

Report of The Chief Executive

ALLOCATION OF COMMITTEE SEATS

1 Purpose of report

- 1.1 To obtain approval for necessary adjustments to the distribution of seats on ordinary committees of the Council.

2 Executive summary

- 2.1 The report identifies the changes it is proposed be made to the distribution of seats on ordinary committees of the Council as a result of Councillor Ainge becoming an independent member.

3 Appendices

- 3.1 Appendix A – Proposed committees composition and membership
3.2 Appendix B – Allocations determined by the political groups

4 Proposed action:

- 4.1 The Council is invited to **RESOLVE**:
- (a) That the composition and allocation of seats on its committees and on other bodies as detailed in the report and in appendix A to the report be approved.
 - (b) That Councillor Ainge be appointed to the Community Committee.
 - (c) To give effect to the allocations determined by the political groups as set out in Appendix B

5 Background

- 5.1 The political balance requirements of the Local Government and Housing Act 1989 ('the 1989 Act') and the Local Government (Committees and Political Groups) Regulations 1990 ('the Regulations') apply to any ordinary or advisory committees (and sub-committees) established by the Council, its overview and scrutiny committee, and to certain other bodies (defined in paragraph 2 of Schedule 1 to the 1989 Act) to which the Council may appoint three or more members. These requirements mean in general terms that the allocation of seats on relevant committees and bodies must be proportionate to the number of members each political group has on the Council as a whole.
- 5.2 The Regulations provides that the "members of an authority are to be treated as divided into different political groups when there is at least one political group in existence". Under the Regulations a political group is defined as two or more members of the authority, who formally notify the proper officer that they are to be regarded as a group, give the group's name and appoint one member of the group as leader. The Council has currently two political groups the Conservative Group and the Labour Group.

- 5.3 The Regulations provides a number of mechanisms whereby a member of the authority is to be treated as having ceased to be a member of a political group. One of these is service of notice to the proper officer that he or she no longer wishes to be treated as a member of a particular political group. Cllr Ainge recently served notice that she no longer wishes to be treated as a member of the Conservative Group. As she has not joined another political group she is regarded as an independent member.
- 5.4 Accordingly, it is necessary to review the membership of committees to reflect this change in the relative size of the political groups.

6 Discussion

- 6.1 The Council has a duty when allocating or reviewing the allocation of seats on any body (e.g. a committee) which fall to be filled by appointments made by the Council or one of its committees to give effect (so far as is reasonably practicable) to the following four principles set out in section 15 of 1989 Act:
- a. that not all the seats on a body are allocated to the same political group (Principle I);
 - b. that the majority of seats on each body should be allocated to a particular political group if the number of members of the group is a majority of the Council's membership (Principle II);
 - c. that, subject to the above two principles, the number of seats on the *ordinary committees* of the Council which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the Council as is borne by the number of members of that group to the membership of the Council (Principle III); and
 - d. that, subject to the above three principles, the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the Council (Principle IV).
- 6.2 These principles can sometimes conflict, depending on the number and size of the political groups and the number of any independent members. In a case where there are members of a Council who do not belong to a political group (independent members), the Regulations modify section 15 of the 1989 Act to entitle those independent members to a proportionate share of the seats. This is why the principles are expressed in a hierarchy of importance and sometimes an authority has to exercise discretion in order to resolve any conflict so as to ensure compliance with the Act. For example, if there are committees of the same size which have to be balanced differently so as to give effect to principle III, there is discretion as to which committee or committees that different balance should be applied. In some cases the political make-up of an authority might be such that not all political groups can be represented on all committees. Likewise, in order to give effect to principles I or II it might be necessary for an authority to allow over-representation by minority political groups or the majority political group respectively on its committees.
- 6.3 It is a matter for the Council to decide on the number and size of committees and the distribution of seats between the political groups. It is a matter for the

political groups to determine the allocation of seats between their members. Section 16 of the Act requires the Council to give effect to the allocations determined by the political groups. Where Councillors are not members of a political group, they are to be appointed by the Council to any seats which are not distributed to a political group.

