

North Tyneside Council

Report to Council

19 May 2022

Title: Annual Appointments 2022/23

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Jackie Laughton, Monitoring Officer Tel: (0191) 6435724

Wards affected: All

PART 1

1.1 Executive Summary:

The Council is requested to approve the appointment of committees/sub committees, the appointment of chairs and deputy chairs of those committees/sub committees, the allocation of seats to the political groups on those committees/sub committees and the appointment of representatives to serve on outside bodies that exercise non-executive functions for the 2022/23 Municipal Year.

1.2 Recommendation(s):

It is recommended that Council:

1. approve the appointment of committees/sub committees for the 2022/23 municipal year and determine the number of seats for each committee as set out in paragraph 1.5.1.1 of the report;
2. approve the allocation of seats on committees/sub committees to political groups represented on the Council, and agree that the leaders of the political groups inform the Monitoring Officer of their respective groups' nominations of members to each committee/sub committee by 12 noon on Friday 20 May 2022;
3. approve the appointment of chairs and deputy chairs of committees/sub committees for the 2022/23 municipal year, as set out in paragraph 1.5.3.1 of the report;
4. approve the appointment of Mr Kevin Robinson and Mr Malcolm Wilkinson as the two co-opted members on the Audit Committee.

5. note the appointment of Reverend Michael Vine as the Church of England Diocesan representative and Mr Stephen Fallon as the Roman Catholic Diocesan representative on the Overview, Scrutiny and Policy Development Committee; and consider and determine whether or not it is appropriate to appoint any representative of other faiths/denominations to serve on the Committee;
6. note that the Elected Mayor will appoint at least one Councillor onto the Health and Wellbeing Board for the 2022/23. Municipal Year; and
7. approve the appointment of representatives to serve on outside bodies that do not exercise executive functions for the 2022/23 municipal year, as set out in Appendix 2 to this report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 14 April 2022.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Our North Tyneside Plan priorities.

1.5 Information:

1.5.1 Appointment of Committees/Sub Committees 2022/23

- 1.5.1.1 The Council is requested to appoint committees/sub committees for the 2022/23 municipal year as listed below.

Committee/Sub-Committee	No of Seats
Overview, Scrutiny and Policy Development Committee	15
Adult Social Care, Health and Wellbeing Sub-Committee	12
Children, Education and Skills Sub-Committee	12
Culture and Leisure Sub Committee	12
Economic Prosperity Sub-Committee	12
Environment Sub-Committee	12
Finance Sub-Committee	7
Housing Sub Committee	12
Appointments and Disciplinary Committee	7
Audit Committee	9 (7 elected/2 independent)
Licensing Committee	15
Planning Committee	11
Regulation and Review Committee	18
Standards Committee	9
Health and Well Being Board	See section 1.5.1.2

1.5.1.2 The Council established a Health and Wellbeing Board with effect from 1 April 2013 in accordance with the requirements of the Health and Social Care Act 2012.

As the Authority operates executive arrangements, the Elected Mayor may instead of or in addition to making a nomination of at least one Councillor onto the Board, be a member of the Board.

It is a matter for the Elected Mayor to nominate at least one Councillor onto the Board. The Authority's Constitution currently states that the membership of the Board will comprise five councillors to be nominated by the Elected Mayor.

The rules relating to the allocation of committee seats according to the political balance of the Council do not apply to the membership of the Board.

1.5.2 Allocation of Seats to Political Groups

1.5.2.1 The rules and requirements for securing political balance on Committees and Sub-Committees appointed by Local Authorities where applicable are contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended. It should be noted however that the rules relating to political balance do not apply to the Licensing Committee (or its sub-committees) established under the Licensing Act 2003.

1.5.2.2 The general effects of the balance rules on the Council are that it is under a duty to:

- (i) ensure that the membership of those bodies covered by the rules reflects the political composition of the Council as far as practicable;
- (ii) allocate seats on these bodies to the political groups in proportion to their numerical strength on the Council as far as practicable;
- (iii) accept a nomination made by the groups for the filling of seats allocated to them;
- (iv) review the allocation of seats to political groups at or as soon as practical after the Annual Council Meeting and at certain other specified times.

1.5.2.3 Section 15 of the Local Government and Housing Act 1989 requires the following principles to be applied in determining the allocation of committee seats to political groups:

- a) that not all the seats on the committee are allocated to the same political group;
- b)
- c) that the majority of the seats on the committee are allocated to a particular political group if that group has a majority of the authority's membership;

Having first satisfied a) and b) above then:

- c) the total of all seats on ordinary Committees shall be allocated to the groups in proportion to their respective political strengths on the Council.

Once a), b) and c) above have been satisfied then:

- d) the number of seats on other affected bodies (Sub-Committees/other bodies) shall also be allocated to the political groups in proportion of their respective political strengths on the Council.

1.5.2.4 Section 16(1) of the Local Government and Housing Act 1989 requires that, where a group has expressed its wishes as to the names of members to fill its allocated seats, Council is under a duty to give effect to those group wishes.

