

<b>24 May 2023</b>		<b>ITEM: 11</b>
<b>Annual Council</b>		
<b>Establishment and Composition of the Council's Committees, Panels and Boards</b>		
<b>Wards and communities affected:</b> None	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Dr Dave Smith, Chief Executive		
<b>Accountable Assistant Director:</b> n/a		
<b>Accountable Director:</b> Dr Dave Smith, Chief Executive		
<b>This report is</b> Public		

### **Executive Summary**

This report requests the Council to formally establish those committees it considers necessary to fulfil its functions in the ensuing municipal year, in accordance with the requirements of both legislation and the Council's Constitution. It also requests Council to approve the membership of these Committees and the appointment of Chairs and Vice-Chairs.

- 1. Recommendation(s)**
- 1.1 That the Committees, Sub-Committees, Panels and Boards as referred to in this report and the accompanying appendices be established for the 2023 / 2024 municipal year.**
- 1.2 That the terms of reference for the new Strategic Investment Advisory Panel outlined in paragraph 3.6 and in Appendix 1 are endorsed.**
- 1.3 That the allocation of seats, as set out in Appendix 2, be approved.**
- 1.4 That the nominations of the political groups to seats on committees be approved, as set out in Appendix 3 (to be tabled when nominations are received).**
- 1.5 That the non-voting co-opted members of the Planning Committee, the Standards and Audit Committee, the Health and Wellbeing Overview and Scrutiny Committee, the Housing Overview and Scrutiny Committee, the Children's Services Overview and Scrutiny Committee and the Corporate Parenting Committee be appointed, as set out in Appendix 3 (to be tabled when nominations are received).**

**1.6 That the Chairs and Vice-Chairs of committees be appointed, as set out in Appendix 4 (to be tabled when nominations are received).**

## **2. Introduction and Background**

2.1 The Council must establish:

- (a) At least one Overview and Scrutiny Committee;
- (b) A committee under the Licensing Act 2003;
- (c) A Health and Wellbeing Board.

and may establish other committees.

2.2 Chapters 4 and 5 of the Constitution contain information regarding the committees that have been established, together with their specific terms of reference.

2.3 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.

2.4 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority at the annual meeting, or as soon as possible after it, to review the allocation of seats on the committees of the Council between the political groups. The Council may carry out such a review and any other time and may do so if requested by a political group.

2.5 The following principles apply to the allocation of seats:

- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;
- (b) That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership;  
and
- (d) Subject to (a) to (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

2.6 Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.

- 2.7 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 2.8 Any non-aligned members are to be appointed to available seats on committees by the Council.
- 2.9 The Cabinet and the Health and Wellbeing Board are not required to be proportional and so are outside of the political balance calculation.
- 2.10 The Leader of the Council appoints the Cabinet and, in accordance with the Terms of Reference, will also make nominations to the 5 places available on the Health and Wellbeing Board, with the latter to be agreed by the Council.
- 2.11 It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

### **Political proportionality**

- 2.12 The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

$$\frac{\text{No. of Group Members} \times 100}{49}$$

- 2.13 Following the elections on 4 May 2023 the political proportionality of the council is as follows:

<b>Group</b>	<b>Councillors</b>	<b>%</b>
Conservative	26	53.06%
Labour	19	38.78%
Thurrock Independents	1	2.04%
Independent	3	6.12%
<b>Total</b>	<b>49</b>	<b>100</b>

- 2.14 The calculation to determine the strict entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (87 seats)}$$

- 2.15 Those Members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.
- 2.16 The LGA Independent Group has taken the view that in the true spirit of the Act, that morally or democratically, non-aligned councillors are entitled to fair representation. Groups are not entitled to have more than their share and thus they cannot exclude councillors that are not grouped i.e. single party councillors or non-aligned Independent councillors. For example in an authority of 49 councillors with one non-grouped councillor, the council must make 1/49 of the places available.

