

COUNCIL SUPPLEMENTARY AGENDA

15 May 2019

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

8 APPOINTING THE COMMITTEES OF THE COUNCIL AND THE SCHEME OF DELEGATION (Pages 1 - 8)

To consider a report of the Chief Executive regarding appointing the Committees of the Council and the Scheme of Delegation (attached).

Amended report attached.

Andrew Beesley
Head of Democratic Services

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ANNUAL COUNCIL, 15 MAY 2019

SUBJECT: ESTABLISHING THE COMMITTEES OF THE COUNCIL AND CONFIRMING THE SCHEME OF DELEGATION

1. Following publication of the report in the Council agenda, notice was received on 10 May 2019 that Councillor Sally Miller had resigned from the Residents' Group. A further notice was received on 13 May 2019 that Councillor Miller had subsequently joined the Conservative Group.
2. This report seeks to update the report before Council entitled 'Establishing the Committees of the Council and Confirming the Scheme of Delegation'. It does so by addressing the change in the make-up of the Council and re-visiting the total number and allocation of seats on Committees in accordance with the Local Government (Committees and Political Groups) Regulations 1990. As a consequence of Councillor Miller resigning from the Residents' Group and joining the Conservative Group, the Residents' Group loses two seats from its allocation. In accordance with political balance rules, those seats are allocated to the Conservative Group (Environment Overview and Scrutiny Sub-Committee and Children's Overview and Scrutiny Sub-Committee).
3. In order to meet the requirements of political balance, it is also recommended that the total number of seats across committees be increased from 134 to 135. The additional seat be added to the Governance Committee (allocated to the Conservative Group), raising its number from 11 to 12 seats.
4. A revised table setting out the position for the allocation of committee seats is attached at Appendix 1. This table replaces and supercedes the version issued with the substantive report.
4. A brief summary of the legal requirements on political balance and their impact on the present makeup of the Council are set out in Appendix 2 of the substantive report.
5. There is a report elsewhere on the Council agenda addressing vacancies arising in respect of Chairman and Vice-Chairman positions on some committees.

6. There are no additional implications or risks arising from this report.

RECOMMENDATIONS

That recommendation 3 in the substantive report be replaced to reflect an increase in the total number of seats on those committees referred to in recommendation 2 of the report to 135, with membership sizes and political balance indicated in Appendix 2 in this amended report.

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Background Papers List

None

APPENDIX 2

POLITICAL BALANCE PRINCIPLES

The Council has a duty to make only such decisions as give effect, **so far as reasonably practicable**, to certain principles set out in the relevant legislation. The relevant principles are, in order of priority:

1. Not all of the seats on any Committee may be allocated to only one Group (note - the Cabinet is not a Committee).
2. The majority of seats on each Committee must be allocated to the Group having a majority of Members of the Council.
3. The total share of all the seats available for all Committees allocated to each political Group and to Members not in a Group must be proportionate to that Group's/Members' share of the total Council membership.
4. So far as can be done without conflicting with the other principles, the total number of seats on each Committee allocated to a political Group or to Members not in a Group must be proportionate to that Group's/those Members' share of total Council membership.

In practice, Committees are balanced against the overall total of Committee places and then, so far as that overall total allows, each Committee is balanced on its own. With the distribution of seats on the Council that results from the election, it is inevitable (a) Groups/Members will not all be able to be represented on every Committee and (b) that one Group's representation on some Committees will be at the expense of another's.

The minimum number of Councillors in a group for it to exist is two.

The Council may make arrangements different from those prescribed **provided that no Member of the Council votes against** those different arrangements.

To make such a decision each member of the Council must at least be sent an agenda indicating that the approval of alternative arrangements is to be considered. The agenda for this Annual Council meeting meets this requirement. To accommodate this requirement this report should be treated as giving due notice so that there is no impediment to such a proposal being made.

