

Eden District Council  
Council

22 September 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 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:

<b>Group</b>	<b>Members</b>
Conservative Group	11
Independent Group	5
Independent Alliance Group	5
Non-Aligned Independent	1
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 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:

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

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:

<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	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

<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>	15 September 2022
<b>Monitoring Officer (or Deputy)</b>	15 September 2022
<b>Relevant Assistant Director</b>	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.