- 6.4 The Council's duty to determine the allocation of seats does not include any specific requirement on the Council to consult the political groups as to how the seats should be allocated; this only applies to the actual allocation of a seat to a particular member. However, it is clearly preferable if all groups have an agreed position as to which committees are to be adjusted, provided that the agreed position does not conflict with the Council's duty under section 15 of the 1989 Act. The proposals in this report reflect the agreed position of the political groups and do not conflict with the Council's duty under section 15 of the 1989 Act.
- 6.5 Section 17 of the Act provides that an authority may make appointments to bodies that do not wholly comply with the proportionality principles of section 15 of the Act as long as no single Member votes against the appointments.
- 6.6 The number and size of the ordinary committees of the Council is set out below. (The Council has not established any advisory committees.)

<i>Ordinary Committees</i>	Seats
Appointments	13
Audit	7
Community	12
Development	12
Planning	11
Resources	13
Standards	11
Total number of seats	79

- 6.7 By virtue of the Local Authorities (Committee System) (England) Regulations 2012, the Overview and Scrutiny Committee is not an ordinary or advisory committee. It is however a body to which section 15 of the 1989 Act applies.
- 6.8 The Licensing Committee established to discharge functions under the Licensing Act 2003 is not subject to any of the proportionality requirements of the 1989 Act. Therefore, as with the Overview and Scrutiny Committee, the seats on the Licensing Committee are discounted when calculating the allocation of seats on ordinary committees. The Council has however customarily applied the principle of political proportionality to the seats on the Licensing Committee as a matter of good governance because that committee also discharges licensing functions that fall outside of the Licensing Act 2003.
- 6.9 In determining the allocation of seats on ordinary committees, the proportion that each political group forms of the total membership of the Council is applied to the total number of elected Member seats on each committee.

Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. The principles are applied in sequence and provide a safeguard to enable any distortion caused by rounding up or down to be remedied.

- 6.10 Accordingly under principle III above the ordinary committees first have to be taken together to determine the number of seats that should be allocated to each political group. Then, in accordance with principle IV above, the political balance rules have to be applied to each of those committees individually but subject to the final allocation being in line with principle III.
- 6.11 In relation to the Overview and Scrutiny Committee (and by local convention the Licensing Committee) only principle (IV) applies.
- 6.12 Appendix A shows the application of the principles of proportionality to the current composition of the Council; the preferences expressed by the political groups as to the distribution of seats; and identifies the seat available to be filled by Councillor Ainge. Appendix B identifies the allocations made to date by the political groups to the various committees and bodies.

7 Legal powers

- 7.1 These are discussed in the body of the report.

8 Financial and value for money implications

- 8.1 There are no such implications arising directly from this report.

9 Risk analysis

- 9.1 Normally a risk table is completed for any report setting out a proposed course of action. This is not appropriate here so the table has not been completed.

10 Implications for resources

- 10.1 Officer time in giving effect to the decision of Council.

11 Implications for stronger and safer communities

- 11.1 There are no such implications arising directly from this report.

12 Implications for equalities

- 12.1 There are no such implications arising directly from this report.

13 Author and contact officer

- 13.1 Chris Pittman, Monitoring Officer

14 Consultees

John Campbell, Chief Executive

Leader of the Conservative Group (Councillor Paul Bell)

Leader of the Labour Group (Councillor Andrew Scarborough)

Cllr Ainge

15 Background papers

None

Proposed committees composition and membership

Application of the principles of proportionality to the Council's current political composition:

- a. Ordinary committees (which must first be overall and then individually proportionate)

Political composition		Cons.	Lab.	Ind.	Total
Nr. of members		27	8	1	36
% of seats		75.00%	22.22%	2.78%	100%
Overall revised proportionate allocation of seats (Principle III)		59	18	2	79
Current allocation ¹		59	19	-	78
Ordinary committees: individual allocation applying Principle IV		Cons.	Lab.	Ind.	Total
Appointments	Revised (Current)	10 (10)	3 (3)	0 (-)	13
Audit		5 (5)	2 (2)	0 (-)	7
Community		9 (9)	3 (3)	0 (-)	12
Development		9 (9)	3 (3)	0 (-)	12
Planning		8 (8)	3 (3)	0 (-)	11
Resources		10 (10)	3 (3)	0 (-)	13
Standards		8 (8)	3 (3)	0 (-)	11
	Total number of seats	59 (59)	20 (20)	0 (-)	79

It can be seen that although the individual committee allocation in line with Principle IV remains unchanged, there is a need to make an adjustment to the overall committee seat allocation to give effect to principle III, which has precedence over principle IV. (The current political group composition of the Council does not require any further adjustment to be made to the calculations so as to give effect to principles I and II).