Once the allocation of seats to Groups in accordance with the statutory procedure is undertaken, the Council is under a duty to make appointments to

the Committee so as to give effect to the wishes expressed by that Group about who is to be appointed to their allocated seats.

The “wishes of the Group” may be communicated to the Proper Officer and will be implemented forthwith. Changes may be effected at any time by notice to the Proper Officer and will be notified to all Members in the next available edition of the weekly Calendar Brief.

It should be noted that the Constitution provides that the Chairmen and Vice-Chairmen of Committees are appointed by Council and any change in membership affecting a Chairman or Vice-Chairman will therefore require consideration by Council.

RECOMMENDED SEAT ALLOCATION

Having regard to the principles of political balance and of seat allocation referred to in Appendix 1, the following allocation of seats is recommended on the basis that, taking all factors into account, it shows a “reasonably practicable” allocation of seats and is therefore the default position.

		CONS	RES	UCRG	LAB	IRG	NHRG
Governance	12	6	2	1	1	1	1
Licensing	11	5	2	1	1	1	1
Planning	8	4	1	1	1	1	0
Strategic Planning	8	4	1	1	1	1	0
Highways Advisory	8	4	1	1	0	1	1
Adjudication	8	4	1	1	1	1	0
Pensions	7	3	1	1	1	0	1
Audit	6	3	1	1	0	0	1
JV WP	8	4	1	1	1	1	0
O&S Board	16	8	2	2	1	2	1
Children's	9	5	1	1	1	1	0
Crime & Disorder	6	3	0	1	1	1	0
Towns & Communities	9	4	2	1	1	1	0
Environment	6	3	0	0	1	1	1
Health	6	3	1	0	0	1	1
Individuals	7	3	1	1	1	1	0
Total seats allocated	135	66	18	15	13	15	8

- Committee seats are allocated, and each Committee is balanced, as “reasonably practicably” as possible

PRINCIPLES FOR ALLOCATION OF SEATS ON COMMITTEES

The principles of seat allocation follow the requirements of the political balance principles, using a formula that takes account of the respective sizes of the Groups and the number of seats on Committees available for distribution among the Groups.

Basic allocation of seats

The seat entitlements of the Groups are agreed by a formula using the percentage of the membership of the Council represented by each Group (or Member(s) not in a Group), operating through a sequence of stages as follows:

First, the percentage of each Group's membership of the Council (and of any Members not within a Group) is calculated to two decimal places.

Next, that percentage is applied to the number of seats available on each Committee to agree each Group's potential entitlement to seats on that Committee. Where the resulting figure is not a whole number, generally it is rounded to the nearest whole number following the mathematical convention that numbers below .5 are rounded down, and those .5 or more are rounded up.

In some cases, a Group may be entitled to a seat even though, rounded down, its potential entitlement appears nil, as there is a specific number of seats available on each Committee and no other Group may have more seats on any Committee than its entitlement.

Once the size of the Groups are known, a table will be drawn up which will show the basic allocation on the basis of these principles to Committee sizes ranging from 3 Members to 15. This table will follow in the revised report.

Finally, fine adjustment is required to ensure that, so far as reasonably practicable, the seats allocated reflect the overall proportion of Council membership held by each Group and the numerical strength of its entitlement to seats on particular Committees. For that purpose, at this stage the seat allocation of particular Committees will be adjusted from the ideally-balanced number reached in earlier stages of the process.

Specific allocations

For the allocation of seats on specific Committees, several permutations are possible. Although the Council's Constitution does specify particular numbers of seats to each Committee, it is expressed as being "or such other number as the Council may agree", so there is discretion as to Committee sizes.

Once the number of seats available on each Committee has been agreed, the allocation of seats to the individual Groups would then need to be adjusted between the Groups to achieve, so far as possible and practicable, an allocation that gives

each Group its proportionate share of seats overall while ensuring that each Committee is proportionately balanced. In practice, it will be impossible to achieve both aims without enlarging Committee memberships to an unworkable size, so a degree of compromise is required.

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