1. SUMMARY

1.1 This report concerns the establishment of committees and appointment of councillors on committees and other bodies in 2016/17. It is the Council’s duty to ensure that appointments to which the political balance regulations relating are made in accordance with those regulations. In respect of Overview and Scrutiny, the report also proposes changes to their formation, which is reflected in the appointments.

1.2 A list is attached of the Committees and other Council bodies concerned (Appendix A). This shows the number of seats proposed for each body in 2016/17. A ‘ready reckoner’ for use as a guide in allocating seats to political parties to reflect the political balance of the Council is attached (Appendix B).

2. RECOMMENDATION

2.1. Council is asked to:

2.1.1. appoint standing Committees for the Municipal Year 2016/17 (taking into account the changes set out below);

2.1.2. decide the number of seats on all committees;

2.1.3. determine the allocation of seats on committees to party groups, in accordance with the political balance rules;

2.1.4. appoint councillors to sit on committees in accordance with nominations made by the Group Whips;

2.1.5. appoint the chairs and vice-chairs of committees for 2016/17;

2.1.6. appoint councillors to serve on the other Council bodies listed in Appendix A;

(Specific proposals and nominations submitted by the Group Whips will be circulated with the Order Paper for the meeting.)
2.1.7. agree that, the terms of reference of Standing Committees for 2016/17 shall be as set out in the Council's Constitution;

2.1.8. agree the revised Overview and Scrutiny arrangements;

2.1.9. agree to amend the Councillor’s Allowances scheme for 2016/17 (commencing 1 April 2016) to designate the Chair of Audit and Governance as a Band 2 Special Responsibility Allowance;

2.1.10. agree that all councillors will be appointed as supernumerary members to substitute when a named member of a committee is unable to attend a meeting, in accordance with the Council’s scheme for the appointment of substitute members; Group Leaders and/or Group Whips being able to agree substitutions in respect of members of their party groups, that, in respect of the Health and Wellbeing Board, Executive members may be substituted only by other members of the Executive; and that, in respect of any Overview and Scrutiny Committee, Executive members cannot serve as substitutes. (Note: The supernumerary arrangements do not apply to the Cabinet);

2.1.11. agree the consequential amendments to the Constitution arising from these decisions are to be finalised and published by the Director of Governance and Law.

3. BACKGROUND

3.1. The Council is required, under the Local Government & Housing Act 1989 (ss. 15-17) and the Regulations made under that Act, to comply with political balance rules when appointing 'Ordinary' Committees (i.e. committees appointed under Sections 101 and 102 of the Local Government Act 1972).

3.2. The Rules provide that seats on 'Ordinary' Committees must be allocated in line with the following principles in order of precedence:

(a) That not all seats on a body are allocated to the same political group.

(b) That the majority of seats on the body are allocated to a political group, which has a majority of the Council’s membership.

(c) That, subject to principles (a) and (b) above, the total number of seats across all the ordinary Committees shall be allocated to each political group in the proportion of their size on the Council as a whole.

(d) That, subject to principles (a) to (c) above, seats on each individual body shall be allocated to each political group in the same proportion as to their size on the Council as a whole.

3.3. Principle (d) (but not principles (a), (b) or (c)) also applies to sub-committees and advisory committees.

3.4. The political balance of the authority (60 councillors) is as follows:

<table>
<thead>
<tr>
<th>Party</th>
<th>Number of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour</td>
<td>44 councillors (73%)</td>
</tr>
<tr>
<td>Conservative</td>
<td>16 councillors (27%)</td>
</tr>
</tbody>
</table>
4. COMMITTEE APPOINTMENTS

Ordinary Committees

4.1. Ordinary Committees are those appointed under Sections 101 and 102 of the Local Government Act 1972. Ordinary Committees appointed by the Council, and the current number of seats on each are as follows:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit &amp; Governance Committee</td>
<td>5 (of which are allocated to councillors, and one to an independent, non-voting member)</td>
</tr>
<tr>
<td>Licensing (General) Committee</td>
<td>14</td>
</tr>
<tr>
<td>Pensions Fund committee</td>
<td>5</td>
</tr>
<tr>
<td>Planning committee</td>
<td>5</td>
</tr>
<tr>
<td>Staffing committee</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>38 SEATS FOR COUNCILLORS (plus one Independent Member)</strong></td>
</tr>
</tbody>
</table>

4.2. If seats on these committees are allocated so that each of the committees concerned reflects (as closely as possible) the overall political balance of the Council, the result would be as follows:

**Table A – allocation of seats on individual bodies in proportion to each party’s size on the Council** (The proposed allocation of seats is shown in **bold**.)

