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Date: 26 November 2020

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Dear Sir/Madam

COUNCIL - THURSDAY, 26TH NOVEMBER, 2020

Please find enclosed a report to be included for consideration at the meeting of Council on Thursday, 26th November, 2020 .

12 **Allocation of Seats on Committees (Pages 3 - 14)**

To consider report G42/20 of the Assistant Director Governance which proposes the distribution of seats in accordance with the rules of political proportionality and to make appointments to the Committees for the remainder of the 2020/2021 municipal year.

RECOMMENDATIONS that:

1. The proposed allocation of seats to parties in this report be approved;
2. The appointment of members to Committees as set out in Appendix 2 is approved; and
3. The Green Group and the Labour Group adopt a reciprocal arrangement where the nominated Members can act as Standing Deputies.

Yours sincerely



Paul Sutton
Interim Director of Corporate Services

Encs

Distribution

1. Reports to all Members of the Council for attendance.

2. Reports to Departmental Heads for information.
3. Reports to all remaining Councillors for information.

Report No: G42/20

**Eden District Council
Council**

26 November 2020

Allocation of Seats on Committees

Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To propose the distribution of seats in accordance with the rules of political proportionality and to make appointments to the Committees for the remainder of the 2020/2021 municipal year.

2 Recommendation

It is recommended that:

1. the proposed allocation of seats to parties in this report be approved;
2. the appointment of Members to Committees as set out in Appendix 2 to be approved; and
3. the Green Group and the Labour Group adopt a reciprocal arrangement where the nominated Members can act as Standing Deputies.

3 Report Details

- 3.1 The seats on the Council's committees should be allocated in accordance with the principles set out in the Local Government and Housing Act 1989 to the political groups amongst the Members of the Council so far as it is reasonably practicable. The principles, which are paraphrased, are in the order of priority:
- a) All the seats on the Committee cannot be allocated to the same political group;
 - b) the majority of the seats allocated on any body, including each Committee are allocated to the group, if any, which has a majority on the Council;
 - c) the number of seats on the total of all Committees allocated to each political group bear the same proportion as the proportion the members of that group has to the members of the entire Council; and
 - d) the number of seats on each Committee allocated to each group bear the same proportion as the proportion the members of that group has to the total members of the entire Council.

The legislation provides that such determinations are to be achieved 'as far as reasonably practicable'.

- 3.2 Following the passing of Councillor Orchard (Hartside) in October 2020, the Council currently has a vacancy. Due to the current pandemic, and the subsequent Coronavirus Act 2020, a by-election to elect a new member for Hartside cannot be held before the first Thursday in May 2021, therefore the Council will hold a vacancy until that time.
- 3.3 As an update to this report, on 24 November 2020, Councillor Beaty (Skelton) resigned from the Council. As above, a by-election to elect a new member for Skelton cannot be held before the first Thursday in May 2021, therefore the Council will hold two vacancies until that time.
- 3.4 As a result of this, proportionality of Councillors must be recalculated based on 36 members, instead of the normal 38 Members.
- 3.5 The current Council Membership is as follows:

Party	Number of seats
Conservative Group	12
Independent Group	9
Liberal Democrat Group	11
Labour Group	2
Green Group	2
Vacancy	2
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For the purposes of calculating political proportionality, a political group should consist of two or more members. This means that the Labour and Green groups, with two members each, are considered a political group in terms of calculating the allocation of seats. For the purposes of political balance, the Executive does not count as seats to be allocated.

- 3.6 Political proportionality has been recalculated based on 36 Members rather than 38, and the proposed allocation of seats as is below:

Group	Proposed number of seats
Conservative Group	20
Liberal Democrat Group	18
Independent Group	15
Labour	3.5
Green	3.5
Total	60

- 3.7 This is a minor change from previous proportionality figures. The workings out are shown fully in Appendix 1 to this report.
- 3.8 At the Annual Council Meeting on 28 May 2020, it was proposed and approved that once again, the Green Group and the Labour Group adopt a reciprocal arrangement whereby nominated Members can act as Standing Deputies for either group. This accommodates the practical limitations associated with having a group comprising of two Members, where one Member sits on the Executive. This is once again recommended in this report.
- 3.9 The reason for this report is to allow the Conservative Group to make changes with regard to their membership of all formal Committees of the Council, as well as to allow them to fill the vacancies left on a number of Working Groups.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, safe and secure;
 - Connected; and
 - Creative
- 4.2 This report meets sustainable corporate priority

5 Consultation

- 5.1 Group Leaders have been consulted in relation to this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 Section 15 of the Local Government and Housing Act 1989 places a duty on the Council to review the representation of political groups on its committee where the members of the Committee are split into different political groups.
- 6.2.2 The Act requires that the Council should allocate seats on committees in accordance with the principles set out in paragraph 3.1 of this report.
- 6.2.3 Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to committees to give effect to the nominations of the political groups concerned. This political requirement also applies to the Overview and Scrutiny Committee.