This requires one of the committee seats currently filled by the Labour Group to be made available to the independent member, Cllr Ainge. The Labour Group has proposed that this seat should be one of the seats allocated to it on the Community Committee. Councillor Ainge does not wish to occupy the vacant seat on the Standards Committee. Accordingly, in accordance with Principle IV this seat remains with the Labour Group.

¹ Only 10 of the 11 seats on the Standards Committee were filled at Annual Council which is why the current allocation totals 78 rather than 79.

b. Bodies and the Licensing Committee

Political composition	Cons.	Lab.	Ind.	Total
Nr. of members	27	8	1	36
% of seats	75.00%	22.22%	2.78%	100%
Proportionate allocation of seats (applying principle IV to each committee)				Seats
Overview and scrutiny	9 (9)	3 (3)	0 (-)	12
Licensing	10 (10)	3 (3)	0 (0)	13
North Northamptonshire Joint Planning Committee	2 (2)	1 (1)	0 (-)	3

It can be seen that there is no need to make any adjustment to the allocation of seats on these bodies and committee.

Allocations determined by the political groups to date

Appointments (13)
<p><i>Conservatives (10):</i> Chairman: Councillor Bell, Vice-Chairman: Councillor Graves Councillors Allebone, Bass, Carr, Hawkes, Morrall, B Patel, Ward and 1 vacancy</p> <p><i>Labour (3):</i> Councillors Emerson, Scarborough and Watts</p>
Audit (7)
<p><i>Conservatives (5):</i> Chairman: Councillor Bailey, Vice-Chairman: Councillor Bass Councillors Bell, Harrington and Simmons</p> <p><i>Labour (2):</i> Councillors Dholakia and Henley</p>
Community (12)
<p><i>Conservatives (9):</i> Chairman: Councillor Morrall, Vice-Chairman: Councillor B Patel Councillors Carr, Higgins, M Patel, Raymond, Simmons, V Waters and 1 vacancy</p> <p><i>Labour (2):</i> Councillors Emerson and Watts</p>
Development (12)
<p><i>Conservatives (9):</i> Chairman: Councillor Allebone, Vice-Chairman: Councillor M Waters Councillors: Bass, Graves, Gough, Hawkes, Higgins, L Lawman and Warwick</p> <p><i>Labour (3):</i> Councillors Blackwell, Elliott and Watts</p>
Licensing (13)
<p><i>Conservatives (10):</i> Chairman: Councillor Hawkes, Vice-Chairman: Councillor Warwick Councillors Harrington, Morrall, Timms, Ward, M Waters and 3 vacancies</p> <p><i>Labour (3):</i> Councillors Emerson, Maguire and Scarborough</p>

Overview and Scrutiny (12)

Conservatives (9):

Chairman: Councillor Pursglove, Vice-Chairman: Councillor Carr

Councillors Gough, Hawkes, G Lawman, M Patel, Simmons, Timms and V Waters

Labour (3):

Councillors Elliott, Emerson and Maguire

Planning (11)

Conservatives (8):

Chairman: Councillor Ward, Vice-Chairman: Councillor Griffiths

Councillors Beirne, Bell, Morrall, B Patel, Timms and M Waters

Labour (3):

Councillors Dholakia, Maguire and Scarborough

Resources (13)

Conservatives (10):

Chairman: Councillor Bell, Vice-Chairman: Councillor Hollyman

Councillors Allebone, Bailey, Graves, Morrall, Partridge-Underwood, B Patel, Ward and M Waters

Labour (3):

Councillors Dholakia, Henley and Scarborough

Standards (11)

Conservatives (8):

Chairman: Councillor Timms

Councillors Graves, Harrington, Hawkes, B Patel, Morrall, Ward and M Waters

Labour (3):

Vice-Chairman: Councillor Dholakia

Councillors Blackwell and Maguire