

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

**REVIEW OF THE APPLICATION OF POLITICAL PROPORTIONALITY TO
SEATS ON COMMITTEES AND SUB-COMMITTEES**

EXECUTIVE SUMMARY

1. This report reviews the methodology for the proportional allocation of seats on Committees and Sub-Committees and presents options to enable the Committee to make recommendations to the Council to identify its preferred option in readiness for the next allocation of seats to each Political Group at the Annual Council meeting on 21st May, 2010.

RECOMMENDATIONS

2. That the Committee:-
 - (1) Consider and determine its preferences for Committee and Sub-Committee sizes for the 2010/11 Municipal Year and specifically whether political proportionality should continue to be applied to the 4 standing Scrutiny Panels, for recommendation to the Council;
 - (2) Agrees that political proportionality continues to be disapplied to the Standards Committee and its Sub-Committees; and
 - (3) Agrees that the Licensing Committee remain at 14 Members on a politically proportionate basis and that existing arrangements for the Licensing Sub-Committees of 7 Members each on a non-proportionate basis, be continued; and

BACKGROUND

3. At the Council AGM each year, the Council is required to determine and allocate seats on Committees and Sub-Committees having regard to the political balance in accordance with the provisions of the Local Government and Housing Act 1989.
4. The requirements of the 1989 Act set out the duties of a Local Authority within Sections 15, 16 and 17 to ensure political balance and these provide that:-

- 4.1 The cumulative effect of these duties is to require “proportionality” across the formal activities of the Authority, representing the overall political composition of the Authority, so that there can, for example, be no one party Committees so far as they are constituted as formal Committees or Sub-Committees of the Council.
- 4.2 Section 15 provides that the Council is bound to review the representation of different Political Groups on Committees and Sub-Committees when:-
- (a) the Authority holds an Annual Meeting; and
 - (b) as soon as practicable after the Members of the Authority divide into different Political Groups.
- 4.3 The duty to make a determination as to political representation arises as soon as practicable after a review. The Authority has a statutory duty only to make allocations of seats on Committees and Sub-Committees according to the overriding principles that:-
- (a) all the seats on a Committee are not allocated to the same Political Group;
 - (b) the majority of the seats on a Committee go to the Political Group, which has a majority on the Full Council;
 - (c) subject to the above two principles, that the number of seats on the Committees of the Authority allocated to each Political Group bears the same proportion to the total of all the seats on the Committees of that Authority as is borne by the number of Members of that Group to the Membership of the Authority; and
 - (d) subject to (a) - (c) above, that the number of the seats on the Committee which are allocated to each Political Group bears the same proportion to the number of all the seats on that Committee as is borne by the number of Members of that Group to the Membership of the Authority.
- 4.4 Section 16 provides that once the Council has carried out its review and determined the allocation of seats further to the principles by which it is bound listed above, the Council has a duty to exercise its powers to make appointments to Committees as to give effect to such wishes about who is to be appointed to the seats on that Committee which are allocated to a particular Political Group as are expressed by that Political Group. Section 16(2A) requires that where appointments fall to be made to seats on a Committee to which Section 15 applies otherwise than in accordance with a determination under that Section, it shall be the duty of the Council to exercise its power

to make appointments so as to secure that the persons appointed to those seats are not Members of any Political Group.

4.5 Exceptions to these requirements of political balance may be made where arrangements are approved by the Council without any Member of the Council or a Committee voting against them.

5. In applying these duties, regard must first be paid to the current political composition of the Council: -

| | | |
|---------------------------------|--------------------------------------|----------------------------|
| Labour Group | 26 seats on the Council representing | 41% of the Council overall |
| Liberal Democrat Group | 12 seats on the Council representing | 19% of the Council overall |
| Alliance of Independent Members | 9 seats on the Council representing | 14% of the Council overall |
| Conservative Group | 9 seats on the Council representing | 14% of the Council overall |
| Community Group | 4 seats on the Council representing | 6% of the Council overall |

In addition there are 4 Members of the Council who are not affiliated to any political group
i.e. Independent Members

6%
100%

6. This means that each Group should be allocated their percentage allocation on each individual Committee/Sub-Committee and in addition their overall number of seats allocated across all Committees/Sub-Committees should also equate to the same percentage in relation to the overall total number of seats available for allocation on all Committees/Sub-Committees. Members will be familiar with the annual process requiring a small number of adjustments between groups to balance to this overall control total. All remaining seats are allocated to any Members not affiliated to any Political Group i.e. the 4 Independent Members (6% of the Council).

