

Your Ref:
Our Ref: Gov/
Enquiries to: Member Services
Direct Dial: (01768) 817817
Date: 15/09/22

Town Hall Penrith Cumbria CA11 7QF
Telephone: (01768) 817817
Internet: www.eden.gov.uk
Email: ctee.admin@eden.gov.uk

Dear Sir/Madam

COUNCIL - THURSDAY, 22ND SEPTEMBER, 2022

Please find enclosed a report to be included for consideration at the meeting of Council on Thursday, 22nd September, 2022 .

- 8 **Allocation of Seats on Committees and Working Groups & Appendix 1:
Calculation and Allocation of Seats with regard to the Four Principles
(Pages 3 - 12)**

Yours sincerely



Ian Frost
Interim Chief Executive

Encs

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Report No: DoR69/22

Eden District Council

Council

22 September 2022

Allocation of Seats on Committees and Working Groups

Portfolio:	N/A
Report from:	Assistant Director Legal and Democratic Services
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 2022/2023 municipal year.

2 Recommendation

It is recommended that:

1. the proposed allocation of seats as set out in this report be approved;
2. the appointment of Members to Committees as set out in Appendix 2 be approved;
3. the appointment of Members to Working Groups as set out in Appendix 3 be approved;
4. the Green Group and 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 contained 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 are paraphrased below, and in the order of priority:
1. All the seats on the Committee cannot be allocated to the same political group;
 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;
 3. 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
 4. 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 As a result of Councillor Lynch’s departure from the Conservative Group the number of Conservative Members on the Council has been reduced by one. Councillor Lynch has not joined another Group, so for the purposes of this report he will be referred to as a Non-Aligned Independent.

3.3 The current membership of the Council is listed below:

Group	Members
Conservative Group	11
Independent Group	5
Independent Alliance Group	5
Non-Aligned Independent	1
Liberal Democrat Group	12
Labour Group	2
Green Group	2
Total	38

No one single party has a majority

3.4 There are sixty seats across the six Council Committees. 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. Furthermore, the Non-Aligned Independent, with only one Member, cannot be considered a political group when calculating the allocation of seats. For the purposes of political balance, the Cabinet does not count as seats to be allocated.

3.5 In order to aid clarity and transparency, Appendix 1 sets out the numbers are calculated in relation to the principles of the Local Government and Housing Act 1989.

3.6 At the Annual Council meeting held on the 26 May 2022 a report (DoR46/22) was submitted that set out the allocation of seats based on negotiations with the various group leaders. The allocation was agreed by Council as the best reflection of political proportionality at the time as reasonably practicable.

3.7 Discussions have taken place with the affected group leaders following the change in group membership with regard to the best option to reflect the change in political proportionality.

3.8 The proposed allocation of seats to Committees is as follow:

Group	Proposed number of seats
Conservative Group	18
Independent Group	8
Independent Alliance Group	8
Non-Aligned Independent	0
Liberal Democrat Group	20
Labour Group	3
Green Group	3
Total	60

3.9 Due to the nature of rounding it is not possible to fully calculate membership for groups and Committees. To balance it requires both the Independent and Independent Alliance Groups to each take two additional seats on either Accounts and Governance Committee, Overview and Scrutiny Committee, Finance Scrutiny Committee and Human Resources and Appeals Committee. Group Leaders have been consulted. Appendix 2 sets out the appointment of Members to these Committees.

Working Groups

3.10 Council, at its meeting on 25 June 2020, approved the formation of three working groups: Zero Carbon Working Group, Planning Policy Working Group and the One Eden Working Group. The One Eden Working Group will be called the Single Site Working Group as this is the only element left to be completed. The Terms of Reference set out that each working group will consist of up to eleven members and be representative of the political balance of the Council wherever possible. Appendix 1 sets out how the numbers are calculated in relation to the principles of the Local Government and Housing Act 1989.

3.11 The allocation of seats to each Working Group is set out below:

Group	Zero Carbon Working Group	Planning Policy Working Group	One Eden Working Group
	11	11	11
Independent Group	1	1	1
Independent Alliance	1	1	1
Conservative	3	3	3
Liberal Democrat	4	4	4
Labour	1	1	1
Green	1	1	1
Non-Aligned Independent	0	0	0
	11	11	11

3.12 The appointment of Members to Working Groups is set out in Appendix 3.

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 the sustainable corporate priority

5 Consultation

5.1 Affected Group Leaders have been contacted regarding any alterations to their allocation of seats, and have been asked to provide the names of members that they wish to nominate to sit on the Council's committees. This will be set out in Appendix 2.

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 Committees 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 laid out in the Act. These principles are reproduced 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.
- 6.2.4 Section 8.1 of The Local Government (Committees and Political Groups) Regulations 1990 also sets out the requirement that a political group contains two or more members.

6.3 Human Resources

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

6.4 Environmental

- 6.4.1 There are no environmental implications arising from the recommendations in this report.

6.5 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.

