

11 June 2014		ITEM: 9
Annual Council		
Allocation of committee seats and committee appointments		
Wards and communities affected: None	Key Decision: Non-key	
Report of: Graham Farrant, Chief Executive		
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services and Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is public		

Executive Summary

This report requests the Council to confirm the calculations relating to the allocation of seats on committees and to appoint the nominations of political groups to committees. The report also requests the Council to appoint the Chairs and Vice-Chairs of certain committees.

1. Recommendation(s)

1.1 That the allocation of seats, as set out in Appendix 1, be approved.

1.2 That the nominations of the political groups to seats on committees be approved, as set out in Appendix 2 (to be tabled when nominations are received).

1.3 That, further to recommendation 1.2 above, those Members appointed to the following committees be required to undertake a DBS check prior to taking their seats:

- **Children's Services Overview and Scrutiny Committee**
- **Health and Wellbeing Overview and Scrutiny Committee**
- **Standards and Audit Committee**
- **Corporate Parenting Committee**

1.4 That the non-voting co-opted members of the Planning Committee, the Standards and Audit Committee, the Health and Well-being Overview and Scrutiny Committee, the Housing Overview and Scrutiny Committee and the Corporate Parenting Committee be appointed, as set out in Appendix 2.

1.5 That the Chairs and Vice-Chairs of committees be appointed, as set out in Appendix 3 (to be tabled when nominations are received).

2. Introduction and Background

2.1 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.

2.2 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.

2.3 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.

2.4 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.

2.5 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.

2.6 Any non-aligned members are to be appointed to available seats on committees by the Council.

2.7 The Cabinet and the Health and Wellbeing Board are not required to be proportional and so are outside of the political balance calculation. Likewise, the Council decided that the Joint Appointments Committee was not required to be proportional and so this too is also outside of the calculation.

- 2.8 The Leader of the Council will appoint the Cabinet and, in accordance with the Terms of Reference, will also make nominations to the 4 places available on the Health and Wellbeing Board, with the latter to be agreed by the Council.
- 2.9 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

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

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

- 2.11 Following the local elections held on 22 May 2014, the political balance of the Council set out in Table 1 below:

Group	Councillors	%
Labour	23	47%
Conservative	18	37%
UKIP	6	12%
Independent	2	4%
Total	49	100

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

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

- 2.13 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.
- 2.14 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

- 3.1 The number of seats on committees that are available to be allocated amongst the political groups represented on the Council is 81.
- 3.2 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.
- 3.3 The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

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

- Labour 38 seats
- Conservative 30 seats
- UKIP 10 seats
- Independent 3 seats

- 3.5 Each of the political groups are only entitled to their proportion of seats.
- 3.6 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:

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

3.7 After applying the above calculation to each of the committees that have been established at Agenda Item 8, the following results can be seen:

(a) 6 member committee – applies to all Overview & Scrutiny committees and the Standards & Audit Committee

• Lab	$46.94 / 100 \times 6 =$	2.82 =	3 seats
• Con	$36.73 / 100 \times 6 =$	2.20 =	2 seats
• UKIP	$12.24 / 100 \times 6 =$	0.73 =	1 seat
• Ind	$4.08 / 100 \times 6 =$	0.24 =	0 seats

From the calculations set out above, a manual adjustment is required, as explained in paragraphs 3.9 (c) of this report. The effect of this adjustment requires UKIP to give up 2 seats in order to bring them into line with their strict entitlement, with these seats being drawn from those committees that comprise 6 Members.

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

• Lab	$46.94 / 100 \times 7 =$	3.29 =	3 seats
• Con	$36.73 / 100 \times 7 =$	2.57 =	3 seats
• UKIP	$12.24 / 100 \times 7 =$	0.86 =	1 seat
• Ind	$4.08 / 100 \times 7 =$	0.29 =	0 seats

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

• Lab	$46.94 / 100 \times 8 =$	3.76 =	4 seats
• Con	$36.73 / 100 \times 8 =$	2.94 =	3 seats
• UKIP	$12.24 / 100 \times 8 =$	0.98 =	1 seat
• Ind	$4.08 / 100 \times 8 =$	0.33 =	0 seats

From the calculations set out above, a manual adjustment is required, as explained in paragraphs 3.9 (d to f) of this report.

