

Eden District Council
Council

26 November 2020

Allocation of Seats on Committees

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| 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 |
| | <hr/> 38 |

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

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