6.6 Risk Management

Risk	Consequence	Controls Required
There is a need to allocate the appointment of Members to seats in compliance with the statutory principles set out in the Local Government and Housing Act 1989.	Failure to allocate seats in line with these principles may result in error and/ or legal challenge.	Appendix 1 sets out the calculations utilised in relation to the statutory principles of the Act.

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.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	15 September 2022
Monitoring Officer (or Deputy)	15 September 2022
Relevant Assistant Director	N/A

Background Papers: DoR46/22 Allocation of Seats on Committees and Working Groups

Appendices: Appendix 1 – Calculation and Allocation of Seats with Regard to the Four Principles

Appendix 2 – Appointment of Members to Committees – To Follow

Appendix 3 – Appointment of Members to Working Groups – To Follow

Contact Officer: Karen Edmondson, Democratic Services Manager.

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 38 Members total, with 37 Members in political groups. The proportions for each group as a whole and the number of seats, subject to principles 1 and 2, to be allocated to each group are:

Political Group	Proportionality Calculation			Seats Calculation		Rounded
	Cllrs	Total Cllrs	Proportion	Total	Proportion	
Independent Alliance	5	37	0.135135	60	8.1081081	8
Conservative	11	37	0.297297	60	17.837838	18
Liberal Democrat	12	37	0.324324	60	19.459459	20
Labour	2	37	0.054054	60	3.2432432	3
Green	2	37	0.054054	60	3.2432432	3
Independent Group	5	37	0.135135	60	8.1081081	8
	37		1.000000		60.0000000	60
Liberal Democrat has been rounded to achieve the full 60 seats.						

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.

The table below sets out the allocations for each group to each Committee. The allocations need to be amended to remove roundings as each Committee needs to have a whole number of members.

Political Group	Proportion	A & G 9	O & S 12	BPC 9	HR&A 9	L C 10	Plan 11	Total 60	Round 60
Independent Alliance	0.135	1.216	1.622	1.216	1.216	1.351	1.486	8.108	8
Conservative	0.297	2.676	3.568	2.676	2.676	2.973	3.270	17.838	18
Liberal Democrat	0.324	2.919	3.892	2.919	2.919	3.243	3.568	19.459	20
Labour	0.054	0.486	0.649	0.486	0.486	0.541	0.595	3.243	3
Green	0.054	0.486	0.649	0.486	0.486	0.541	0.595	3.243	3
Independent Group	0.135	1.216	1.622	1.216	1.216	1.351	1.486	8.108	8
	1.000	9.000	12.000	9.000	9.000	10.000	11.000	60.000	60.000

The table below shows the rounded position.

Political Group	Proportion	A & G 9	O & S 12	FSC 9	HR&A 9	L C 10	Plan 11	Total 60	
Independent Alliance	0.135	1	2	1	1	1	1	7	
Conservative	0.297	3	4	3	3	3	3	19	
Liberal Democrat	0.324	3	4	3	3	3	4	20	
Labour	0.054	0	1	0	0	1	1	3	
Green	0.054	0	1	0	0	1	1	3	
Independent Group	0.135	1	2	1	1	1	1	7	
	1.000	8	14	8	8	10	11	59	
<u>Key to Roundings</u>		<u>Key to Committees</u>							
Correct		A & G Accounts & Governance							
Not Correct		O & S Overview & Scrutiny							
		FSC Finance Scrutiny							
		HR & A Human Resources & Appeals							
		LC Licencing Committee							
		Plan Planning							

The table below sets out the allocation of seats to Committees pending feedback from the Independent Alliance and the Independent Group on the additional seats.

It should be noted that to ensure the outcome for seats calculated in principle 3 are retained, some roundings were made to balance the Committee and Political Group numbers i.e. roundings are in the opposite direction to what would normally be expected. A key has been added tracking these roundings.

Political Group	Proportion	A & G 9	O & S 12	FSC 9	HR&A 9	L C 10	Plan 11	Total 60
Independent Alliance	0.135	1	2	1	1	1	1	7
Conservative	0.297	3	3	3	3	3	3	18
Liberal Democrat	0.324	3	4	3	3	3	4	20
Labour	0.054	0	1	0	0	1	1	3
Green	0.054	0	1	0	0	1	1	3
Independent Group	0.135	1	2	1	1	1	1	7
	1.000	8	13	8	8	10	11	58
Key to Roundings		Key to Committees						
Rounded Down to Balance		A & G Accounts & Governance						
Rounded Up to Balance		O & S Overview & Scrutiny						
		FSC Finance Scrutiny						
		HR & A Human Resources & Appeals						
		LC Licencing Committee						
		Plan Planning						

Working Groups				
Total No seats on each Working Group		11		
Total No of Members		38		
Group	No of Cllrs	%age	Total Seat Allocation	Predicted Allocation
Independent Group	5	0.135	1.49	1
Independent Alliance	5	0.135	1.49	1
Conservative Group	11	0.297	3.27	3
Liberal Democrat Group	12	0.324	3.57	4
Labour	2	0.054	0.59	1
Green	2	0.054	0.59	1
	37			11

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