



South Tyneside Council

item 10

Report to Council

Cabinet Portfolio/Lead Member: Cllr Jane Carter, Deputy Leader and Lead Member for governance, finance and corporate services

Report of: Nicola Robason, Director of Governance & Corporate Affairs (Monitoring Officer)

Subject: Report to appoint the Membership of Committees of the Council

Date: 5 September 2024

Wards affected: All Wards are equally represented by the work of the Council's Scrutiny Committees.

Council ambitions: The work of the Council's Scrutiny Committees will help us achieve all five of our Ambitions.

Does the report and any appendices contain information which has been identified as confidential or exempt?

☒ **No**, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision?

☐ Yes

☒ No

Is it included in the Forward Plan?

☒ Yes

☐ No

If not in the Forward Plan is the report:

☐ General Exception Rule

☐ Special Urgency Rule

Relevant Scrutiny Chair:

Is the decision eligible for call-in by Scrutiny?

☐ Yes

☒ No

(If the decision is anything other than any executive decision made by the Cabinet or a Key Decision made by an officer under delegated powers, call-in is not applicable. This should be explained in the report).

Purpose of Report

1. This report provides information to assist Council in appointing the membership of the Committees of the Council following a change to the membership of the South Tyneside Alliance Group ('STAG').
2. Following the Primrose By-Election on Thursday 27 June 2024, and the more recent confirmation that Cllr J Hamilton would like to be recognised as a member of STAG, the political balance of the Council has changed. There is a requirement to recalculate proportionality to ensure that committees that are subject to political proportionality are correctly constituted.

Background Information

3. Council must allocate seats on committees to give effect to the political balance rules under the Local Government and Housing Act 1989 and Local Government Committee and Political Group Regulations 1990. The political balance rules require Council to ensure that the political groups represented on Council have proportionate representation on the committees of the Council.
4. Political groups must comprise two or more Elected Members and be actively constituted as a group in accordance with the above Regulations. Councils can allocate seats on committees to Members not aligned to a Group but are under no statutory obligation to do so.
5. The purpose of this report is to advise Council as to the outcome of the recalculated percentages to assist Council to agree some changes to the membership of the Committees of the Council.

Impact of Cllr Hamilton joining STAG

Group	Number of Councillors in the Group	As a percentage (%)	Committee Seat Entitlement
Labour Group	28	51.85	92.81 (93)
South Tyneside Alliance Group (STAG)	14	25.93	46.41 (46)
Green Group	11	20.37	36.46 (37)
Independent Member	1	1.85	3.31 (3)
Total	54 Members	100%	179 seats

6. The procedure for achieving political balance in advance of the Annual Meeting of Council has been to:
- (a) determine the percentage split between the political groups and non-affiliated Members represented on the Council (of which there is one).
 - (b) allocate the total number of seats on 'ordinary committees' directly covered by the proportionality rules in the proportions that the political groups and non-affiliated Members have to the membership of the Council.
 - (c) allocate seats on each committee to match the totals in (b), endeavouring to ensure that each individual committee composition is as close as possible to balance identified in (a) but giving precedence to the need to get as close as possible to overall proportionality.
 - (d) allocate seats on other committees as far as possible to make the political balance referred to in (a) above, but without the requirement to check the balance on the numbers of seats in total.

Committee Membership

7. The political proportionality requirements apply to a total of 15 committees with a total membership of 179. Insofar as possible, giving precedence to the need to get as close as possible to overall proportionality, seats on these committees have been allocated proportionately.
8. The membership of the Committees of the Council political proportionality requirements based on the above calculation therefore translate as follows:

Committee	Total Places	Labour	STAG	Green	Independent (Cllr P Brown)
Overview and Scrutiny Co-ordinating	12	6	3	3	-
Our Place Scrutiny	12	6	3	3	-
Adult Safeguarding, Health and Wellbeing Scrutiny	12	6	3	3	-
Children Safeguarding and	12	6	3	3	-

