

Report of the Managing Director**Committee seat appointments – proposed amendments for 2018-19****1 Purpose of Report**

To amend the committee seat appointments for the remainder of the municipal year 2018-19.

2 Executive Summary

The report proposes an amendment to committee seat appointments for the remainder of the municipal year 2018-19 to Audit Committee, Services Committee and the Appointments, Investigating and Disciplinary Committee.

The creation of a Joint Committee was agreed by this council at its February 2019 meeting. This report proposes the membership of that committee; along with substitutes should any member not be available to attend.

3 Appendices

Appendix 1 Allocation of committee seats table

4 Proposed Action - Council is asked to RESOLVE to:

4.1 agree the amended committee seat allocations as set out in section 5 of this report.

5 Discussion

5.1 The Standards Hearing Sub Committee met on 24 January 2019 to discuss the Code of Conduct complaint – Earls Barton Parish Council. The committee was presented with the outcome of an independent investigation and was asked to consider if it felt that the code of conduct had been breached.

5.2 There were various complaints against a number of parish councillors, which were all considered individually. The committee made individual assessments on the breaches and any sanctions needed.

5.3 One of the subject members found to have breached the code of conduct and subject to sanctions is also a serving borough councillor.

5.4 It is proposed that, whilst the breaches were in his capacity as a parish councillor, reputationally the borough council should be seen to be taking actions in support of the findings and sanctions.

5.5 It is proposed that Councillor Gough is removed from Audit Committee, Services Committee and Appointments, Investigating and Disciplinary Committee.

- 5.6 Councillor Martyn York has recently become an independent councillor and as a consequence the political balance for seats on each committee has been reworked to take this into account.
- 5.7 The new allocations are shown at Appendix 1. However, as a single independent councillor there is no entitlement to any seats on committees, as there is no independent group and the % calculated for each committee is insufficient to warrant any allocation. However, if there are any unallocated seats based on the split across political groups these should be offered to independent members.
- 5.8 The reworked political group allocations show that there will be an unallocated seat on both the Appointments, Investigating and Disciplinary Committee and the Licensing Committee. Whilst licensing does not have to be politically balanced this council has always chosen to apply the principal on a discretionary basis. As the conservative group currently has 10 seats and under the new calculations is only entitled to 9 it is proposed that one of these seats is given to the independent member.
- 5.9 Councillor York currently sits on Audit Committee, Planning Committee, Standards Committee and the International Waendel walk weekend steering group. The council is asked to agree that Councillor York is removed from the above committees.
- 5.10 Council is asked to agree that Councillor York be appointed to the Appointments, Investigating and Disciplinary Committee and the Licensing Committee for the remainder of the municipal year 2018-19. To allow for this Councillor Griffiths will be removed from Licensing Committee for the remainder of the municipal year 2018-19.
- 5.11 The conservative group will nominate changes to replace Councillor Gough on Audit Committee and Services Committee. They will also nominate replacements for Councillor York on Audit Committee, Planning Committee, Standards Committee and the International Waendal Walk Weekend Steering Group.
- 5.12 This council agreed to be part of a joint committee for Local Government reform in advance of the creation of a shadow council for North Northamptonshire Unitary Authority, should the Secretary of State agree to the proposal submitted to him.
- 5.13 The joint committee is not planned to convene until such time as that decision is known. However, in advance of that the following councillors are proposed to be the members and substitutes for the committee.

Councillor Martin Griffiths
Councillor Tom Partridge-Underwood
Councillor Andrew Scarborough
Substitutes
Councillor Barry Graves
Councillor Tim Allebone
Councillor Elayne Francis

6 Legal Powers

- 6.1 Section 101 of the Local Government Act 1972, provides that a local authority may arrange for the discharge of any of its functions by committee, sub-committee or an officer of the authority and also in accordance with the constitution and council procedure rules for the annual meeting.
- 6.2 Section 102 of the Local Government Act 1972 allows a local authority to appoint committees for the purpose of discharging the functions delegated under the provisions of Section 101 above and to establish the terms of reference and also in accordance with the constitution and council procedure rules for the annual meeting.
- 6.3 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.
- 6.4 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.
- 6.5 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).

- 6.6 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.
- 6.7 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.
- 6.8 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 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 member is also entitled to a seat on Licensing. Given that the Conservative group currently has slightly more than their allocation, it is proposed that they give up the seat on licensing.
- 6.11 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 member.

7 Financial, Risk and Value For Money Implications

None arising from this report.

8 Implications for Stronger and Safer Communities and Equalities

8.1 Whatever the council does and however it makes decisions, the impact on our communities is of paramount importance.

8.2 The proposals here should not have any adverse impact on our communities or on how the council meets its statutory duties relating to the Equalities Act legislation. Indeed, by having more efficient governance arrangements it is likely that the council will serve its communities even better.

9 Author and Contact Officer

Liz Elliott, Managing Director

10 Consultees

Julie Thomas, Director/Monitoring Officer

11 Background Papers

The council's constitution April 2018 (version 1).

[Proposed Local Government reform Governance Arrangements – Joint Committee and Structural change order preferences – report to Council 26 February 2019](#)

APPENDIX 1

REVISED ALLOCATION OF COMMITTEE SEATS 2018-2019

Political groups	Cons Group	Lab Group	Non aligned Member	Total
Number of members	26	9	1	36
% seat entitlement	72.22%	25.00%	2.78%	100.00%

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

			Cons Group	Lab Group		Total
Resources	15	Seat allocation:	11	4	0	15
		% allocation:	10.83	3.75	0.42	
Development	15	Seat allocation:	11	4	0	15
		% allocation:	10.83	3.75	0.42	
Services	7	Seat allocation	5	2	0	7
		% allocation:	5.06	1.75	0.19	
Partnerships & Performance	7	Seat allocation:	5	2	0	7
		% allocation:	5.06	1.75	0.19	
Audit	7	Seat allocation	5	2	0	7
		% allocation:	5.06	1.75	0.19	
Planning	11	Seat allocation	8	3	0	11
		% allocation:	7.94	2.75	0.31	
Standards	11	Seat allocation	8	3	0	11
		% allocation:	7.94	2.75	0.31	
Appointments & Investigatory & Disciplinary	13	Seat allocation	9	3	1	13
		% allocation:	9.39	3.25	0.36	
Arts & Leisure Sub-Committee	7	Seat allocation	5	2	0	7
		% allocations	5.06	1.75	0.19	
Town Centre Sub-Committee	7	Seat allocations	5	2	0	7
		% allocations	5.06	1.75	0.19	
	100					100

Ordinary committee allocations:

	Cons Group	Lab Group	Non aligned Member	Total
% seat entitlement	72.00%	25.00%	3.00%	100.00%
Strict seat entitlement	72	25	3	100
Proposed seat allocations	72	27	1	100

2. Other bodies and regulatory committees
 – proportionate allocation of seats (Principle IV):

			Cons	Lab	Non aligned	Total
Licensing	13	Seat allocation	9	3	1	13
<i>Voluntary application of Principle IV</i>		% allocation:	9.39	3.25	0.36	
North Northants Joint Planning Committee	3	Seat allocation	2	1	0	3
<i>Voluntary application of Principle IV</i>		% allocation:	2.17	0.75	0.08	
Joint Planning Delivery Committee	3	Seat allocation	2	1	0	3
<i>Voluntary application of Principle IV</i>		% allocation:	2.17	0.75	0.08	