### **3. Issues, Options and Analysis of Options**

#### **Overview and Scrutiny:**

- 3.1 The Constitution currently makes provision for six Overview and Scrutiny committees, as follows.
- Corporate Overview and Scrutiny Committee;
  - Children's Services Overview and Scrutiny Committee;
  - Health and Wellbeing Overview and Scrutiny Committee;
  - Housing Overview and Scrutiny Committee;
  - Cleaner, Greener and Safer Overview and Scrutiny Committee;
  - Planning, Transport, Regeneration Overview and Scrutiny Committee.
- 3.2 The terms of reference for each of the six committees mentioned in paragraph 3.1 above are set out in Chapter 4, Part 2 of the Constitution.
- 3.3 The Overview and Scrutiny Structure has been under review by the Constitution Working Group since 2022. In addition the role, operation and structure of the function is a key part of the recent intervention and features significantly in the Council's Improvement and Recovery Plan. As a result the Council will review the Overview and Scrutiny function in collaboration with the Centre for Governance Scrutiny (CfGS) in the 2023/24 year. It will report findings within the municipal year, with a view to introducing new processes and structure for the 2024/25 year at the latest.

#### **Other committees and sub-committees of the Council:**

- 3.4 Provision has been made within the Constitution for the following committees of the Council:
- Planning Committee;

- Licensing Committee (and a Licensing Sub-committee);
- General Services Committee;
- Standards and Audit Committee;
- Corporate Parenting Committee;
- Health and Wellbeing Board;
- Hidden and Extreme Harms Prevention Committee.

3.5 The terms of reference of each committee above are set out in Chapter 5 of the Constitution.

3.6 The Strategic Investment Advisory Panel is a new sub-committee of Cabinet which will be introduced to provide advice to the Leader/Cabinet on strategic investments. The creation of the Panel was agreed at Cabinet on 22 February 2023 on the condition that Full Council endorsed the terms of reference, which are attached at Appendix 1. Nominations for the Panel are contained within this report.

#### **Changes to the number of committees or terms of reference:**

3.7 Any changes to the number of committees, or their terms of reference, will have to be reflected in the Constitution and therefore will require the approval of the Council.

3.8 Should the Council seek to establish or discontinue a committee that is currently included within the Constitution, it would be necessary to calculate the allocation of seats on committees to political groups. This too would require the approval of the Council, as would any nominations to committees that may be made as a result. Any significant changes to be made to the Constitution should first be considered by General Services Committee.

#### **Calculating political proportionality**

3.9 The number of seats on committees that are available to be allocated amongst the political groups represented on the Council is 87.

3.10 Each of the political groups (formed when 2 or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group) are entitled to a certain number of seats on committees. This is based upon their percentage representation on the Council as a whole, as detailed in Table 1 at paragraph 2.11 above.

3.11 The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (87 seats)}$$

3.12 After undertaking the above calculation for each of the political groups represented on the Council, the entitlement to seats is as follows:

- Conservative 46 seats
- Labour 34 seats
- Ungrouped seats to be allocated 7 seats

3.13 Each of the political groups and the non-aligned Members are only entitled to their proportion of seats.

3.14 In order to ascertain the number of seats to be allocated to political groups on each committee, the following calculation is required to be undertaken:

$$\frac{\% \text{ from Table 1}}{100} \times \text{No. of committee places available}$$

3.15 After applying the above calculation to each of the committees that have been established, a 'strict seat entitlement' is arrived at for each party.