6.3 Human Resources

- 6.3.1 There are no human resources implications arising from the recommendations in this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	None arising from this report
Health, Social Environmental and Economic Impact	None arising from this report
Crime and Disorder	None arising from this report
Children and Safeguarding	None arising from this report

6.5 Risk Management

Risk	Consequence	Controls Required
There is a need to allocate the appointment of Members to seats, in so far as it is reasonably practicable, with regard to the statutory principles set out in the Local Government and Housing Act 1989.	Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.	Report G17/20, which was heard at Annual Council on 28 May 2020, set out the calculations used in relation to the principles of proportionality following the reduction in the number of seats caused by the merging of the three Scrutiny Committees into one.

7 Other Options Considered

7.1 No other options have been considered.

8 Reasons for the Decision/Recommendation

8.1 To comply with the Local Government and Housing Act 1989 and associated regulations in relation to the appointment of members to Committees in accordance with the express wishes of the political groups to which seats have been allocated.

Background Papers: G17/20 Allocation of Seats on Committees (Council meeting, 28 May 2020)

Appendices: Appendix 1 – Explanation of calculations
Appendix 2 – Allocation of Seats 2020/21

Contact Officer: Vivien Little, Member Services Team Leader

Calculation and Allocation of Seats with regard to the Four Principles

Principle 1:

All seats on a committee cannot be allocated to the same political group.

Each Committee must contain Members from different groups.

Principle 2:

The majority of the seats allocated on any body, including each committee, are allocated to the group, if any, which has a majority on the Council.

No single group has a majority on the Council.

Principle 3:

The number of seats on the total of all committees allocated to each political group bears the same proportion as the proportion the membership of that group has to the membership of the entire Council.

There are 60 seats on all the Council's Committees. There are 36 Members. The proportions for each group as a whole and the number of seats, subject to principles 1 and 2 (and after discussion with the political groups), to be allocated to each group are:

Political Group	Proportion of seat allocation	Total number of seats
Independent Group	9 of 36 = 0.250	15
Conservative Group	12 of 36 = 0.333	20
Liberal Democrat Group	11 of 36 = 0.306	18
Labour Group	2 of 36 = 0.056	3
Green Group	2 of 37 = 0.056	3

Principle 4:

The number of seats on each committee allocated to each group bears the same proportion as the proportion the membership of that group has to the total membership of the entire Council.

Committee name	Proportion of seat allocation	Number of seats
Planning	(11 Seats)	
Independent Group	0.250 = (2.75)	3
Conservative Group	0.333 = (3.67)	4
Liberal Democrat Group	0.306 = (3.36)	3
Labour Group*	0.056 = (0.61)	0
Green Group*	0.056 = (0.61)	0

*One seat remaining to be allocated to either Labour or Green on Planning Committee

Committee name	Proportion of seat allocation	Number of seats
Licensing	(10 Seats)	
Independent Group	0.250 = (2.50)	3
Conservative Group	0.333 = (3.33)	3
Liberal Democrat Group	0.306 = (3.06)	3
Labour Group	0.056 = (0.56)	0
Green Group	0.056 = (0.56)	0

*One seat remaining to be allocated to either Labour or Green on Licensing Committee

Overview and Scrutiny Committee	(12 Seats)	
Independent Group	0.250 = (3.00)	3
Conservative Group	0.333 = (4.00)	4
Liberal Democrat Group	0.306 = (3.67)	3
Labour Group	0.056 = (0.67)	1
Green Group	0.056 = (0.67)	1

Budget Scrutiny Committee	(9 Seats)	
Independent Group	0.250 = (2.25)	2
Conservative Group	0.333 = (3.00)	3
Liberal Democrat Group	0.306 = (2.75)	3
Labour Group	0.056 = (0.50)	0
Green Group	0.056 = (0.50)	0

*One seat remaining to be allocated to either Labour or Green on Licensing Committee

Accounts and Governance	(9 Seats)	
Independent Group	0.250 = (2.25)	2
Conservative Group	0.333 = (3.00)	3
Liberal Democrat Group	0.306 = (2.75)	3
Labour Group	0.056 = (0.50)	0
Green Group	0.056 = (0.50)	0

