

Report of The Chief Executive

ALLOCATION OF COMMITTEE SEATS

1 Purpose of report

To obtain approval for necessary adjustments to the distribution of seats on Council committees, and other bodies to which proportionality rules apply.

2 Executive summary

The report identifies the changes it is proposed be made to the distribution of seats on Council committees and other bodies, as a result of Councillor B Patel becoming an independent member.

3 Appendices

Appendix A: Proposed allocation of committee seats

Appendix B: Allocations determined by the political groups

4 Proposed action:

The Council is invited to **RESOLVE:**

- (i) to approve the composition and allocation of seats on its committees and on other bodies as detailed in appendix A to the report.
- (ii) that Councillor B Patel be appointed to the Community Committee and the Licensing Committee.
- (iii) 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 provide 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. The Council also has two independent members not affiliated to any group.

- 5.3 The Regulations provide 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 B Patel recently served notice that he no longer wished to be treated as a member of the Conservative Group. As he has not joined another political group he 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, for example a committee, to give effect (so far as is reasonably practicable) to the following four principles set out in section 15 of the 1989 Act:
- (i) that not all the seats on a body are allocated to the same political group (Principle I);
 - (ii) 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);
 - (iii) 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
 - (iv) 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>	<i>Seats</i>
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 When dealing with individual members it can be difficult for a seat entitlement of 0.5 or above to be reached; this can be seen in Appendix A. This is the case for all committees on which Councillor B Patel might be allocated a seat. In this scenario there is a need for some agreement between group leaders around which seats will be given up. As the proportionality calculation requires a reduction of 2 of the Conservative group's seat allocation, and Councillor B Patel is proportionally entitled to 2 seats overall, on ordinary committees, then it seems sensible that 2 Conservative seats are allocated to Councillor B Patel. In discussions with group leaders and Councillor B Patel, it has not proved possible to give effect to 2 seats on an agreed basis from within the ordinary committees. As mentioned above, however, it has been the practice to voluntarily apply proportionality to our Licensing Committee. If Councillor B Patel is allocated a seat on the Licensing Committee in place of a Conservative member, this in effect gives him his second seat.
- 6.13 Appendix A indicates the application of the principles of proportionality to the current composition of the Council so far as is possible, taking into account the preferences expressed by the political groups as to the distribution of seats, and identifies the seats available to be filled by Councillor B Patel.
- 6.14 Appendix B identifies the allocations made to date by the political groups to the various committees and bodies.

7 Legal powers

These are discussed in the body of the report.

8 Financial and value for money implications

There are no such implications arising directly from this report.

9 Risk analysis

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

Officer time in giving effect to the decision of Council.

11 Implications for stronger and safer communities

There are no such implications arising directly from this report.

12 Implications for equalities

There are no such implications arising directly from this report.

13 Author and contact officer

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14 Consultees

John Campbell, Chief Executive

Leader of the Conservative Group (Councillor Paul Bell)

Leader of the Labour Group (Councillor Andrew Scarborough)

Cllr Ainge

Cllr B Patel

15 Background papers

None.

ALLOCATION OF COMMITTEE SEATS: JANUARY 2014
Appendix A

Political groups	Cons	Lab	Ind 1	Ind 2	Total
Number of members	26	8	1	1	36
% of seats	72.22%	22.22%	2.78%	2.78%	100.00%

