



Report to:	Council	20 May 2021
Lead Officer:	Head of HR and Corporate Services	

Political proportionality and allocation of seats on committees and other appointments – 2021-22

Executive Summary

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 Chairs and Vice Chairs of committees; re-appoints the Lead Independent Person and Deputy Independent Person, re-appoints a member of the Independent Remuneration Panel and appoints a new member of the Independent Remuneration Panel.

Recommendations

2. It is recommended that the Council approves:
 - (i) The allocation of seats on committees as set out in Appendix A.
 - (ii) The nominations of the Political Group leaders to seats on committees as set out in Appendix B.
 - (iii) The appointment of Chairs and Vice Chairs of committees as set out in 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.
 - (v) The re-appointment of Grant Osbourn as a member of the Council's Independent Remuneration Panel for a further term office expiring in May 2024 and the appointment of Jane Phillips as a member of the Independent Remuneration Panel for a term of office expiring in May 2024.

Reasons for Recommendations

3. In respect of appointments to committees, to comply with Council Standing Order 1.3, "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 of Independent Persons, to comply with Article 9.1(c) of the Council's constitution and the provisions of the Localism Act 2011, to appoint at least one Independent Person to assist the authority in

promoting and maintaining high standards of conduct amongst its councillors. In respect of appointment of members of the Independent Remuneration Panel, to comply with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003, requiring an authority to establish an Independent Remuneration Panel which shall consist of at least three members, to make recommendations as to allowances payable to Members.

Details

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 practical. 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:

Liberal Democrat	31
Conservative	11
Labour	2
Non-Group Independent	1

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

$$\frac{\text{Number of Councillors in a specified Political Group}}{\text{Number of Councillors in all Political Groups (44)}} \times 100$$

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

- Liberal Democrat – 70.455%
- Conservative – 25.000%
- Labour – 4.545%

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 on their Group’s percentage representation, as detailed above.

13. The Council’s current committee structure comprises 62 seats.

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

$$\frac{\% \text{ for each Political Group (para. 12 above)} \times \text{number of committee seats (62)}}{100}$$

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

Liberal Democrat	43.682	= 44	seats
Conservative	15.500	= 15	seats
Labour	2.818	= 3	seats
			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.

17. Political Groups may give any seat allocated to them to any other Group or non-Grouped Member. Appendix B includes nominations of the Liberal Democrat and Conservative Political Groups which each wish to give one of their respective seats to the non-Grouped Independent Member. The seats in question are on the Licensing and Planning Committees.

Joint Committees/Advisory Committees

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

Joint Development Control Committee

19. Six seats are available on the Joint Development Control Committee.

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

Liberal Democrat	4.227	= 4	seats
Conservative	1.500	= 2	seats
Labour	0.273	= 0	seats
			6 seats

Climate Change and Environment Advisory Committee

21. Seven seats are available on the Climate Change and Environment Advisory Committee. The notional entitlement to seats on this advisory committee is as follows:

Liberal Democrat	4.932	= 5	seats
Conservative	1.750	= 2	seats
Labour	0.318	= 0	seats
			7 seats

Grants Advisory Committee

22. Five seats are available on the Grants Advisory Committee. The notional entitlement to seats on this advisory committee is as follows:

Liberal Democrat	3.523	= 4	seats
Conservative	1.250	= 1	seats
Labour	0.227	= 0	seats
			5 seats

Allocation of seats to committees

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

Nominations and Substitutes

24. Substitute members may be appointed from each Political Group and must be appointed by Council at its annual meeting in a hierarchical list per committee. Council may also appoint substitutes to any bodies where provisions for substitutes exist in that body's terms of reference.

25. The nominations of Political Group to seats on committees, including substitute members, are set out at Appendix B.

Mandatory Training Requirements

26. 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 Chairs and Vice Chairs of Committees

27. Nominations for the appointment of Chairs and Vice Chairs of committees are set out at appendix C. Council is reminded of the arrangement for the establishment of co-Vice Chair positions for the Climate Change and Environment Advisory Committee during previous years, which will continue. This arrangement is intended to recognise 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 Chair for Environment and a Vice Chair for Climate Change. The Vice Chair for Environment would deputise at meetings of the Committee in the absence of the Chair.

Appointment of Lead Independent Person and Deputy Independent Person

28. The Council, at this meeting, is invited to appoint the Independent Persons for a further term of two years, subject to annual ratification.

29. 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. At its annual 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.

30. Then, at its annual meeting on 16 May 2019, 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 for a further two-year term of office, subject to annual ratification.

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 Independent person for Huntingdonshire District Council and East Cambridgeshire District Council. Gillian also acts (on a part time basis) as a Consumer Advocate for the Consumer Council for Water.

31. The Council, at this meeting, is invited to appoint the independent persons for a further term of two years, subject to annual ratification.

Appointment of Independent Remuneration Panel Members

32. Local authorities are required to establish and maintain an Independent Remuneration Panel (IRP). The purpose of this Panel is to make recommendations to the authority about the allowances to be paid for Members. IRPs make recommendations about the level of basic allowance for Members, the level of Special Responsibility Allowances and to whom they should be paid and on whether dependants' carers' allowance, travel and subsistence allowances and co-optees' allowances should be paid and the level of those allowances.

33. The IRP shall comprise at least three members. There is a vacancy on the IRP at present, following the retirement of Simon Harris. The existing two Members are Graham Jagger, the Chair of the IRP, and Grant Osbourn.

34. The term of office of members of the Council's Independent Remuneration Panel is three years. At its meeting on 14 July 2020, the Council re-appointed Graham Jagger as a member of the IRP for a term of office expiring 30 September 2022. Mr Jagger's term of office had formally expired in September 2019 due to an oversight. Grant Osbourn's term of office expires in July 2021. Jane Phillips has

since November 2019 acted as an interim member of the Panel. Following a recruitment process, Council is invited to appoint Jane Phillips as a member of the IRP.

35. The Council, at this meeting, is invited to re-appoint Grant Osbourn for a further term of office expiring in May 2024 and to appoint Jane Phillips for a term of office expiring in May 2024, as members of the Independent Remuneration Panel.

Options

36. Council can opt to approve the proposals set out in the report in respect of allocation of seats on committees or agree another proposal that reflects the principles of political proportionality.

37. 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).

38. 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.

39. In respect of the other appointments to the roles of the independent persons or to the Independent Remuneration Panel, the Council could decide not to approve the appointment of the individuals named in this report.

Implications

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

Background Papers

The following background information was 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

Appendices

Appendix A: Committee seat allocation 2021-22

Appendix B: Nominations for seats on Committees, Joint and Advisory Committees and Substitutes 2021-22

Appendix C: Nominations for Chairs and Vice Chairs of Committees 2021/22

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