

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

xx May 20xx

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

ESTABLISHMENT OF COMMITTEES, ALLOCATION OF SEATS AND APPOINTMENTS

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 appoint the Chairmen and Vice-Chairman of committees.
2. This is not a key decision but has been brought to Council because only the Council may make this decision. It was first published in the February 20xx Forward Plan.

Recommendations

3. That Council approve:
 - (a) The allocation of seats, as set out in **Appendix A**;
 - (b) The nominations of the political groups to seats on committees, as set out in **Appendix B**; and
 - (c) That the Chairmen and Vice-Chairmen of committees be appointed, as set out in **Appendix C**.

Reasons for Recommendations

4. The power to appoint the committees rests with full Council. The details set out in the appendices have been recommended to Council by the political group leaders.

Background

5. 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.
6. 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 and may do so if requested by a political group.
7. 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 the seats on the body is 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; and.
- (d) subject to paragraphs (a) to (c) above, that the number of the 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 authority.
8. These principles must be applied as far as is practicable. Where adjustments are required to reflect rounding up and down of fractions, officers will make recommendations as to which figures best meet the principles, but the final decision rests with Council on the recommendation of the political group leaders.
9. Councillors who do not join a group will have **no** entitlement to seats on committees and do not have to be allocated seats on any committee. Seats can be allocated to these Members, however, at the discretion of the Council. Council, on 22 May 2008, resolved that “every non-Executive Member of the Council *shall be afforded the opportunity* to sit on at least one of the following Council bodies:”
- (a) Planning Committee;
 - (b) Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
 - (c) Scrutiny and Overview Committee;
 - (d) Policy Development Committee [since disbanded];
 - (e) Employment Committee;
 - (f) Electoral Arrangements Committee;
 - (g) Audit Panel [now Corporate Governance Committee].”
10. The 2008 resolution in effect makes provision for non-group members to be offered seats on certain Council bodies, but these seats must be offered from within the allocations made to political groups and are not additional to the initial allocation. It is a matter for the political groups to determine which seats will be offered to which non-group members. Non-group members may lobby political groups for particular appointments, but cannot be guaranteed seats on their preferred bodies.
11. Although the appointment of non-group members to any bodies technically upsets the political balance calculations, these appointments may be made by the Council so long as there is no dissent expressed by any councillor (a “no dissent” alternative).
12. 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**
13. The political balance of the Council can be calculated by using the simple formula below (to two decimal places);
- $$\frac{\text{No. of Political Group Members} \times 100}{57 \text{ Councillors}}$$
14. 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 on the Council as a whole, as detailed above.

15. The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1 (above)}}{100} \times \text{Total No. of Seats Available (xx recommended)}$$
16. After undertaking the above calculation for each of the political groups represented on the Council, the notional entitlement to seats is as follows:
 Conservative – xx
 Liberal Democrat – xx
 Independent Group – xx
 TOTAL – xx
17. **Appendix A** shows a rounded allocation of seats to each political group. If necessary, this must be manually adjusted to ensure that the number of seats allocated to a particular political group does not exceed their entitlement. The political group leaders have met and negotiated any manual adjustments required, and the offer of seats to non-group members.

Nominations and Substitutes

18. On 27 May 2010, Council resolved that, at the Annual General Meeting, Council will also appoint up to four substitutes per committee from each political group in a hierarchical list to all Council committees and sub-committees other than the Standards Committee. Council may also appoint substitutes to any joint bodies where provisions for substitutes exist in that body’s terms of reference. Substitutes must be a member of the same political group as the member for whom they are substituting (Council Standing Order 4.1). The Constitution, at Part 5, Section A, requires that the nominations of the groups be accepted by Council (other than in the case of the Standards Committee). The nominations of political groups to seats on committees, including substitute members, are set out in **Appendix B**.

Chairmen and Vice-Chairmen

19. Council is requested to appoint the Chairmen and Vice-Chairmen of committees and the nominations to these positions are set out at **Appendix C**. Where more than one nominee has been proposed, the Chairman of Council shall preside over the election of Chairmen and Vice-Chairman of Council bodies or, in the Chairman’s absence, the Chief Executive will preside (Standing Order 7.2).

Mandatory Training Requirements

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

Options

21. 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).