1. Ordinary committees

Political groups	Cons	Lab	Ind 1	Ind 2	Total			
Current actual allocation:	59	19	1	-	79			
<i>Current strict entitlement actual:</i>	<i>59.25</i>	<i>17.56</i>	<i>2.19</i>	<i>-</i>	<i>79.00</i>			
Current strict entitlement rounded:	59	18	2	-	79			
<i>Revised strict entitlement actual:</i>	<i>57.06</i>	<i>17.56</i>	<i>2.19</i>	<i>2.19</i>	<i>79.00</i>			
Revised strict entitlement rounded:	57	18	2	2	79			
Ordinary committees – individual allocation of seats (Principle III):								
Appointments	13	Current allocation:	10	3	0	0	13	
		<i>Revised % allocation:</i>	<i>9.39</i>	<i>2.89</i>	<i>* 0.36</i>	<i>* 0.36</i>		
		Revised allocation:	10	3	0	0	13	
Audit	7	Current allocation:	5	2	0	0	7	
		<i>Revised % allocation:</i>	<i>5.06</i>	<i>1.56</i>	<i>* 0.19</i>	<i>* 0.19</i>		
		Revised allocation:	5	2	0	0	7	
Community	12	Current allocation:	9	2	1	0	12	
		<i>Revised % allocation:</i>	<i>8.67</i>	<i>2.67</i>	<i>* 0.33</i>	<i>* 0.33</i>		
		Revised allocation:	8	2	1	1	12	
Development	12	Current allocation:	9	3	0	0	12	
		<i>Revised % allocation:</i>	<i>8.67</i>	<i>2.67</i>	<i>* 0.33</i>	<i>* 0.33</i>		
		Revised allocation:	9	3	0	0	12	
Planning	11	Current allocation:	8	3	0	0	11	
		<i>Revised % allocation:</i>	<i>7.94</i>	<i>2.44</i>	<i>* 0.31</i>	<i>* 0.31</i>		
		Revised allocation:	8	3	0	0	11	
Resources	13	Current allocation:	10	3	0	0	13	
		<i>Revised % allocation:</i>	<i>9.39</i>	<i>2.89</i>	<i>* 0.36</i>	<i>* 0.36</i>		
		Revised allocation:	10	3	0	0	13	
Standards	11	Current allocation:	8	3	0	0	11	
		<i>Revised % allocation:</i>	<i>7.94</i>	<i>2.44</i>	<i>* 0.31</i>	<i>* 0.31</i>		
		Revised allocation:	8	** 3	0	0	11	
Total number of seats currently allocated:		59	19	1	0	79		
Revised total allocations:		58	19	1	1	79		

* strict entitlement to seats on committee - 0.5 or above

** seat not taken up by 'Ind 1' (Cllr Ainge); seat currently filled by the Labour Group.

There is a need to make adjustments to the individual ordinary committee seat allocations to compensate for the resignation of Cllr B Patel from the Conservative Group, so as to give effect to Principles I to III.

This requires two of the committee seats currently filled by the Conservative Group to be made available to the independent member, Cllr B Patel. Note: this is not possible - see explanation in paragraph 6.12 of the report.

2. Other bodies and regulatory committees

Proportionate allocation of seats (Principle IV):									
Political groups	Cons	Lab	Ind 1	Ind 2	Total				
Overview & scrutiny	12	Current allocation:	9	3	0	0	12		
		<i>Revised % allocation:</i>	<i>8.67</i>	<i>2.67</i>	<i>0.33</i>	<i>0.33</i>			
		Revised allocation:	9	3	0	0	12		
Licensing	13	Current allocation:	10	3	0	0	13		
		<i>Voluntary application of Principle IV</i>	<i>Revised % allocation:</i>	<i>9.39</i>	<i>2.89</i>	<i>0.36</i>	<i>0.36</i>		
		Revised allocation:	9	3	0	1	13		
North Northamptonshire Joint Planning Committee	3	Current allocation:	2	1	0	0	3		
		<i>Voluntary application of Principle IV</i>	<i>Revised % allocation:</i>	<i>2.17</i>	<i>0.67</i>	<i>0.08</i>	<i>0.08</i>		
		Revised allocation:	2	1	0	0	3		

Allocations determined by the political groups

Appointments (13)
<p><i>Conservatives (10):</i> Chairman: Councillor Bell, Vice-Chairman: Councillor Graves Councillors Allebone, Bass, Carr, Hawkes, G Lawman Morrall, Ward + 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: TBA Councillors Carr, Higgins, L Lawman, M Patel, Raymond, Simmons, V Waters + 1 vacancy</p> <p><i>Labour (2):</i> Councillors Emerson and Watts</p> <p><i>Independent (1):</i> Councillor Ainge</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 Bass, Griffiths, Harrington, Morrall, Timms, Ward, M Waters + 1 vacancy</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, Timms, M Waters + 1 vacancy

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, Ward, M Waters
+ 1 vacancy

Labour (3):

Councillors Dholakia, Henley and Scarborough

Standards (11)*Conservatives (8):*

Chairman: Councillor Timms

Councillors Graves, Harrington, Hawkes, Morrall, Ward, M Waters + 1 vacancy

Labour (3):

Vice-Chairman: Councillor Dholakia

Councillors Blackwell and Maguire