(a) 6 member committee – applies to all **Overview & Scrutiny committees, the Standards & Audit Committee and the Hidden & Extreme Harms Prevention Committee**

- Con  $53.06 / 100 \times 6 = 3.18 =$  **3 seat(s)**
- Lab  $38.78 / 100 \times 6 = 2.33 =$  **2 seat(s)**

(b) 7 member committee – applies to the **General Services Committee**

- Con  $53.06 / 100 \times 7 = 3.71 =$  **4 seat(s)**
- Lab  $38.78 / 100 \times 7 = 2.71 =$  **3 seat(s)**

(c) 8 member committee – applies to the **Corporate Parenting Committee**

- Con  $53.06 / 100 \times 8 = 4.24 =$  **4 seat(s)**
- Lab  $38.78 / 100 \times 8 = 3.10 =$  **3 seat(s)**

(d) 9 member committee – applies to the **Planning Committee**

- Con  $53.06 / 100 \times 9 = 4.78 =$  **5 seat(s)**
- Lab  $38.78 / 100 \times 9 = 3.49 =$  **3 seat(s)**

(e) 15 member committee – applies to the **Licensing Committee**

- Con  $53.06 / 100 \times 15 = 7.96 =$  **8 seat(s)**
- Lab  $38.78 / 100 \times 15 = 5.82 =$  **6 seat(s)**

- 3.16 Ungrouped Members –The Independent Members, as shown in Appendix 2, have the opportunity to claim 7 seats across committees. This is dealt with in the manual adjustment set out below.
- 3.17 **Appendix 2** and 3.15 above shows the rounded and strict (statistical) allocation of seats to each political group. Manual adjustment is required to ensure that each group reaches (or does not exceed) its rounded entitlement through the strict statistical allocation.
- 3.18 Manual adjustments are required to bring both the Conservative and Labour groups up to their seat entitlements and to clarify which seats are available to the ungrouped Members. Group Leaders have been consulted on this requirement, which will be reflected in Appendix 3. The manual adjustments are calculated as follows:
- The Conservative Group to claim 1 seat to bring them up to their 46 seat entitlement.
  - The Labour Group to claim 3 seats to bring them up to their 34 seat entitlement.
  - The Ungrouped Members may appoint to the remaining 7 seats.
- 3.19 Group Leaders have been consulted in respect of the calculations set out at **Appendix 2**, together with the manual adjustments that are required in order to ensure that seats on committees are correctly allocated to each of the political groups.
- 3.20 Group Leaders have also been requested to provide nominations to the places on committees to which their respective groups are entitled.
- 3.21 The nominations of political groups to seats on committees and the nominations for Chair and Vice Chair of committees will be circulated at the meeting.

#### **4. Reasons for Recommendation**

- 4.1 The Council is recommended to establish the committees detailed in this report for the 2023-24 municipal year in order to facilitate the efficient discharge of its functions and that their terms of reference be those contained with the Constitution. The Council is also required to make the required appointments to those committees that have been established to facilitate the efficient discharge of its functions.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations are put before Council for approval.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Establishing those committees it considers necessary to fulfil its functions, in accordance with the requirements of both legislation and the Constitution, should enable the Council to discharge those functions in a timely, open and transparent manner for the benefit of the residents of the Borough. Appointing members to those committees established, in accordance with the political balance of the Council and associated allocation of seats on committees, will enable the Council to properly discharge its functions.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Senior Management Accountant**

The cost of servicing these committees will be met through existing budgets. Member special responsibility allowances, which are connected to these committees, will be considered by the Independent Remuneration Panel (IRP) in the summer of 2023 and its recommendations will be considered by Full Council in due course.

### **7.2 Legal**

Implications verified by: **Asmat Hussain**  
**Director of Law and Governance**

The report complies with the Council obligations as set out in the Constitution and the legislation contained in the report.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not

attending, and the steps to be taken in these circumstances, once the member has been appointed.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

9. **Appendices to the report**

**Appendix 1** – Strategic Investment Advisory Panel Terms of Reference.

**Appendix 2** – Allocation of seats

**Appendix 3** – Nominations of political groups to seats on Committees (to be circulated at the meeting)

**Appendix 4** – Appointment of Chairs and Vice-Chairs of Committees (to be circulated at the meeting)

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