



**Report To:** Council

16 May 2019

**Lead Officer:** Head of People and Organisational Development

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## **Political Proportionality and Allocation of Seats on Committees and Other Appointments - 2019/20**

### **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:
  - (iii) The allocation of seats on committees as set out in Appendix A.
  - (ii) The nominations of the Political Group Leaders to seats on committees at set out in Appendix B.
  - (iii) The appointment of Chairmen and Vice-Chairmen of committees (To be tabled as Appendix C).
  - (iv) 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. 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.
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. The current political makeup of the Council's 45 seats is as follows:

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

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

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

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. The Council's current committee structure comprises of 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	15.1	=	<b>15 seats</b>
Liberal Democrat	41.3	=	<b>41 seats</b>
Independent Group	2.8	=	<b>3 seats</b>
Labour Group	2.8	=	<b>3 seats</b>
			<b>62 seats</b>

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	1.5	=	<b>2 seats</b>
Liberal Democrat	4.0	=	<b>4 seats</b>
Independent Group	0.3	=	<b>0 seats</b>
Labour Group	0.3	=	<b>0 seats</b>
		=	<b>6 seats</b>

#### Climate Change and Environment Advisory Committee

20. 7 seats are available on the Climate Change and Environment Advisory Committee. The notional entitlement to seats on the Advisory Committee is as follows:

Conservative	1.7	=	<b>2 seat</b>
Liberal Democrat	4.7	=	<b>5 seats</b>
Independent Group	0.3	=	<b>0 seats</b>
Labour Group	0.3	=	<b>0 seats</b>
		=	<b>7 seats</b>

### Grants Advisory Committee

21. 5 seats are available on the Grants Advisory Committee. The notional entitlement to seats on the Advisory Committee for each Political Group, is therefore as follows:

Conservative	1.2	=	<b>1 seat</b>
Liberal Democrat	3.3	=	<b>4 seats</b>
Independent Group	0.2	=	<b>0 seats</b>
Labour Group	0.2	=	<b>0 seats</b>
		=	<b>5 seats</b>

### ***Allocation of Seats to Committees***

24. The proposed allocation of seats to committees is set out at **Appendix A**.

### ***Nominations and Substitutes***

25. 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.
26. The nominations of Political Groups to seats on committees, including substitute members, have been circulated at **Appendix B**. Notice is given that the nominations include proposals for the Liberal Democrat Group to cede a seat to Councillor Douglas de Lacey, an Independent Group Member, on each of the Civic Affairs and the Joint Development Control Committees.

### ***Mandatory Training Requirements***

27. Members are reminded that members and substitute members of the Planning Committee, Licensing Committee and Employment and Staffing Committee may only serve on these bodies once they have received the necessary training.

### ***Appointment of Chairmen and Vice-Chairmen of Committees***

28. Nominations for the appointment of Chairmen and Vice-Chairmen of committees will be tabled. Council is advised of a proposal to establish co-vice chairmen positions for the Climate Change and Environment Advisory Committee for 2019/20. Recognising the high priority attached to climate and environmental issues as reflected in the Business Plan priority "Being Green to our Core", Council is invited to appoint a Vice-Chairman for Environment and a Vice Chairman for Climate Change. The Vice-Chairman for Environment would deputise at meetings of the Committee in the absence of the Chairman.

### ***Re-appointment of Lead Independent Person and Deputy Independent Person***

29. 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 initially to consider complaints that a Member has breached the Code of Conduct.

30. The Council, at its Annual Meeting on 23 May 2013, appointed Grant Osbourn as the lead independent person and Gillian Holmes as the deputy independent person to assist in the assessment of conduct complaints. These appointments followed a recruitment and interview process and were for the period 1 July 2013 to 30 June 2016, subject to annual ratification at Full Council.
31. Then, at its Annual General Meeting on 16 May 2016, Council unanimously agreed the re-appointment of Grant Osbourn as the Council's Lead Independent Person and Gillian Holmes as the Council's Deputy Independent Person. This report therefore seeks re-appointment of Grant Osbourn and Gillian Holmes to hold these respective positions for a further two-year term of office, subject to annual ratification. The details for the Independent and Deputy Independent persons are as follows:
- (a) Grant Osbourn has worked in the private sector for the last 20 years as both national and regional sales manager for three multinational companies. He was previously the independent Chairman of Fenland District Council's Standards Committee for three years and an independent member of East Cambridgeshire District Council's (ECDC) Standards Committee for two years. In 2012 he was appointed as lead Independent Person for ECDC.
  - (b) Gillian Holmes is a qualified solicitor who has spent the majority of her working life within public service at the Courts Service, responsible for advising 125 lay justices and involved in contributing to the development and monitoring of codes of practice for both magistrates and staff. In 2012 she was appointed as Independent Person to both Cambridgeshire County Council and Peterborough City Council. She is also the lead Independent person for Huntingdonshire District Council.
32. The Council, at this meeting, is invited to appoint the independent persons for a further term of 2 years.

### **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 26 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 Council Priority Areas**

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 properly to 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 – Committee Seat Allocation 2019/20
- Appendix B – Nominations for Seats on Committees, Joint and Advisory Committees and Substitutes 2019/20
- Appendix C – To be tabled - Nominations for Chairmen and Vice-Chairmen of Committees 2019/20