1.5.2.5 The Council composition is 52 Labour members (including the Elected Mayor) and 9 Conservative members

1.5.2.6 Details of the allocation of seats to political groups on committees will follow.

1.5.2.7 Nomination of Committee Members

The leaders of the political groups are requested to inform the Monitoring Officer of their respective groups' nominations of members to each of the above committees and sub committees, and also the Constitution Task Group and the Members Support Group, by 12 noon on Friday 20 Friday 2022.

1.5.3 Appointment of Chairs and Deputy Chairs of Committees/Sub Committees

1.5.3.1 The Council is requested to appoint Chairs and Deputy Chairs to its various Committees/Sub Committees for the 2022/23 municipal year as set out below.

	Committee/Sub Committee	Chair	Deputy Chair
1.	Overview, Scrutiny and Policy Development Committee		
2.	Adult Social Care, Health and Wellbeing Sub-Committee		
3.	Children, Education and Skills Sub-Committee		
4.	Culture and Leisure Sub-Committee		
5.	Economic Prosperity Sub-Committee		
6.	Environment Sub-Committee		
7.	Finance Sub-Committee		
8.	Housing Sub-Committee		
9.	Health and Wellbeing Board		
10.	Licensing Committee		
11.	Planning Committee		
12.	Regulation and Review Committee		
13.	Standards Committee		

1.5.3.2 In accordance with the Authority's practice, the Elected Mayor is Chair of the Appointments and Disciplinary Committee.

1.5.3.3 The Authority's Constitution requires that the two co-opted members of the Audit Committee shall fulfil the roles of Chair and Deputy Chair of the Committee. Mr Kevin Robinson currently serves as Chair of the Committee, with Mr Malcolm Wilkinson serving as Deputy Chair.

1.5.3.4 In accordance with the Audit Committee's terms of reference, the terms of office of Mr Robinson and Mr Wilkinson are due to expire in September 2023. The appointment of co-opted members is a matter reserved to the full Council, on the recommendation of the Chief Executive (and Section 151 Officer if the post holder is other than the Chief Executive). It is considered that Mr Robinson and Mr Wilkinson are suitably skilled and experienced persons who are knowledgeable in audit matters and have enhanced the work of the Audit Committee since their initial appointment in September 2013. The Council is therefore requested to approve the appointment of Mr Robinson and Mr Wilkinson.

1.5.4 Church representatives on Overview, Scrutiny and Policy Development Committee

1.5.4.1 The Council is requested to note the appointment of Reverend Michael Vine as the Church of England Diocesan representative and Mr. Stephen Fallon as the Roman Catholic Diocesan representative on the Overview, Scrutiny and Policy Development Committee. The Council is also requested to consider and determine whether or not it is appropriate to appoint any representative of other faiths/denominations to serve on the Committee.

1.5.5 Appointment of Representatives to serve on Outside Bodies exercising non-executive functions

1.5.5.1 The Council is requested to appoint representatives to serve on those outside bodies which do not exercise executive functions for the 2022/23 municipal year, as set out in Appendix 2 to this report.

1.6 Decision options:

The recommendations contained in this report are based on constitutional or legislative requirements. If more than one nomination is received for any position, a vote will be held with the nominee receiving the highest number of votes being appointed to the position.

1.7 Reasons for recommended option:

To ensure that the Council makes the various appointments set out in the report in accordance with the Authority's Constitution and the relevant legislation and that the necessary arrangements can be made to convene the meetings of the Authority.

1.8 Appendices:

Appendix 1: Allocation of seats on Committees/Sub Committees to political groups represented on the Council (to follow).

Appendix 2: List of Outside Bodies exercising non-executive functions.

1.9 Contact officers:

Lindsay Tomlinson – Law and Governance Tel. 643 4357
John Barton – Law and Governance Tel. 643 5354
Claire Emmerson – Resources Tel. 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

Local Government and Housing Act 1989

Local Government (Committees and Political Groups) Regulations 1990 and amendment Regulations

The Local Government and Public Involvement in Health Act 2007

North Tyneside Council Constitution

Results of Local Elections 5 May 2022

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Allowances for the Committee/Sub Committee Chairs and Deputy Chairs are included in the 2022/23 budget for Law and Governance.

2.2 Legal

This report fulfils the requirement of the Authority's Constitution to appoint committees/sub committees and representatives to outside bodies that exercise non-executive functions at the Annual Council Meeting. Section 15 of the Local Government and Housing Act 1989 specifies the principles to be applied in determining the allocation of committee seats to political groups.

2.3 Consultation/community engagement

The group leaders have been consulted on the allocation of seats on each committee/sub-committee for the 2022/23 Municipal Year.

2.4 Human rights

The contents of the report are consistent with the requirements of the Human Rights Act 1998.

2.5 Equalities and diversity

There are no equalities and diversity implications arising directly from this report.

2.6 Risk management

As the recommendations are procedural and a recognised part of the business of the Annual Council meeting, no further risk assessment has been undertaken.

2.7 Crime and disorder

There are no direct crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X