

Eden District Council

Annual Council

26 May 2022

## Allocation of Seats on Committees and Working Groups

<b>Portfolio:</b>	N/A
<b>Report from:</b>	Assistant Director Legal and Democratic Services
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### 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 2022/23 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, area 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 There is no change in the current political balance that requires proportionality to be recalculated. However, the constitution requires that the Annual Meeting of Council allocate seats on committees in accordance with the principles of political balance. To comply with this requirement, and to allow groups to make any changes to Committee membership, this report has come to Annual Council. The proportionality, and calculations presented, are identical to those presented to Council on the 28 April 2022.

3.3 The current Membership of the Council is listed below:

<b>Group</b>	<b>Members</b>
Conservative Group	12
Independent Group	5
Independent Alliance Group	5
Liberal Democrat Group	12
Labour Group	2
Green Group	2
<b>Total</b>	<b>38</b>

No one single party has a majority.

3.4 There are sixty seats across the six Council Committees. For the purpose 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 Cabinet does not count as seats to be allocated.

3.5 At the Council meeting held on 28 April 2022 a report (DoR31/22) was submitted that set out the allocation of seats based on negotiations with the various group leaders. This allocation was agreed by Council as the best reflection of political proportionality at the time as far as reasonably practicable.

3.6 The confirmed allocation of seats to Committees from that meeting is as follows:

<b>Group</b>	<b>Proposed number of seats</b>
Conservative Group	19
Independent Group	8
Independent Alliance Group	8
Liberal Democrat Group	19
Labour Group	3
Green Group	3
<b>Total</b>	<b>60</b>

- 3.7 In order to aid clarity and transparency, Appendix 1 sets out how the numbers are calculated in relation to the principles of the Local Government and Housing Act 1989.
- 3.8 At the Annual Council meeting on 27 May 2021 it was proposed and approved that the Green and Labour Groups 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 two members, where one member sits on the Cabinet. This is once again recommended in this report.
- 3.9 The reason for this report is to comply with the requirements of the Constitution and to allow groups to change Committee memberships as they see fit.

### **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:

<b>Group</b>	<b>Zero Carbon Working Group</b>	<b>Planning Policy Working Group</b>	<b>One Eden Working Group</b>
	<b>11</b>	<b>11</b>	<b>11</b>
Independent Group	1	1	1
Independent Alliance	1	1	1
Conservative	3	3	3
Liberal Democrat	3	3	3
Labour	1	1	1
Green	1	1	1
	10	10	10

3.12 Members will note that the rounded number of seats is 10 which leaves an additional seat on each Working Group. Group Leaders may therefore nominate an additional Member if they wish and that will be subject to vote at Council.

3.13 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 Group Leaders have been contacted regarding the appointment of their members to the Committees and Working Groups and any changes will be reported to Council.

## **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.

## 6.3 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

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
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

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
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**

<b>Governance Check</b>	<b>Date Considered</b>
<b>Chief Finance Officer (or Deputy)</b>	18 May 2022
<b>Monitoring Officer (or Deputy)</b>	Report Author

### **Background Papers: DoR31/22 Allocation of Seats on Committees**

**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**

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