

**To the Chair and Members of the
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

MOTIONS REFERRED BY COUNCIL

- (a) **16th May 2008 “Application of Political Proportionality to Chair and Vice-Chair Positions on Council Committees and Sub-Committees”**
and
- (b) **8th September 2008 – “Substitute Arrangements on Employee Relations Sub-Committees”**

EXECUTIVE SUMMARY

1. This report seeks the Committee’s consideration of two motions referred by full Council on whether the Council’s Constitution should incorporate specific provisions on these matters.

RECOMMENDATIONS

2. The Committee is asked to consider the options presented within paragraphs 4, 5 and 6 and determine whether it wishes to propose any revisions to the Council Procedure Rules within the Constitution, to the Council via the Standards Committee.

BACKGROUND

3. The Council has recently considered the following two motions which have been referred to this Committee for consideration on whether provisions relating to these matters should be included within the Council’s constitution and therefore require amendments for incorporating within the Constitution document:-

**EXTRACT FROM THE COUNCIL ANNUAL GENERAL MEETING
HELD ON FRIDAY 16TH MAY 2008**

RESOLVED that this Council instructs officers to ensure that the following proposal be considered by the Elections and Democratic Structures Committee as soon as possible, with a view to the proposal being included in the Council’s Constitution:-

“That this Council resolves that with regard to all the Committees and Sub-Committees of the Council that are subject to the proportional allocation of seats, that similarly the Chairs and Vice-Chairs be appointed on the basis of being subject to the same proportional allocation that each Group are entitled to in relation to the number of seats each Group holds, on the Council as a whole”.

EXTRACT FROM THE COUNCIL MEETING HELD ON MONDAY,

8TH SEPTEMBER, 2008

- (b) *In accordance with Council Procedure Rule 15.1, a Notice of Motion was submitted by Councillor Allan Jones and seconded by Councillor Patricia Schofield as follows:-*

In order that the Employee Relations (Appeals Against Dismissal) Sub-Committee has five elected Members in attendance when a meeting is held.

This Council under Article 4.01(f) and under Article 13.02(d) of the Constitution, consider and support the introduction of named substitutes on to the Sub-Committee.

If supported, Council to implement those changes forthwith, and that this be formalised within the Council's Constitution by revising Council Procedure Rule 6".

An Amendment to the Motion was Moved by Councillor Eric Tatton-Kelly and Seconded by Councillor Stephen Coddington to insert the words "and Employee Relations (Disputes Resolution) Sub-Committee have" after the word "Sub-Committee" on the second line of paragraph 1, and add the letter "s" to the word "Sub-Committee" at the end of paragraph 2.

Councillor Allan Jones indicated that he was not prepared to accept the proposed amendment.

A vote was taken on the amendment proposed by Councillor Tatton-Kelly which was declared as follows:-

*For = 36
Against = 8
Abstain = 2*

On being put to the meeting, the amendment was declared CARRIED by 36 votes to 8 (2 abstentions).

Members noted that Article 15.03(a) of the Constitution stated that changes to Parts 2, 4, 5 and 6 of the Constitution will only be approved by the Full Council after consideration of a proposal by the Standards Committee or a report from the Monitoring Officer.

RESOLVED that in order that the Employee Relations (Appeals Against Dismissal) Sub-Committee and Employee Relations (Disputes Resolution) Sub-Committee have five elected Members in attendance when a meeting is held.

This Council under Article 4.01(f) and under Article 13.02(d) of the Constitution, consider and support the introduction of named substitutes on to the Sub-Committees.

OPTIONS FOR CONSIDERATION

16th May 2008 Motion

4. In considering this motion, the Committee need to reflect on whether it considers it to be a necessity for the constitution to be as specific as requiring that in addition to Committees and Sub-Committees being subject to balancing on a politically proportionate basis, that the total of 22 positions of Chair and Vice-Chairs should also be similarly politically balanced. If the Committee considers this to be appropriate, this would require an addition to the following Council Procedure Rules within 28.7 to 28.9:-

28.7 Appointments to be politically proportional

Whenever:

- (a) the Council is required to review the allocation of seats on Committees between Political Groups, or
- (b) the Council resolves to carry out such a review, or
- (c) a Committee is required to review the allocation of seats on a Sub-Committee or other Sub-Group between Political Groups, or
- (d) a Committee resolves to carry out such a review

the Managing Director shall submit a report to the Council or Committee as the case may be showing what allocation of seats would in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.

28.8 In the light of such a report as is mentioned in 28.7 the Council or Committee, as the case may be, shall determine the allocation of seats to Political Groups.

28.9 Whenever an appointment of a voting Member of a Committee or Sub-Committee or other Sub-Group falls to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes then the Council or the Committee, as the case may be, at a meeting at which the wishes of the Political Group are expressed, or at the next meeting after those wishes are expressed, or where there is a failure to express such wishes shall make or terminate the appointment accordingly.