*One seat remaining to be allocated to either Labour or Green on Licensing Committee

Committee name	Proportion of seat allocation	Number of seats
Human Resources and Appeals	(9 Seats)	
Independent Group	0.250 = (2.25)	2
Conservative Group	0.333 = (3.00)	3
Liberal Democrat Group	0.306 = (2.75)	3
Labour Group	0.056 = (0.50)	0
Green Group	0.056 = (0.50)	0

*One seat remaining to be allocated to either Labour or Green
on Licensing Committee

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Appointment of Seats on Committees

***Accounts and Governance Committee – 9 Members**

Independent Group	S Lancaster, D Ryland
Conservative Group	P Dew, J Lynch, G Nicolson
Liberal Democrat Group	A Connell, M Eyles, N McCall
Labour Group	0
Green Group	D Lawson
Standing Deputies	M Clark, W Patterson H Fearon, A Meadowcroft, A Todd P Baker, L Harker A Ross

* One seat to be allocated to either Labour or Green on Planning Committee

Overview and Scrutiny Committee – 12 Members

Independent Group	D Banks, M Clark, D Ryland
Conservative Group	E Martin, G Nicolson, J Raine, D Wicks
Liberal Democrat Group	D Holden, G Simpkins, D Smith
Labour Group	M Hanley
Green Group	D Lawson
Standing Deputies	S Lancaster, W Patterson, H Sawrey-Cookson P Dew, H Fearon, A Todd P Baker, M Eyles A Ross

***Budget Planning Committee – 9 Members**

Independent Group	S Lancaster, D Ryland
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Conservative Group	P Dew, G Nicolson, D Wicks
Liberal Democrat Group	P Baker, M Eyles, N McCall
Labour Group	M Hanley
Green Group	0
Standing Deputies	W Patterson, H Sawrey-Cookson I Chambers, A Todd D Holden, L Harker A Ross

* One seat to be allocated to either Labour or Green on Planning Committee

***Human Resources and Appeals Committee - 9 Members**

Independent Group	D Banks, M Robinson
Conservative Group	A Armstrong, G Nicolson, D Wicks
Liberal Democrat Group	P Baker, G Simpkins, V Taylor
Labour Group	0
Green Group	A Ross
Standing Deputies	W Patterson, D Ryland P Dew, J Raine, J Thompson A Connell, J Derbyshire D Lawson

* One seat to be allocated to either Labour or Green on Planning Committee

***Licensing Committee - 10 Members**

Independent Group	S Lancaster, W Patterson, H Sawrey-Cookson
Conservative Group	E Martin, A Meadowcroft, J Raine
Liberal Democrat Group	P Baker, L Harker, D Holden
Labour Group	M Hanley

Green Group	0
Standing Deputies	M Clark, D Ryland I Chambers, J Lynch, J Thompson, D Wicks M Eyles, G Simpkins, D Smith A Ross

* One seat to be allocated to either Labour or Green on Planning Committee

***Planning Committee - 11 Members**

Independent Group	M Clark, W Patterson, H Sawrey-Cookson
Conservative Group	I Chambers, J Lynch, J Thompson, D Wicks
Liberal Democrat Group	D Holden, M Eyles, G Simpkins
Labour Group	0
Green Group	A Ross
Standing Deputies	D Banks, S Lancaster, D Ryland A Armstrong, E Martin, A Meadowcroft, G Nicolson P Baker, L Harker, D Smith D Lawson

* One seat to be allocated to either Labour or Green on Planning Committee

Working Groups (each up to 11 members)

Zero Carbon Eden Members Working Group

Independent Group	D Banks
Conservative Group	E Martin, A Meadowcroft, J Raine
Liberal Democrat Group	M Rudhall, D Smith, V Taylor
Labour Group	M Hanley

Green Group	D Lawson, A Ross
Standing Deputies	L Sharp

Planning Policy Working Group

Independent Group	S Lancaster, W Patterson
Conservative Group	G Nicolson, J Thompson, D Wicks
Liberal Democrat Group	J Derbyshire, D Holden, V Taylor
Labour Group	0
Green Group	A Ross
Standing Deputies	P Baker

One Eden Working Group

Independent Group	W Patterson, M Robinson, D Ryland
Conservative Group	E Martin, G Nicolson, D Wicks
Liberal Democrat Group	A Connell, L Harker, N McCall
Labour Group	0
Green Group	0
Standing Deputies	-