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

• Lab	$46.94 / 100 \times 9 =$	4.22 =	4 seats
• Con	$36.73 / 100 \times 9 =$	3.31 =	3 seats
• UKIP	$12.24 / 100 \times 9 =$	1.10 =	1 seat
• Ind	$4.08 / 100 \times 9 =$	0.37 =	0 seats

From the above calculations, 1 seat(s) on the committee remains to be allocated. This will be allocated following the manual adjustments that are required, as explained in paragraph 3.9 (b) of this report.

(e) 15 member committee – applies to Licensing Committee

• Lab	46.94 / 100 x 15 =	7.07 =	7 seats
• Con	36.73 / 100 x 15 =	5.51 =	6 seats
• UKIP	12.24 / 100 x 15 =	1.84 =	2 seats
• Ind	4.08 / 100 x 15 =	0.61 =	1 seat

3.8 **Appendix 1** shows a rounded allocation of seats to each political group. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed their entitlement.

3.9 From the figures set out in **Appendix 1**, the following manual adjustments are required:

- (a) As a result of the rounding of the strict entitlement to seats, the calculation has allocated an additional seat on the Licensing Committee that takes it above the size of the Committee. This additional seat needs to be removed and the Group that are statistically least entitled to this are the Conservative Group, with 0.51, as opposed to the Independent Group with 0.61 and UKIP with 0.84. As a result of this, the Conservative Group now requires 2 seats to be allocated in order to bring them into line with their strict entitlement.
- (b) A seat is to be allocated on the Planning Committee. The Group that is statistically the most under represented on this Committee is the Independent Group. If any other Group were to be allocate this seat, they would have a greater statistical over representation on the Committee than the Independent Group.
- (c) UKIP are required to give up 2 seats in order to bring them into line with their strict entitlement. Statistically, they have a greater over representation on those committees that comprise 6 Members, namely, all of the Overview & Scrutiny committees and the Standards and Audit Committee. UKIP should therefore give up two seats, to be drawn from those they have been notionally allocated on the aforementioned committees, in order to bring them into line with their strict entitlement to 10 seats across all committees.
- (d) The Labour Group are required to give up 1 seat in order to bring them into line with their strict entitlement. Statistically, the Committee they are most over represented on is the Corporate parenting Committee. They should therefore give this seat up in order to bring them into line with their strict entitlement to 38 seats across all committees.
- (e) The Conservative and Independent Groups are owed 2 and 1 seats respectively to bring them into line with their strict entitlement. A seat is available on the Corporate Parenting Committee and two seats are available as a result of UKIP giving up seats on any two of the

committees with 6 members - this will affect the 6 overview & scrutiny committees and the Standards & Audit Committee.

- (f) The Independent Group have the greatest under representation on the Corporate Parenting Committee and therefore should be allocated this seat, in order to bring them into line with their strict entitlement to 3 seats across all committees.
- (g) The Conservative Group should therefore be allocated the remaining two seats that have been given up by UKIP on any two of the committees with 6 members, namely the 6 overview & scrutiny committees and the Standards & Audit Committee, in order to bring them into line with their strict entitlement to 30 seats across all committees.

- 3.10 Group Leaders have been consulted in respect of the calculations set out at **Appendix 1**, 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.
- 3.11 Group Leaders have also been requested to provide nominations to the places on committees to which their respective groups are entitled.
- 3.12 The nominations of political groups to seats on committees will be set out in **Appendix 2** and the nominations for Chair and Vice Chair of committees will be set out in **Appendix 3**. When nominations are received, both of these documents will be circulated at the meeting.

4. Reasons for Recommendation

- 4.1 The Council is required to make the required appointments to those committees that have been established to facilitate the efficient discharge of its functions, as set out in Agenda Item 8.

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 Appointing members to those committees established at Agenda Item 8, 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: **Sean Clark**
Head of Corporate Finance

The cost of servicing these committees will be met through the existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Democratic Services

These are set out in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

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, Sustainability, Crime and Disorder)

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

There are the following appendices to this report:

- **Appendix 1** – Allocation of seats
- **Appendix 2** – Nominations of political groups to seats on Committees (to be circulated at the meeting)
- **Appendix 3** - Appointment of Chairs and Vice-Chairs of Committees (to be circulated at the meeting)

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