7. The Committee will be familiar with the method of calculation of seats on individual Committees. For example on a Committee with 11 seats the method in determining the allocation is as follows: -

i.e. for the Labour Group by dividing the number of seats on the Committee in the same proportion as the group has on the Council $\frac{25}{64} \times 11 = 4.47$

| | |
|------------------|------|
| Labour | 4.47 |
| Liberal Democrat | 2.06 |
| AIM | 1.55 |
| Conservatives | 1.55 |
| Community Group | 0.68 |

From the table above, 8 whole seats are allocated automatically and the remaining 3 seats are then calculated based on each Groups highest part percentage entitlement i.e. the first being the Community Group (0.68), the second and third seats being both the Alliance of Independent Members Group and the Conservative Group (0.55), giving a final allocation of: -

| | |
|------------------|-----------|
| Labour | 4 |
| Liberal Democrat | 2 |
| AIM | 2 |
| Conservatives | 2 |
| Community Group | 1 |
| TOTAL | 11 |

However, Council in April 2009 when reviewing proportionality and the Committees and Sub-Committees to which they would be disappplied in June 2009 for the 2009/10 Municipal Year, agreed an alternative initial allocation to Political Groups before adjustment to the overall control total as follows:-

| | |
|------------------|-----------|
| Labour | 5 |
| Liberal Democrat | 2 |
| AIM | 2 |
| Conservatives | 2 |
| Community Group | 0 |
| TOTAL | 11 |

OPTIONS CONSIDERED

8. Overview & Scrutiny Panels

Since the introduction of Executive arrangements, the Council has established annually, a politically proportionate Overview & Scrutiny Management Committee (OSMC) and, with the exception of the last Municipal Year (2009/10), empowered it to establish Scrutiny Panels by disapplying proportionality to ensure widescale participation by all non-Executive Members. This flexible approach has enabled non-Executive Members to express an interest in which Scrutiny Panel(s) they had an interest in serving on and enabled 4 Panels of roughly equal numbers (in the region of 14 or 15) to be established on a cross party basis. This inclusive process has generally worked quite well by ensuring the opportunity for all non-Executive Members to serve on at least one Panel and have a contribution to the Scrutiny process.

As stated above and as an alternative, it is possible to apply proportionality to the 4 Scrutiny Panels and to include them in the overall seat calculation/allocations. This option, if supported again in this 2010/11 Municipal Year, is likely to be less inclusive for smaller sized Political Groups as they may only have one representative on a Scrutiny Panel(s) following the overall balancing to the control total.

With regard to the current political composition as shown on the table below and the adjustments required, consideration needs to be given to the implications regarding the residual 8 seats that need to be allocated between the four Independent Members. As Members will be aware, the existing four Independent Members sit on the Executive (Cabinet) and cannot also be appointed to Overview and Scrutiny Management Committee or any of the Scrutiny Panels. Also, in accordance with CIPFA guidance, the Audit Committee should be non-executive and therefore, any Member appointed to Cabinet should not be proposed as a nominee to sit on the Audit Committee. In addition, as far as practicable, adjustments should be made to ensure that Political Groups are represented on each Committee, if their entitlement allows as opposed to having 2 seats on some Committees and 0 on others.