<table>
<thead>
<tr>
<th>Committee</th>
<th>Councillor Membership</th>
<th>Lab</th>
<th>Cons</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit and Governance Committee</td>
<td>4</td>
<td>3 (2.93)</td>
<td>1 (1.33)</td>
<td>Plus one independent co-opted member.</td>
</tr>
<tr>
<td>Licensing (General) Committee</td>
<td>14</td>
<td>10 (10.27)</td>
<td>4 (3.73)</td>
<td></td>
</tr>
<tr>
<td>Pension Fund Committee</td>
<td>5</td>
<td>4 (3.67)</td>
<td>1 (1.33)</td>
<td></td>
</tr>
<tr>
<td>Planning Committee</td>
<td>5</td>
<td>4 (3.67)</td>
<td>1 (1.33)</td>
<td></td>
</tr>
<tr>
<td>Staffing Committee</td>
<td>10</td>
<td>7 (7.33)</td>
<td>3 (2.67)</td>
<td></td>
</tr>
</tbody>
</table>

4.3. If seats are allocated as shown above, the total number of seats allocated to each party, compared to each party's overall entitlement to seats as required by principle (c) (i.e., that the total number of all the seats to be allocated reflects, **as closely as practicable**, the strength of each group on the Council as a whole), would be:
Table B – Total number of seats allocated to each party

<table>
<thead>
<tr>
<th>Total number of seats (Ordinary committees)</th>
<th>Lab</th>
<th>Con</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total of all seats that would result from the allocations shown in Table A</td>
<td>38</td>
<td>28</td>
</tr>
<tr>
<td>Entitlement in accordance with principle (c)</td>
<td>38</td>
<td>28</td>
</tr>
</tbody>
</table>

Overview & Scrutiny Committees, Advisory and relevant other committees and Outside Bodies

4.4. Principles (a), (b) and (d) of the Rules also apply to Overview & Scrutiny Committees and sub-committees. However, because these are bodies established under the Local Government Act 2000 (and not section 101 or 102 of the Local Government Act 1972), they are not included when calculating the total number of seats on ordinary committees (principle c).

4.5. Consequently, Overview & Scrutiny Committees and sub-committees must be balanced but on an individual basis. The same situation applies to advisory committees (relating to Council functions) and certain outside bodies.

4.6. Changes are proposed to the number and membership of scrutiny committees for 2016/2017 as set out in Part 6 of this report.

5. COMMITTEES NOT SUBJECT TO THE POLITICAL BALANCE RULES

5.1. The following bodies are entirely excluded from the Political Balance Rules:

The Cabinet

5.1.1. The Cabinet is appointed by the Leader and may comprise councillors from one political group only. It must have 2 to 9 members in addition to the Leader.

Licensing Act 2003 and Gambling Committee

5.1.2. The Political Balance Rules do not apply to this Committee nor its sub-committees (although they do apply to the Licensing (General) Committee and its sub-committees). However, it is normal practice to constitute the sub-committees (panels) in accordance with political balance (i.e., two Labour members and one Conservative Member) as far as practicable. Membership of the sub-committees is drawn from the membership of the parent committee. The Terms of Reference of the Licensing Act 2003 and Gambling Committee will be reviewed this year and outcomes reported to Audit and
Governance Committee for recommendation to a later meeting of full Council.

**Health and Wellbeing Board**

5.1.3. Although the Health and Social Care Act 2012 requires the Council to establish a Health and Wellbeing Board as a section 102 committee, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modified and disapplied certain provisions of section 102 (and other sections of the Local Government Act 1972), as well as the political balance provisions of the Local Government and Housing Act 1989. Appointments to the Health and Wellbeing Board therefore do not figure in the political balance calculations.