Young People Scrutiny					
Contracts and Commissioning Scrutiny	12	6	3	2	1
Housing and Environment Scrutiny	12	6	3	2	1
Education and Skills Scrutiny	12	6	4	2	-
Regulatory/Licensing	15	8	4	3	-
Planning	16	9	4	3	-
People and OD Committee	11	6	3	2	-
Constitution	9	5	2	2	-
Pensions	8	4	2	2	-
General Purposes	16	8	4	3	1
Common Land/Town & Village Greens	13	7	3	3	-
Standards	7	4	2	1	-
Totals	179	93	46	37	3

9. As a consequence of the new political balance calculations there will be no change to seat allocations for the Labour Group or the Green Group.
10. Cllr Brown – an independent member not affiliated to a Group, will now have a seat allocated to him on Contracts and Commissioning Scrutiny Committee and General Purposes Committee. He will retain his seat on Housing and Environment Scrutiny Committee. He will lose his seat allocation on Regulatory/Licensing and People and OD Committee.
11. The STAG Group will now have four (4) seats of Education and Skills Scrutiny Committee, and two (2) seats of People and OD Committee. STAG will also gain a seat on Regulatory/Licensing.

12. It is not a statutory requirement to ensure that the Audit Committee is politically balanced, however the Council has chosen for many years to include the Audit Committee in its calculations. There is no change to Audit Committee.

STAG Group Nominations

13. Having considered all information provided by each candidate during the recruitment process and having considered it against the criteria set out in the Recruitment Booklet, Constitution Committee recommend to Borough Council the appointment of the following Independent Representatives to the Scrutiny Committee shown by their name, with changes shown in red.

Committee	Places	Current Membership (agreed May 2024)	Nominations for agreement on 5 September 2024
Overview and Scrutiny Co-ordinating	3	Brenen K Roberts Thompson	Brenen Hamilton Thompson
Our Place Scrutiny	3	Brenen Coombes Wood	Brenen Coombes Wood
Adult Safeguarding, Health and Wellbeing Scrutiny	3	Foggon Kennedy T Roberts	Hamilton Kennedy T Roberts
Children Safeguarding and Young People Scrutiny	3	Myers Owens-Palmer Robertson	Myers Owens-Palmer Robertson
Contracts and Commissioning Scrutiny	3	Harrison Kennedy Oliver	Harrison Kennedy Oliver
Housing and Environment Scrutiny	3	Harrison Oliver Robertson	Harrison Oliver Robertson
Education and Skills Scrutiny	4	Myers Owens-Palmer T Roberts +1	Myers Owens-Palmer T Roberts Wood
Regulatory/Licensing	4	Kennedy Foggon Owens-Palmer +1	Kennedy Owens-Palmer T Roberts Thompson

Planning	4	Brenen Kennedy Myers Owens-Palmer	Brenen Hamilton Kennedy Myers
People and OD Committee	3	Myers T Roberts +1	Hamilton Kennedy T Roberts
Constitution	2	Thompson Robertson (Sub: Brenen)	Thompson Robertson (Sub: Brenen)
Pensions	2	Coombes Wood	Coombes Owens-Palmer
General Purposes	4	Harrison Oliver K Roberts Robertson	Harrison Oliver T Roberts Robertson
Common Land/Town & Village Greens	3	Coombes Harrison T Roberts	Coombes Harrison T Roberts
Standards	2	Brenen Robertson (Sub: Thompson)	Brenen Robertson (Sub: Thompson)

Financial and Resources

14. There are no specific finance and resource implications arising as a direct result of this report. No Elected Members receive any remuneration over and above their Basic Allowance for simply being a member of a Council committee, unless they are also provided with a special responsibility i.e. a Chaining role. As the South Tyneside Alliance Group is the main opposition group of the Council the Special Responsibility Allowance for the Leader of the main opposition group is paid to Councillor Kennedy.
15. There are many aspects of being an effective councillor, and the role and responsibilities each councillor has in relation to their committee memberships requires a great deal of time and resource in preparation so that councillors are able to properly contribute – to challenge, inspire and inform, which goes far beyond simply attending the meeting itself.
16. Everything the Council does needs to be seen in the context of an increasingly challenging financial environment and all Council committees will consider this. The demand for services is increasing whilst the funds available to meet those needs continues to fall. Despite these challenges the Council has a drive and commitment to

ensure it is doing the very best for residents and communities in the delivery of its Vision and Ambitions for South Tyneside.

