



Report To: Council

25 May 2016

Lead Officer: Head of People and Organisational Development

Political Proportionality and Allocation of Seats on Committees and Other Appointments - 2017/18

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. That Council approves:
 - (a) The allocation of seats on committees.
 - (b) The nominations of the Political Group Leaders to seats on committees.
 - (c) The appointment of Chairmen and Vice-Chairmen of committees.
 - (d) 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 two years, subject to annual ratification .

Reasons for Recommendations

3. The details set out in the appendices to this report have been drawn up in consultation with the Council's Political Group Leaders.

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 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.
8. There is provision for non-group members to be offered seats on certain Council bodies, but this has no basis in legislation. It is a matter for the Political Groups to determine if they wish to offer seats from their allocation to non-group members.
9. Although the appointment of non-group members to any bodies technically upsets the political balance calculations, these appointments may be made by Council so long as there is no dissent expressed by any Councillor (a "no dissent alternative"). 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:
 - (i) Due notice is given in the agenda for the meeting.
 - (ii) No Member of the Council votes against the proposal, although there may be abstentions.
10. 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

11. The current political makeup of the Council's 57 seats is as follows:

Conservative – 36
Liberal Democrat – 14
Independent Group – 6
Labour – 1
12. This equates to 56 Councillors in Political Groups who are entitled to committee seats.

13. The political balance of the Council can be calculated by using the formula below:

$$\frac{\text{Number of Councillors in a specific Political Group}}{\text{Number of Councillors in all Political Groups (56)}} \times 100$$

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

Conservative – 64.3
Liberal Democrat – 25%
Independent Group – 10.7%

15. 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.

16. The Council's current committee structure comprises of 75 seats. The calculation to determine the entitlement of Political Groups to seats on committees is as follows:

$$\frac{\% \text{ for each Political Group (para. 14 above)} \times \text{number of committee seats (75)}}{100}$$

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

Conservative	48.225	=	48 seats
Liberal Democrat	18.75	=	19 seats
Independent Group	<u>8.025</u>	=	8 seats
	75		75 seats

Joint Committees

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

19. The calculation to determine the entitlement of Political Groups to seats on the joint committee is as follows:

$$\frac{\% \text{ for each Political Group (para. 14 above)} \times \text{number of joint committee seats (6)}}{100}$$

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

Conservative	3.858	=	4 seats
Liberal Democrat	1.5	=	1 seat
Independent Group	<u>0.642</u>	=	1 seat
	6		6 seats

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

Nominations and Substitutes

22. 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.
23. The nominations of Political Groups to seats on committees, including substitute members, will be reported at the meeting.

Mandatory Training Requirements

24. 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

25. Nominations for the appointment of Chairmen and Vice-Chairmen of committees will be reported at the meeting.

Re-appointment of Lead Independent Person and Deputy Independent Person

26. 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.
27. 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 General Meeting on 19 May 2016, Council agreed to the reappointment of Grant Osbourn and Gilliam Holmes for a second term of office of 4 years, subject to annual ratification at Full Council. The resolution passed should have been 3 years as per the requirements of the Constitution and Council is being asked to rectify this matter now. Accordingly, this report therefore seeks re-appointment of Grant Osbourn and Gillian Holmes to hold these respective positions for a further two-years, subject to annual ratification.

Options

28. Council can opt to approve the proposals set out in the report, or agree another proposal that reflects the principles of political proportionality.
29. 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 9 of the report should be noted when considering this option.

Implications

30. 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

31. 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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