

## 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 R Hawkes becoming an independent member and the forming of an Independent political group.

**3 Appendices**

A. Calculation of allocation of committee seats.

**4 Proposed action:**

The Council is invited to **RESOLVE** to approve the composition and allocation of seats on its committees and on other bodies as set out in Appendix A.

**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, 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 three political groups the Conservative Group, the Labour Group and the Independent Group. The Council also has one independent member not aligned 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 R Hawkes recently served notice that he no longer wished to be treated as a member of the Conservative Group. An Independent Group was subsequently formed consisting of two independent members, Cllr R Hawkes and Cllr B Ainge. Cllr B

Patel has not joined any political group. He is therefore regarded as a non-aligned independent member.

- 5.4 Accordingly, it is necessary to review the membership of committees to reflect these changes.

## **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 16 of the 1989 Act to entitle those independent members to any seats left over after distribution to political groups. 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 Group Leaders have been in discussion with the Chief Executive to see if an agreed position can be reached.

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
Partnerships and Performance	15
Planning	11
Resources	15
Services	15
Standards	11
Total number of seats	87

6.7 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. The seats on the Licensing Committee are therefore 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.

6.8 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.

6.9 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.

6.10 In relation to the Licensing Committee (by local convention) only principle IV applies.

6.11 Having applied principles I to IV as detailed above, the proportionality calculation indicates that the Independent Group are entitled to five seats on the Council's ordinary committees. It is assumed that Cllr Ainge already

occupies one of these seats on Services Committee, leaving four to be allocated. The numbers suggest that the Labour Group should give up three seats, one each on Resources, Partnerships and Performance, and Standards. The Labour Group has slightly more than its allocation on each of these committees at present. Similarly, the Conservative Group has slightly more than its current allocation on Appointments so should give up one seat on Appointments to account for the fourth seat required for the Independent Group.

- 6.12 In relation to Licensing, although not a requirement that this committee be politically balanced in relation to Principle IV, the voluntary application of political balance through custom and practice indicates that the Independent Group is also entitled to a seat on Licensing. Given that the Conservative Group currently have slightly more than their allocation, it is proposed that they give up the seat on Licensing.
- 6.13 The attached Appendix 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 the Independent Group and the Independent member.

## **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**

Paula Lawton, Assistant Monitoring Officer

**14 Consultees**

John Campbell, Chief Executive

Leader of the Conservative Group (Councillor Paul Bell)

Leader of the Labour Group (Councillor Andrew Scarborough)

Leader of the Independent Group (Councillor Robert Hawkes)

**15 Background papers**

None.



**CALCULATION OF COMMITTEE SEATS ALLOCATION**

Political groups	Cons	Lab	Ind Group	Non aligned Member	Total
Number of members	25	8	2	1	36
% seat entitlement	69.44%	22.22%	5.56%		97.22%

**1. Ordinary committees**

– individual allocation of seats (Principle III):  
\* strict entitlement to seats on committee - 0.5% or above

			Cons	Lab	Ind Group	Non aligned Member	Total
<b>Resources</b>	<b>15</b>	<b>Seat allocation:</b>	<b>11</b>	<b>3</b>	<b>1</b>		<b>15</b>
		<i>% allocation:</i>	10.42	3.33	0.83		
<b>Services</b>	<b>15</b>	<b>Seat allocation:</b>	<b>10</b>	<b>4</b>	<b>1</b>		<b>15</b>
		<i>% allocation:</i>	10.42	3.33	0.83		
<b>Partnerships &amp; Performance</b>	<b>15</b>	<b>Seat allocation:</b>	<b>10</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>15</b>
		<i>% allocation:</i>	10.42	3.33	0.83		
<b>Appointments</b>	<b>13</b>	<b>Seat allocation</b>	<b>9</b>	<b>3</b>	<b>1</b>		<b>13</b>
		<i>% allocation:</i>	9.03	2.89	0.72		
<b>Audit</b>	<b>7</b>	<b>Seat allocation</b>	<b>5</b>	<b>2</b>	<b>0</b>		<b>7</b>
		<i>% allocation:</i>	4.86	1.56	0.39		
<b>Planning</b>	<b>11</b>	<b>Seat allocation</b>	<b>8</b>	<b>3</b>	<b>0</b>		<b>11</b>
		<i>% allocation:</i>	7.64	2.44	0.61		
<b>Standards</b>	<b>11</b>	<b>Seat allocation</b>	<b>8</b>	<b>2</b>	<b>1</b>		<b>11</b>
		<i>% allocation:</i>	7.64	2.44	0.61		
	<b>87</b>						

**Ordinary committee allocations:**

	Cons Group	Lab Group	Ind Group	Non aligned Member	Total
<i>% seat entitlement</i>	69.44%	22.22%	5.56%		97.22%
<i>Strict seat entitlement</i>	60	19	5		84
<b>Proposed seat allocations</b>	<b>61</b>	<b>20</b>	<b>5</b>	<b>1</b>	<b>87</b>

**2. Other bodies and regulatory committees**

– proportionate allocation of seats (Principle IV):

			Cons	Lab	Ind Group	Non aligned Member	Total
<b>Licensing</b>	<b>13</b>	<b>Seat allocation</b>	<b>9</b>	<b>3</b>	<b>1</b>		<b>13</b>
<i>Voluntary application of Principle IV</i>		<i>% allocation:</i>	9.03	2.89	0.72		
<b>North Northants JPU</b>	<b>3</b>	<b>Seat allocation</b>	<b>2</b>	<b>1</b>	<b>0</b>		<b>3</b>
<i>Voluntary application of Principle IV</i>		<i>% allocation:</i>	2.08	0.67	0.17		