



Report To: Council
Lead Officer: Executive Director (Corporate Services)

23 May 2018

Political Proportionality and Allocation of Seats on Committees and Other Appointments - 2018/19

Purpose

1. To seek Council's approval of the establishment of committees, the allocation of seats on committees and the appointment of Members and substitute Members to committees. This report also requests that Council appoints the Chairmen and Vice-Chairmen of committees and re-appoints the Lead Independent Person and Deputy Independent Person.

Recommendations

2. (a) That Council approves:
 - (i) The establishment of the Grants Advisory Committee and Climate Change and Environment Advisory Committees and their terms of reference (as set out in Appendix A).
 - (ii) The abolition of the Partnerships Review Committee.
 - (iii) The renaming of the Employment Committee as the "Employment and Staffing Committee" and the revision of the terms of reference as set out in Appendix A.
 - (iii) The allocation of seats on committees as set out in Appendix B.
 - (iv) The nominations of the Political Group Leaders to seats on committees as set out in Appendix C.
 - (v) The appointment of Chairmen and Vice-Chairmen of committees as set out in Appendix D.
 - (vi) The re-appointment of Grant Osbourn as the Council's Lead Independent Person and Gillian Holmes as the Council's Deputy Independent Person for a further year.
- (b) That the Council:
 - (i) Requests the Independent Remuneration Panel to consider whether chairing the Advisory Committees referred to in (a) (i) above should attract the award of a Special Responsibility Allowance,
 - (ii) Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to make any consequential amendments to the Constitution required in order to affect the amendments to the Council's Committee structure as proposed in this report.

Reasons for Recommendations

3. To comply with Council Procedure Rule 1.2 relating to “Selection of Councillors on Committees and Outside Bodies” and to enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of appointment to committees.

Background

4. 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 Political Group.
5. Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority at its 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 at any other time if requested by a Political Group.
6. The following principles laid down in the Act apply to the allocation of seats:
 - a) That not all the seats on the body are allocated to the same Political Group.
 - b) That the majority of seats on the body are allocated to a particular Political Group if the number of persons belonging to that Group is a majority of the authority’s membership.
 - c) Subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each Political Group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that Group to the membership of the authority.
 - d) Subject to paragraphs (a) to (c) above, that 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 the body as is borne by the number of members of that Group on the membership of the authority.
7. These principles must be applied as far as reasonably practicable. Where adjustments are required to reflect rounding up and down of fractions, the final decision rests with Council, ideally on the recommendation of the Political Group Leaders.
8. 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.

Considerations

Political Proportionality and Nominations

9. Further to the local elections held on 3 May 2018, the current political makeup of the Council’s 45 seats is as follows:

Conservative:	11
Liberal Democrat:	30
Independent Group:	2
Labour:	2

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

$$\frac{\text{Number of Councillors in a specific Political Group}}{\text{Number of Councillors in all Political Groups (45)}} \times 100$$

11. The breakdown of each Political Group is therefore as follows:

Conservative – 24.44%
Liberal Democrat – 66.67%
Independent Group – 4.44%
Labour Group = 4.44%

12. Each of the Political Groups (formed when two or more Councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a Group) is entitled to a certain number of seats on committees. This is based upon their Group's percentage representation, as detailed above.

13. It is proposed to establish an ordinary committee structure comprising 62 seats.

14. The calculation to determine the entitlement of Political Groups to seats on committees is as follows:

$$\frac{\% \text{ for each Political Group (para. 11 above)} \times \text{number of committee seats (62)}}{100}$$

15. The notional entitlement to committee seats for each Political Group is therefore as follows:

Conservative	15.16%	=	15 seats
Liberal Democrat	41.33%	=	41 seats
Independent Group	2.76%	=	3 seats
Labour Group	2.76%	=	<u>3 seats</u>
			62 seats

16. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. So that this process of rounding does not result in disproportionate advantage to any one political group, the aggregate membership of all the ordinary committees must be in line with the proportions on the Council.

Joint Committees/Advisory Committees

17. Unlike the ordinary committees the seats on joint committees and advisory committees are not aggregated. Proportionality is applied as far as reasonably practicable on each individual joint/advisory committee. The Majority Group must have a majority on each such committee.

Joint Development Control Committee – Cambridge Fringes

18. Six seats are available on the Joint Development Control Committee – Cambridge Fringes.

19. The notional entitlement to joint committee seats for each Political Group is as follows:

Conservative	1.467	=	2 seats
Liberal Democrat	4.000	=	4 seats
Independent Group	0.267	=	0 seats
Labour Group	0.267	=	0 seats
	6	=	6 seats

20. In order to comply with the proportionality principle at 6 (d) above (ie: that the number of seats on the body which are allocated to each Political Group should bear the same proportion to the number of all seats on the body as is borne by the number of members of that Group on the membership of the authority), the allocation to the Conservative Group has been rounded up as mathematically they have the greatest entitlement to the remaining seat.

