

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Council

24 November 2011

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

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### RE-ALLOCATION OF COMMITTEE SEATS AND APPOINTMENTS FOR 2011/12

#### Purpose

1. To seek Council's approval of the re-allocation of seats on committees and the appointment of members and substitute members to committees following changes to the political balance of Council. This is not a key decision but has been brought to Council because only the Council may make this decision.

#### Recommendations

2. The political group leaders recommend that Council resolve:
  - (a) to approve the re-allocation of seats, as set out in **Appendix A**; and
  - (b) to approve the nominations of the political groups to seats on committees, where nominations have changed as set out in **Appendix B**; and
  - (c) to maintain the current membership of the Standards Committee until the end of the 2011/12 municipal year.

#### Reason for Recommendations

3. The power to allocate seats and make appointments to committees rests with full Council.

#### Background

4. 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. In the event of a mid-year change to the Council's political balance, the political group leaders are asked to consider only the allocation of seats to committees of the sizes agreed at the Annual General Meeting of Council, and to make their recommendations to Council.
5. 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.

6. 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.
7. 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

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

$$\frac{\text{No. of Political Group Members} \times 100}{57 \text{ Councillors}}$$

$$\frac{55 \times 100}{57 \text{ Councillors}} = 96.49\%$$

Conservative	56.14%
Liberal Democrat	31.58%
Independent Group	<u>8.77%</u>
TOTAL	96.49%

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

$$\frac{\% \text{ from Table 1} / \text{Total No. of Group members}}{100} \times \text{Total No. of Seats Available}$$

Conservative (56.14%/55) x 100 =	45.96
Liberal Democrat (31.58%/55) x 100 =	25.85
Independent Group (8.77%/55) x 100 =	<u>7.18</u>
TOTAL	78.99

10. After undertaking the above calculation for each of the political groups represented on the Council, the notional entitlement to seats is as follows:

Conservative	46
Liberal Democrat	26
Independent Group	<u>7</u>
TOTAL	79

11. 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. Although the appointment of non-group members to any bodies technically upsets the political balance calculations, Council may make these appointments so long as there is no dissent expressed by any councillor (known as a "no dissent" alternative).

12. Three committees specifically had been affected due to their size or their composition before the mid-year change to the political balance: Planning, Licensing and Employment.

- (a) **Planning Committee** (14 seats) should be:  
Conservatives – 8 seats (was 8)  
Liberal Democrats – 5 seats (was 4)  
Independent Group – 1 seat (was 2)
- (b) **Licensing Committee** (15 seats) should be:  
Conservatives – 9 seats (was 8 seats; currently 9, one of whom is Cllr Riley)  
Liberal Democrats – 5 seats (was 5 seats; currently 5)  
Independent Group – 1 seat (was 2 seats, one of whom was Cllr Riley; currently 1)

The Conservative Group has supported Councillor Riley's request to continue serving on the Licensing Committee, therefore there is no need for any adjustment.

- (c) **Employment Committee** (7 seats) should be:  
Conservatives - 4 seats (was 5)  
Liberal Democrats - 2 seats (was 2)  
Independent Group - 1 seat (was 0)

13. Council must also address the overall allocation of seats to best meet the notional entitlement to seats given at paragraph 10, which takes precedence over the allocation of seats on any individual committee. The political group leaders have agreed to make a manual adjustment to the Employment Committee membership, which will become:

Conservatives – 4 seats  
Liberal Democrats – 3 seats  
Independent Group – 0 seats

14. This adjustment satisfies the legal requirement to meet the notional entitlement to seats. **Appendix A** sets out the political group leaders' recommended allocation of seats. The nominations of political groups to seats on committees, including substitute members, are set out in **Appendix B**.

#### **Standards Committee**

15. The Standards Committee is not subject to the political balance requirements of the Local Government and Housing Act 1989. It is also the only Council committee for which the nominations are made by the full Council rather than by the political groups, to demonstrate that the representatives command the support of the whole authority, regardless of party political loyalties. The Constitution requires that the Standards Committee include at least 6 district councillors, and that it should include representatives from all groups represented on the Council and be constituted to ensure that no one political group dominates (Article 9).

16. The current district council membership of the Standards Committee is:

Cllr Nigel Cathcart, Labour (non-group)  
Cllr Roger Hall, Conservative  
Cllr Janet Lockwood, Liberal Democrat  
Cllr Cicely Murfitt, Independent (non-group)  
Cllr Tony Orgee, Conservative  
Cllr Alex Riley, Conservative  
Cllr Jim Stewart, Liberal Democrat

17. Bearing in mind that the overall composition, membership and responsibilities of the Standards Committee will be reviewed by Council in early 2012, and that the existing members have all received the support of the whole authority to serve as the District Council's representatives, it is recommended that the existing membership of the Standards Committee continue for the remainder of the 2011/12 municipal year.

#### **Mandatory Training Requirements**

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

#### **Options**

19. 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**

20. 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**

21. 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**

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

**Effect on Strategic Aims**

23. 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**

24. 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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