6. **OVERVIEW AND SCRUTINY**

6.1. The current Overview & Scrutiny Committee model has been in place for 2 years. A review of the current arrangements was carried out during 2015/16 and changes are proposed as a result. The proposals are in line with the aim agreed 2 years ago to align the overview and scrutiny committee structure closely with current priorities, Cabinet portfolios and the Council’s corporate structure.

6.2. The principles of the existing arrangements are

6.2.1. Committees established at Annual Council;

6.2.2. Working in partnership with relevant director(s) and portfolio lead member(s), the Committees develop annual work programmes which focus on the successful delivery of the Council’s priorities.

6.2.3. Cross-working and partnership between committees to ensure the more complex commissioning structure of the Council is fully scrutinised;

6.2.4. Work programmes for each committee following 6.3.2 and 6.3.3. will be reported to full Council in July; and

6.2.5. Greater use of panels and innovative ways of working to promote community engagement.

6.3. The review concluded that the above principles remained relevant and appropriate. However it recommended that the size of each Scrutiny Committee should be increased to 7 members and that the Council should establish 8 Committees for 2016/17

6.3.1 In 2014 the Council disbanded the Overview and Scrutiny Management Committee. In its place clear reporting to cabinet was established.

6.3.2 Biannual meetings with the Mayor may take place at which Scrutiny Chairs were to prepare and publish a report on the work of the committees since their establishment / previous report. The review, proposes to replace these arrangements with at least bi-annual meetings between all Chairs of Scrutiny Committees chaired by the Chair of Audit and Governance. Those meetings shall review the forthcoming work of Scrutiny
and if necessary the Chair of Audit and Governance shall prepare a report following that meeting for consideration by Audit and Governance Committee and/or Cabinet as appropriate. Accordingly it is recommended that the office of Chair of Audit and Governance be revised to Band 2 on the Councillors' Allowances scheme.

6.3.3 The Councils Director of Governance and Law will make necessary consequential changes to the constitution to reflect these revisions.

7. **SUBSTITUTION SCHEME**

7.1. It is the Council’s normal practice to appoint all councillors as supernumerary members of committees, so that any member can substitute for another who is unable to attend a meeting. Notifications of a substitute must be in writing, but can be by fax or e-mail, by the relevant group whip or group leader, to the Chief Executive (in practice to Democratic Services). Substitutions must be for a whole meeting (and cannot be for only part of a meeting) and will apply for the specified meeting only, following which the original member will resume his/her membership of the committee.

7.2. Substitutions for councillors appointed to the Health and Wellbeing Board are not governed by regulations; however, it is recommended that, given the appointment of Executive members, that only other members of the Executive be appointed as supernumerary members of the Board to be able to substitute.

7.3. Executive members cannot serve as substitutes for any Overview and Scrutiny Committees.

8. **CONSULTATION**

8.1. Group Whips have been consulted for their nominations, which will be circulated with the Order Paper for the meeting.

9. **IMPLICATIONS**

9.1. **Finance, Value for Money and Risk**

Chairs and Vice-Chairs of certain Committees will be entitled to a Special Responsibility Allowance as set out in the Members’ Allowances Scheme.

9.2. **Legal**

The legal implications are contained in the body of this report. The Local Authorities (Standing Orders) Regulations 2001 provide that the Council must have standing orders with regard to the appointment of specified senior officer posts (i.e. the posts in s.2 of the Local Government & Housing Act 1989). The Council may delegate this authority to a committee.

9.3. **Equalities and Diversity**

The Council must appoint nominees of the relevant Party Groups to in respect of the seats allocated to that group.
9.4. **Sustainability** (including climate change, health, crime and disorder
None.

9.5. **Council Infrastructure** (e.g. human resources, accommodation or IT issues
None.

**Appendices**

Appendix A – List of committees and proposed allocation of seats
Appendix B – Political Balance ‘Ready Reckoner’

**Background Information (as defined by Local Government (Access to Information) Act 1985)**
None.