of Reference for any remaining Committees. It is proposed that all Terms of Reference remain the same, as detailed in the Constitution. The exception to this is an amendment to the Audit & Risk Committee. The amendment proposes a name change to 'Governance and Audit Committee' and provision for 2 independent members, an increase from the current one independent member. There are two other minor additions to enable the Terms of Reference to be in line with best practice.

### Scrutiny Terms of reference and configuration

3.14 Scrutiny Committees were established at the Council meeting on 22<sup>nd</sup> June, Part of the recommendations agreed at that meeting was to finalise any further detail in regard to the Terms of Reference of Scrutiny Committees at this meeting. The general Scrutiny Terms of Reference are detailed in the Council's Constitution at part 3 and no changes are proposed, but Council is asked to agree these. The Scrutiny Configuration document which sits alongside the Terms of Reference is being amended to reflect the previously agreed scrutiny committees and will be circulated to Councillors prior to the meeting and included in the script for the meeting.

## **4. Financial, legal, equalities, climate emergency and other implications**

### 4.1 Financial implications

There are no direct financial implications arising from this report, which merely seeks to reflect in report format items of business that are normally presented via the technical script presented at the AGM. The Allowances for Members, including Special Responsibility Allowances for Chairs and Vice-Chairs, are agreed through the Member Allowances Scheme (MAS) which is separately agreed by Full Council.

Amy Oliver, Chief Finance Officer ext 5667

### 4.2 Legal implications

The report deals throughout with the Council's Constitutional requirements regarding the establishment of Committee arrangements for the municipal year.

Kamal Adatia, City Barrister, ext 1401

## **5. Background information and other papers:**

None

## **6. Summary of appendices:**

None

## **7. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

## **8. Is this a "key decision"? If so, why?**

No