

Report of:	Meeting	Date	Item no.
The Leader of the Council (Cllr David Henderson) and the Chief Executive (Garry Payne)	Council	19 July 2018	8

### Appointments to Committees

#### 1. Purpose of report

- 1.1 To enable changes to be made to the membership of committees for the remainder of the 2018/19 Municipal Year.

#### 2. Outcomes

- 2.1 Effective arrangements to carry out the Council's non-executive decision making and advisory functions.

#### 3. Recommendations

- 3.1 That, in order to achieve political balance on the Committees appointed by the Council, 62 seats on those committees be allocated to members of the Conservative Group, 18 seats be allocated to members of the Labour Group and that no seats be allocated to the three non-aligned independent councillors, with seats on each individual committee apportioned on the basis set out in Appendix 1.
- 3.2 That in order to implement the recommendation in 3.1, the following changes be approved:
- (a) That Cllr I Duffy be removed from the Employment and Appeals Committee.
  - (b) That Cllr R Duffy be removed from both the Employment and Appeals Committee and the Standards Committee.
  - (c) That a Labour member be appointed to the Employment and Appeals Committee.

- (d) That an additional Conservative member be appointed to four of the five following committees:
- Planning Committee
  - Licensing Committee
  - Audit Committee
  - Employment and Appeals Committee
  - Standards Committee.
- (e) That a Labour member be removed from each of the four committees listed in paragraph (d) above to which an additional Conservative member is appointed.
- (f) That a Labour Member be appointed to the Committee listed in paragraph (d) on which the Conservative Group chooses not to take an extra place.

#### **4. Background**

- 4.1** Following the resignation of Cllr I Duffy and Cllr R Duffy from the Labour Group announced at the last Council meeting, a number of changes need to be made to the membership of various committees, in order to comply with the political balance rules.

#### **5. Key issues and proposals**

- 5.1.** Section 15 of the Local Government and Housing Act 1989 requires that the allocation of places on non-executive Committees of the Council must be allocated on the following criteria:

- (a) that all seats on a body are not allocated to the same Political Group;
- (b) that the majority of seats on a body is allocated to a particular Political Group, if the number of persons belonging to that Group is the majority of the Authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary Committees of a relevant Authority which are allocated to each Political Group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority;
- (d) subject to paragraphs (a) - (c) above, that the number of seats on a body which are allocated to each Political Group bears the same proportion to the number of all seats on that body as is borne by the number of members of that Group in membership of the Authority.

- 5.2** The political composition of the Council is now:

Conservative	36 members	72%
Labour	11 members	22%
Independent (non-aligned)	<u>3 members</u>	<u>6%</u>
Total	50 Members	100%

- 5.3** However, the provisions set out in the 1989 Act refer specifically to ‘political groups’. Single non-aligned councillors who are not members of a formally constituted group are not automatically entitled to any places on any committees. This position was upheld in a judicial review case in 2001 relating to appointments to a Police Authority (*R. (East Riding of Yorkshire Council) v Joint Committee for the purpose of making appointments to the Humberside Police Authority [2001] A.C.D. 44; (2000) 3 L.G.L.R.*). To enable a political group to be constituted, Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, requires that written notice, signed by at least two councillors, must be submitted to the proper officer (the Chief Executive at Wyre) stating:
- that they wish to be treated as a political group;
  - the names of the members of the group;
  - the name of the group; and
  - the name of the member who will act as the Leader of the Group.
- The Chief Executive has not received notification from any combination of the independent councillors that they wish to form a political group.
- 5.4** The application of the calculations to allocate the 80 seats available on the Committees appointed by the Council to which these rules apply, is shown in Appendix 1. The outcome is a total allocation of 62 seats to the Conservative Group and a total allocation of 18 seats to the Labour Group. In order to also achieve, as closely as possible, proportionality on each Committee, the Conservative Group will need to ‘give up’ a seat on one committee, from seats initially allocated to it in paragraph 3 of Appendix 1.
- 5.5** Approval of the recommendations in paragraphs 3.1 and 3.2 will enable these proposals to be implemented and compliance with legal requirements to be achieved.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The proposals in this report are in accordance with legal requirements, as referred to in section 5 of this report. Section 17 of the Local Government and Housing Act 1989 does allow for divergence from a literal interpretation of the calculation rules, but only if any such proposals are agreed by the council, without any member voting against.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Roy Saunders	01253 887481	roy.saunders@wyre.gov.uk	9/7/18

<b>List of background papers:</b>		
name of document	date	where available for inspection
None	-	-

### **List of appendices**

Appendix 1: Political Balance Calculations July 2018

## POLITICAL BALANCE CALCULATIONS July 2018

### 1. Total Percentage of Members

Conservative :	36 Members	=	77% (of 47 Members)
Labour :	11 Members		23% (of 47 Members)
			<u>100%</u>

### 2. Allocation of total number of seats

There are a total of 80 seats on the Committees to which the Political Balance Calculations apply.

			<u>Entitlement</u>
Conservative :	77% of 80 =	61.60 i.e.	<b>62</b> seats
Labour :	23% of 80 =	18.40 i.e.	<b>18</b> seats
			<hr style="border: 0.5px solid black;"/> <b>80</b> seats <hr style="border: 0.5px solid black;"/>

### 3. Allocation of places on individual Committees (to which the Political Balance Regulations apply)

<u>Committee</u>	<u>Total Seats</u>	<u>Con</u>		<u>Lab</u>	
		<u>Proportional Entitlement</u>	<u>Whole seats</u>	<u>Proportional Entitlement</u>	<u>Whole seats</u>
Overview & Scrutiny Committee	14	10.78	11	3.22	3
Planning	14	10.78	11	3.22	3
Licensing	14	10.78	11	3.22	3
Audit	14	10.78	11	3.22	3
Employment & Appeals	10	7.7	8	2.30	2
Senior Officers Appointments C'tee	4	3.08	3	0.92	1
Senior Officers Disciplinary Committee	4	3.08	3	0.92	1
Standards	6	4.62	5	1.38	1
<b>Total</b>	<hr style="border: 0.5px solid black;"/> <b>80</b> <hr style="border: 0.5px solid black;"/>		<hr style="border: 0.5px solid black;"/> <b>63</b> <hr style="border: 0.5px solid black;"/>		<hr style="border: 0.5px solid black;"/> <b>17</b> <hr style="border: 0.5px solid black;"/>

## Comments/Proposals

Because of the rounding up and down to whole numbers, when making the calculations in Section 3, the Conservative Group are over-represented by 1 place overall and the Labour Group are under-represented by 1 seat overall, so the Conservative Group will need to give up 1 seat on 1 committee to the Labour Group, to achieve the required total allocation of 62 seats and 18 seats respectively.