| | LABOUR | LIBERAL DEMOCRAT | ALLIANCE OF INDEPENDENT MEMBERS | CONSERVATIVE | COMMUNITY GROUP | |
|---|--------------------|---------------------|---------------------------------------|--------------------|--------------------|------------------------------------|
| COMMITTEE | Seats Allocated | Seats Allocated | Seats Allocated | Seats Allocated | Seats Allocated | Total No. of Seats on Committee |
| OVERVIEW & SCRUTINY MANAGEMENT | 5 | 2 | 2 | 2 | 0 | 11 |
| SCYP | 5 | 2 | 2 | 2 | 0 | 11 |
| HCVP | 5 | 2 | 2 | 2 | 0 | 11 |
| E & E | 5 | 2 | 2 | 2 | 0 | 11 |
| SSSC | 5 | 2 | 2 | 2 | 0 | 11 |
| PLANNING | 5 | 2 | 2 | 2 | 0 | 11 |
| EMPLOYEE RELATIONS | 5 | 2 | 2 | 2 | 0 | 11 |
| CHIEF OFFICERS APPOINTMENTS | 5 | 2 | 2 | 2 | 0 | 11 |
| ELECTIONS & DEMOCRATIC STRUCTURES | 5 | 2 | 2 | 2 | 0 | 11 |
| AUDIT | 2 | 1 | 1 | 1 | 0 | 5 |
| AWARDS, GRANTS & TRANSPORT (APPEALS) | 2 | 1 | 1 | 1 | 0 | 5 |
| JNC CHIEF OFFICERS APPEALS | 2 | 1 | 1 | 1 | 0 | 5 |
| EMPLOYEE RELATIONS DISMISSAL (APPEALS) SUB | 2 | 1 | 1 | 1 | 0 | 5 |
| EMPLOYEE RELATIONS (DISPUTES) SUB | 2 | 1 | 1 | 1 | 0 | 5 |
| CHIEF OFFICERS INVESTIGATORY SUB | 2 | 1 | 1 | 1 | 0 | 5 |
| TOTAL ALLOCATED | 57 | 24 | 24 | 24 | 0 | 129 |
| Required Seat Allocation | 53 | 24 | 18 | 18 | 8 | 121 |
| Adjustments Required | -4 | 0 | -6 | -6 | +8 | 8 IND |

*AFTER ADJUSTMENTS MADE - THE 8 REMAINING SEATS SHOULD BE ALLOCATED TO INDEPENDENT MEMBERS

9. Licensing Committee

The Licensing Act 2003 contains no specific provision for Licensing Committees to be politically balanced, but does provide that it shall consist of at least 10 but no more than 15 Members of the Authority. Since the introduction of the 2003 Act, the Authority whilst not including the Licensing Committee in the overall control total of Committees/Sub-Committees to be politically balanced, has applied proportionality to this Committee in isolation based on a membership of 14. This has proved advantageous, particularly as the membership is split and 7 Members serve on Licensing Sub-Committee A and 7 on Sub-Committee B. Each Sub-Committee must have 3 Members in attendance to be quorate when it meets to consider licensing appeals. It is proposed that the arrangement mentioned above for the Committee to comprise of 14 Members and be politically proportionate and the Licensing Sub-Committees of 7 Members each, drawn from the Committee, be continued.

10. Scope for varying Committee sizes

As stated earlier, Committee and Sub-Committee sizes have been standardised at 11 and 5 seats respectively but the Committee may prefer to recommend to Council, that alternatives sized Committee or a variation in sizes of Committees and Sub-Committees, would be in the Council's best interests.

11. Standards Committee and its Sub-Committees

The Council has previously resolved that proportionality will not apply to appointments made to the Standards Committee and Standards (Parish Councils) Sub-Committee as Section 53(10) of the Local Government Act 2000, specifies that Standards Committees do not have to reflect the proportional balance of the Council. This is because the Standards Committee is above party politics and its representatives need to gain the respect of the whole Council regardless of their political party. In addition, this has been applied to the Standards Parish Council's Sub Committee and the Assessment, Review and Determination Sub-Committees which were established to consider allegations of Member misconduct and are chaired by Independent Co-opted Members (non Councillor, laypersons) in accordance with the legal requirements in the Standards Committees (England) Regulations 2008. It is proposed that proportionality continue to be disapplied to the Standards Committee and its Sub-Committees.

RISKS & ASSUMPTIONS

12. The Committee and the Council have no option but to comply with the requirements of Sections 15, 16 and 17 of the Local Government and Housing Act 1989 to ensure political balance on Committees and Sub-Committees.

IMPACT ON THE COUNCIL'S KEY OBJECTIVES

13. This report has no direct impact on the Council's key objectives.

LEGAL IMPLICATIONS

14. These are contained in paragraph 4 and described elsewhere in the body of this report.

FINANCIAL IMPLICATIONS

15. There are no financial implications associated with this report.

CONSULTATION

16. Group Leaders have been consulted on options for Committee and Sub-Committee sizes to reflect a best proportional fit, in accordance with the principles of proportionality as set out in paragraph 4.3 of the report.

BACKGROUND PAPERS

Report to the Elections and Democratic Structures Committee – 17th March, 2009
Report to the Council – 19th June, 2009

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