5. The following practical issues have been identified requiring further consideration before the Committee decides whether this proposal requires inclusion within the Constitution:-
- There are currently 11 proportionately appointed Committee/Sub-Committees of the Council (22 positions in total i.e. 11 Chairs and

11 Vice-Chairs) and based upon current political balance this would equate to each Group being entitled to the following chairmanships and vice chairmanships:-

Labour	4
Liberal Democrat	2
Conservative	2
Alliance of Independents	2
Community Group	<u>1</u>
	<u>11</u>

- This calculation has been made using the traditional method which is applied to seats on all Committees and Sub-Committees each year at the Annual Meeting:-

		11
Labour	25	4.30
Liberal Democrat	11	1.89
Alliance of Independents	12	2.06
Conservative	9	1.55
Community Group	3	0.52

8 positions are allocated automatically and 3 remain for allocation to the highest claim i.e. the first to Liberal Democrats (0.89), the second to Conservatives (0.55) and the third to Community Group (0.52).

- There are currently 4 Independent Members on the Council (not affiliated to any particular political group) and therefore have no entitlement to a Chair or Vice-Chair position and therefore have been discounted from the above calculation, not being Members of a political group to which a proportional entitlement has been calculated.
- In terms of on which Committees/Sub-Committees should each Group be allocated their Chair/Vice-Chair positions, this is a matter for the Council to determine based on a proposal being put forward. It is possible therefore that the Labour Group's 4 positions could be allocated to what are considered to be 'prime' Committees should it gain the support of other political group(s) to carry any such proposal. In contrast, another group's allocation may result in being awarded to what are considered 'secondary' or less high profile Committees if that Group cannot gain sufficient support to carry any vote on a particular Committee/Sub-Committee that is proposed. This could result in a Group or Groups being allocated their proportional entitlement on left over Committees/Sub-Committees, which are perceived to be of lesser significance or meet on a less frequent basis.
- The same proportional calculation and allocation would similarly be applied to the 11 Vice-Chair positions on Committee and Sub-Committees.

- The part percentage allocations/entitlements referred to above may at face value appear to be disproportionate. For example, the Community Group's entitlement is 1 position as Chair and Vice-Chair having 3 seats on the Council as a whole, which contrasts with the Liberal Democrat's entitlement of 2 positions as Chair and Vice-Chair, having 11 seats on the Council as a whole.
 - The Council at the Annual Meeting firstly appoints named Members to sit on each Committee/Sub-Committee in accordance with their proportional entitlement and the wishes of the respective political group. A Group must first have a seat on a particular Committee/Sub-Committee before it can be considered to be allocated the Chair or Vice-Chairmanship of that Committee. For example, the smallest of the Groups (the Community Group) currently have an entitlement to only 5 seats across all Committees and therefore could not be allocated the Chair or Vice-Chair on any of the 6 Committees where they don't already have a seat allocated. This presents practical difficulties in applying proportionality in this way.
 - Calculating proportionality based on 11 Chair positions and Vice-Chair positions is deemed more appropriate than calculating on an overall total of 22 positions, in order to ensure each Group receives their proportion of both Chairs and Vice-Chairs positions. This would ensure for example that a Group's allocation were not all allocated to Vice-Chair positions.
6. Alternatively, the Committee has the option of not recommending that this requires inclusion within Council Procedure Rules, in that existing arrangements are considered to operate satisfactorily, expressed by the political will of the Council. (Any majority political group on the Council or in the absence of a majority political group being in control, with the support of other non majority groups or with support of other individual members or coalition of Members, could gain sufficient support to carry the nomination of members from one or more groups to chair a particular Committee or Sub-Committee, without instigating strict political balance. Over time, the political composition of the Council may fluctuate between a party having a majority overall control as opposed to there being no overall control (a hung Council) and the Committee may wish to consider whether imposing a rigid proportional allocation to chairs/vice-chairs positions within its rules would be over restrictive.

8th September 2008 Motion

7. In considering this motion, the Committee is being asked whether it wishes to support that in addition to the Employee Relations Committee which currently provides for substitute members to be appointed, whether this should be extended to its sub-committees (Appeals Against Dismissal Sub and Disputes Resolutions Sub). If the Committee is supportive of this proposal, then it should recommend a revision to Council Procedure Rule 6.1 to now read as follows:-

6.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members to attend the Employee Relations Committee, (*including the Appeals Against Dismissal and Disputes Resolution Sub-Committees*) the Chief Officer's Appointment and Conditions of Service Committee and the JNC Chief Officer's Appeals Committee. No other arrangements for substitute Members shall be made.

The alternative is not to support any revision to the existing Rule 6.1.

IMPACT ON THE COUNCIL'S KEY OBJECTIVES

8. Proposed revisions to the Council's constitution impact on the Council's "Achieving Excellence" priority by ensuring openness, transparency and accountability in Council decision-making and the way in which the Council conducts its business.

9. RISKS AND ASSUMPTIONS

No specific risks are identified. The Committee has within its remit the power to propose appropriate constitutional revisions to the Council via the Standards Committee.

LEGAL IMPLICATIONS

10. The Committee within its terms of reference has the ability to make recommendations to the Council in relation to any proposed revisions to the Council's constitution after inviting the Standards Committee to comment on such proposals.

FINANCIAL IMPLICATIONS

11. There are no specific financial implications arising from this report.

CONSULTATION

12. There has been no specific consultation regarding these proposed revisions, the matters having previously been referred by the Council.

BACKGROUND PAPERS

13. Council Agenda papers and minutes 16th May and 8th September, 2008.

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