Climate Change and Environment Advisory Committee

21. The Majority Group has indicated its wish to establish a Climate Change and Environment Advisory Committee. The Advisory Committee would need to be appointed by the Council but would advise the Executive. It would be politically balanced. Draft Terms of Reference are set out at **Appendix A**.

22. Based on a Committee of 7, the notional entitlement to seats on the Advisory Committee is as follows:

Conservative	1.71	=	2 seat
Liberal Democrat	4.67	=	5 seats
Independent Group	0.31	=	0 seats
Labour Group	0.31	=	0 seats
	7	=	7 seats

Grants Advisory Committee

23. The Majority Group has indicated its wish to establish a Grants Advisory Committee. The Advisory Committee would need to be appointed by the Council but would advise the Executive. It would be politically balanced.

24. The notional entitlement to seats on the Advisory Committee for each Political Group, based on a Committee of 5, is therefore as follows:

Conservative	1.22	=	1 seat
Liberal Democrat	3.33	=	4 seats
Independent Group	0.22	=	0 seats
Labour Group	0.22	=	0 seats
	5	=	5 seats

25. Draft Terms of Reference are set out in **Appendix A**.

Employment and Staffing Committee

26. The Majority Group proposes to widen the remit of the Employment Committee and to rename it as "Employment and Staffing Committee". The revised Terms of Reference for the Committee are set out in **Appendix A**.

Allocation of Seats to Committees

27. The proposed allocation of seats to committees, taking account of these changes, is set out at **Appendix B**.

Nominations and Substitutes

27. Council is required to appoint up to five substitutes per committee from each Political Group in a hierarchical list. Council may also appoint substitutes to any bodies where provisions for substitutes exist in that body's terms of reference. The Constitution, in Section A of Part 5, requires that the nominations of the groups be accepted by Council.
28. The nominations of Political Groups to seats on committees, including substitute members, have been circulated at **Appendix C**. Notice is given that, following the Group Leaders' meeting, the nominations include proposals for the Liberal Democrat Group to cede a seat to Councillor de Lacey, an Independent Group Member, on each of the Civic Affairs and the Joint Development Control Committees. Whilst this technically upsets the political balance calculations these appointments may be made by Council so long as there is no dissent (paragraph 34 refers).

Mandatory Training Requirements

29. Political Group Leaders have been reminded that members and substitute members of the Planning Committee, Licensing Committee and Employment Committee may only serve on these bodies once they have received the necessary training.

Appointment of Chairmen and Vice-Chairmen of Committees

30. Nominations for the appointment of Chairmen and Vice-Chairmen of committees have been circulated at **Appendix D**.

Re-appointment of Lead Independent Person and Deputy Independent Person

31. Article 9.01(e) of the Constitution sets out arrangements for the appointment of one or more Independent Persons to work alongside the Monitoring Officer to initially consider complaints that a Member has breached the Code of Conduct.
32. On 23rd May 2013 the Council appointed Grant Osbourn as the lead independent person and Gillian Holmes as the deputy independent person to assist in the assessment of Code of Conduct complaints for 3 years. At its Annual Meeting on 25 May 2017 the Council agreed to the reappointment of Grant Osbourn and Gillian Holmes to hold these respective positions for a further two years, subject to annual ratification. The Council, at this meeting, is invited to appoint the independent persons for one further year.

Options

33. Council can opt to approve the proposals set out in the report, or agree another proposal that reflects the principles of political proportionality.
34. The requirement to allocate seats according to Political Groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no Councillor votes against the alternative arrangement when it is proposed (a "no dissent" alternative). (Paragraph 28 outlines proposals for an

alternative arrangement in respect of the Civic Affairs and Joint Development Control Committees).

35. The Council is therefore not obliged to follow the proportionality rules and may make different arrangements, provided the following procedures set out in Section 17 of the Local Government and Housing Act 1989 are followed:

- ii) Due notice is given in the agenda for the meeting.
- iii) No Member of the Council votes against the proposal, although there may be abstentions.

Implications

36. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, there are no significant implications.

Effect on Strategic Aims

37. Appointing councillors to committees, in accordance with the political balance of the Council, and the associated allocation of seats on committees, will enable the Council to properly discharge its functions.

Background Papers

The following background papers were used in the preparation of this report:

- South Cambridgeshire District Council's Constitution
- The Local Government and Housing Act 1989
- The Local Government (Committees and Political Groups) Regulations 1990

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Appendices:

- Appendix A - Revised Terms of Reference
- Appendix B – Committee Seat Allocation 2018/19
- Appendix C – Nominations for Seats on Committees, Joint and Advisory Committees and Substitutes 2018/19
- Appendix D – Nominations for Chairmen and Vice-Chairmen of Committees 2018/19