Legal and Governance

17. The allocation of seats shall conform to the principles set down in the Local Government and Housing Act 1989 Part 1 Section 15(5)(a) – (d). The Council is required to review the representation of Groups at its Annual Meeting each year to determine the membership of committees of the Council. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990 (Requirement to Constitute Political Groups).

Risk

18. In line with the relevant legislation, the Council must review the Political Balance and appoint the membership of the Committees of the Council at its Annual Meeting of Council and as soon as possible after there is a change to the political balance of the Council. There is no alternative option otherwise the Council would be at risk of not complying with required legal obligations and provisions of the Local Government and Housing Act 1989.
19. Non-compliance or a misalignment across our committees could create issues with our decision-making and the potential for confusion, complaints and accusations of a lack of fairness, openness and transparency.
20. It must be noted that frequent changes to the membership of a Council committee may also create confusion and result in a lack of consistency in knowledge and experience.

Equality and Diversity and Community

21. The decisions recommended in this report do not give rise to any equality or diversity implications and there are no policy changes required or being proposed as a consequence of any equality or diversity concerns.
22. Whilst there are no specific equalities implications, Elected Members are reminded of their duties under the Equality Act 2010 to have regard to the need to eliminate discrimination and promote equality of opportunity for those with protected characteristics. Training is available for any Elected Member who may require it to ensure compliance with the Equality Act and Public Sector equality duties.
23. The Mayor and Committee Chairs have an overriding discretion to extend speaking limits and make other adjustments on request of Elected Members to enable everyone to contribute at Council and at all Committee meetings.
24. Political proportionality relates entirely to the membership of the Council. All Groups have had the opportunity to provide their views and suggested nominations as to their preferred membership depending upon their seat allocation and these have been duly considered.

Environmental and Sustainability

25. The decisions recommended in this report do not give rise to any environmental or sustainability implications. It is of course important that committee membership is stable so that committee business can be achieved in the most efficient and effect way possible.

Council Ambitions, Policies, Strategies and Plans

26. Our Vision is based on five 'Ambitions'. We want all residents in South Tyneside to be financially secure; be healthy and well throughout their lives; be connected to jobs, skills, and learning; be part of strong communities; and we want to support our residents by targeting support to make things fairer.

27. The work of the Council's committees supports those Ambitions and helps ensure that all policies, strategies and plans are known and understood, with all work across all Committees focused on our Vision and Ambition to target support at the residents and parts of the borough that need it most, reducing inequalities and making things fairer.

28. This report aligns entirely with the Council's Vision and Values demonstrating alignment to our agreed 'Council Values' that define what we stand for as an organisation and the things that are most important in terms of how we work and act in a way that is 'PROUD'.

Consultation and Engagement

29. STAG Leader and Deputy Leader have been advised on the outcome of the updated political balance calculations had the STAG Group have had the opportunity to discuss seat allocations and to advise of nominations specific to their allocated seats.

30. The Leader and Deputy Leader of both the Labour Group and the Green Group have been advised on the outcome of the updated political balance calculations, and Cllr P Brown has been advised of the implications for him in advance of Borough Council on 5 September.

Recommendations

31. Borough Council are asked to:

- a. note the information included in the report with regards to the recalculation of political balance of the Council following the recent changes to the membership of STAG.
- b. note that there is no change to seat allocations for the Labour Group or the Green Group.
- c. appoint Cllr P Brown to Contracts and Commissioning Scrutiny Committee, Housing and Environment Scrutiny Committee and General Purposes Committee and remove him from Regulatory/Licencing and People and OD Committee.

- d. appoint STAG councillors to the membership of the Committees of the Council as provided for in the table at Paragraph 13, set out in the column headed “Nominations for agreement on 5 September 2024”.

Reasons for Recommendations

- 32. To ensure Council appoint the membership of the committees of the Council in accordance with political balance.

background papers background papers background papers

Report to appoint Independent Representatives to Scrutiny Committees

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper
The Local Government and Housing Act 1989 – http://www.legislation.gov.uk/ukpga/1989/42/part/I/crossheading/political-balanceoncommittees-etc .
The Local Government (Committees and Political Groups) Regulations 1990 - http://www.legislation.gov.uk/uksi/1990/1553/contents/made .
Annual Council – 14 May 2024 Committee meeting - South Tyneside Council