Implications

22.	Financial	The cost of servicing these committees will be met through the existing budgets.
	Legal	As set out in the body of the report.

Staffing	None.
Risk Management	None.
Equality and Diversity	The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

23. Consultation has been undertaken in respect of this report with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocations of seats on committees and their respective nominations have been put before Council for approval.

Consultation with Children and Young People

24. None. This is strictly a matter for councillors.

Effect on Strategic Aims

25. Appointing members to the 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.

Conclusions / Summary

26. The Council is recommended to confirm the calculations relating to the allocation of seats on committees and to appoint the nominations of political groups to committees. In addition, the Council is recommended to appoint the Chairmen and Vice-Chairmen of Committees.

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

- Local Government and Housing Act 1989
- Local Government (Committees and Political Groups) Regulations 1990
- Council agendas and minutes

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Committee sizes and allocation of seats as recommended by political group leaders

Body	Size	Conservatives	Liberal Democrats	Independent Group
Climate Change Working Group				
Corporate Governance				
Electoral Arrangements				
Employment				
Licensing	15			
Planning				
Planning Enforcement Sub-Committee				
Scrutiny and Overview				
Total Seats				

Allocation of seats to joint bodies as recommended by political group leaders

Body	Size	Conservatives	Liberal Democrats	Independent Group
JDC: Cambridge Fringes	6			
Northstowe JDC	6			
Total Seats	12			

Group Nominations to Council bodies

Body	Notes	Conservatives	Liberal Democrats	Independent Group	Non-Group ¹
Climate Change Working Group	xx members (x Conservative, x Liberal Democrat, x Independent Group) No restriction on Cabinet members serving	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	
Constitution Review Working Party	Ex-officio: Leader Deputy Leader Chairman of Council Chairman or Vice-Chairman of Scrutiny and Overview Committee Nominations: 1 representative of each of the recognised political groups	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	
Corporate Governance	xx members (x Conservative, x Liberal Democrat, x Independent Group) Cabinet members may serve as substitutes but not as committee members. Scrutiny and Overview Committee Chairman may be a member, but may not be Chairman.	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	Substitutes: 1) 2) 3) 4)	

¹ Seats offered by political groups to non-group members come from the political group's initial allocation.

Appendix B

Body	Notes	Conservatives	Liberal Democrats	Independent Group	Non-Group ¹
Electoral Arrangements	<p>xx members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>Cabinet members may serve as substitutes but not as committee members.</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	
Employment	<p>xx members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>Cabinet member with responsibility for staffing required to serve – this is included as one of the seats allocated to that party, not as a separate seat.</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	
Licensing	<p>15 members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>Cabinet member with responsibility for licensing may serve – this is included as one of the seats allocated to that party, not as a separate seat</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	

Appendix B

Body	Notes	Conservatives	Liberal Democrats	Independent Group	Non-Group¹
Planning	<p>xx members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>Cabinet member with responsibility for development control may serve – this is included as one of the seats allocated to that party, not as a separate seat</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	
Planning Enforcement Sub-Committee (for appointment by Planning Committee at its next meeting)	<p>xx members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>All members and substitute members must be members of Planning Committee</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	
Scrutiny and Overview	<p>xx members (x Conservative, x Liberal Democrat, x Independent Group)</p> <p>No executive members may serve</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	<p>Substitutes: 1) 2) 3) 4)</p>	

Nominations joint and outside bodies to which Council may make appointments

Body	Notes	Conservatives	Liberal Democrats	Independent Group	SCDC Spokesman
JDC: Cambridge Fringes	6 members (x Conservatives, x Liberal Democrats, x Independent Group), plus one spokesman from amongst the total membership	Substitute: 1)	Substitute: 1)	Substitute: 1)	
Northstowe JDC	6 members (x Conservatives, x Liberal Democrats, x Independent Group), plus one spokesman from amongst the total membership	Substitute: 1)	Substitute: 1)	Substitute: 1)	

Nominations for Chairman and Vice-Chairman as recommended by political group leaders

Body	Chairman	Vice-Chairman
Constitution Review Working Party		
Climate Change Working Group		
Corporate Governance		
Electoral Arrangements		
Employment		
Licensing		
Planning		
Planning Enforcement Sub-Committee		
Scrutiny and Overview		