

<b>COUNCIL</b>	<b>URGENT AGENDA ITEM 15 (c)</b>
<b>22 FEBRUARY 2012</b>	<b>PUBLIC REPORT</b>

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**POLITICAL GROUPS 2011-12 & CONSEQUENTIAL AMENDMENTS TO ALLOCATIONS TO COMMITTEES**

R E C O M M E N D A T I O N S
<b>FROM :Solicitor to the Council</b>
<p>That Council considers and agrees the following recommendations:</p> <p><b>1. Political Group Allocations and Committee Memberships:</b></p> <ul style="list-style-type: none"> <li>a) Notes the amended Political Group membership for 2011-12 as set out in Appendix 1;</li> <li>b) Affirms its approval for the Committee structure set out at paragraph 3.1 of this report;</li> <li>c) Agrees the allocation of seats to political groups as set out at paragraph 4.5 of this report;</li> <li>d) Agrees the appointments to committees to which the political balance rules apply as set out in paragraph 6 of this report;</li> <li>e) Agrees the appointment of Cllr Simons as Chair of Peterborough North Area Committee (Area North &amp; West 2), and as Chair of Peterborough West Neighbourhood Committee (Area North &amp; West 3) in place of Cllr Nash.</li> </ul> <p><b>2. Procedural Matters</b></p> <ul style="list-style-type: none"> <li>a) Following these changes, affirms its approval for the Leader's Scheme of Delegations as set out in Part 3, section 3 of the Constitution;</li> <li>b) Delegates consequential updating of the Constitution arising from this report to the Solicitor to the Council.</li> </ul>

**1. PURPOSE OF REPORT**

1.1 Following changes to membership of political groups after the despatch of papers for this Council meeting, the Mayor has agreed to the submission of this report as an urgent item of business in accordance with Part 4, Standing Orders Section 2, paragraph 12.5 of the Council's Constitution, in order to ensure that the Council complies with Section 15 of the Local Government and Housing Act 1989 in respect of the proportional allocation of seats on committees held by each political group. Since the next Council meeting is not until April, it was considered appropriate for these matters to be dealt with as an urgent item at this meeting in order to enable the Council to conduct its business efficiently.

## 2. POLITICAL GROUP MEMBERSHIP

- 2.1 Details of political group membership were noted at Annual Council on 16 May 2011. Details have now been amended as a result of Councillor Michael Fletcher and Councillor Pat Nash leaving the Conservative group and joining the Peterborough Independent Forum (PIF) group, and amended details are attached at **Appendix 1**.

## 3. COMMITTEE STRUCTURE

- 3.1 The Council approved its committee structure at its Annual Meeting on 16 May 2011 as follows:

**Table 1 – Committee Structure**

Committee	No of Councillors
Scrutiny Commission for Rural Communities	7
Scrutiny Commission for Health Issues	7
Strong and Supportive Communities Scrutiny Committee	7
Creating Opportunities and Tackling Inequalities Scrutiny Committee	7
Sustainable Growth Scrutiny Committee	7
Environment Capital Scrutiny Committee	7
Audit Committee	7
Employment Committee	7
Licensing Committee	10
Planning and Environmental Protection Committee	10
Planning review Committee	10
Appeals Committee (Service Issues) *	3
Joint Consultative Panel *	7
<u>Other bodies to which S.15 LGHA applies</u>	
Selection Panel (Independent Members Standards Committee)*	9
Employment Appeals Sub Committee*	3
<u>Committees to which S.15 does not apply</u>	
Standards Committee	5 + 5 independent members and 2 parish reps
* NB. In accordance with decisions already taken by Council, it is proposed that the seats on these committees are not subject to political balance arrangements.	
Note : Neighbourhood Committees	
At its meeting in July 2009 Council approved the setting up of Neighbourhood Committees. S15 does not apply to Neighbourhood Committees in the way that they are constituted, and they are made up of the ward members of the relevant wards.	

#### 4. ALLOCATION OF SEATS TO POLITICAL GROUPS

- 4.1 Council agreed the allocation of seats to political groups at its Annual Meeting in May 2011. Following the move by two councillors from the Conservative group to Peterborough Independent Forum group, it is necessary for Council to reconsider the allocation of seats.
- 4.2 Seats on Council committees and other bodies to which Section 15 of the Local Government and Housing Act 1989 apply should be allocated proportionally according to the proportion of seats held by each political group on the Council as a whole. Some bodies fall outside these requirements. Section 17 of the Local Government and Housing Act 1989 allows a Council to 'exempt' bodies otherwise subject to the political balance requirement if it agrees without any objections to do so. Table 1 above sets out the classification of committees and other bodies within the Council's committee structure.
- 4.3 Put simply, the law provides that the party having a majority of seats on the Council as a whole must have a majority on all committees to which the political balance requirement applies. The number of seats allocated across all the Council's 'ordinary' committees must reflect as near as possible the proportions on the Council overall. The number of seats (subject to the majority group retaining a majority) on each committee to which S.15 applies must reflect the political balance on the Council overall. This means that only 'ordinary' committees are included in the calculation to determine the number of seats to be allocated to political groups over all those committees. The remaining committees to which S.15 applies must be allocated seats according to the political balance on the Council as a whole. Seats on committees that are either 'exempt' or to which S.15 does not apply as a matter of law can be allocated as decided by Council.
- 4.4 The allocation of seats inevitably involves some rounding up and rounding down of seats allocated to each Group because seats are allocated to individuals and cannot be shared. It also involves an element of choice about committees on which to allocate seats to the minority groups who are not entitled to seats on every committee. The Council must determine where seats should be allocated to give effect to these requirements.
- 4.5 Applying the political balance rules to calculate the number of seats on ordinary committees to be allocated produces the following calculation. The political balance calculation applies to the total number of seats on ordinary committees, namely 86. Applying the political balance rules to the total number of seats produces the following calculation:

Party	Cons	PIF	Lab	Lib Dem	English Democrat	Total
No Elected	36	11	6	3	1	57
Proportionality	63.16	19.30	10.55	5.26	1.75	100
Entitlement	54.32	16.60	9.05	4.53	1.51	86
No of seats	54	17	9	5	1	86
Change	-3	+3	0	0	0	0

The seats must be allocated across all ordinary committees to give effect to that calculation.

#### 5. APPOINTMENT TO COMMITTEES

- 6.1 The Council must decide which Councillors should be appointed to its Committees, following the changes in group membership.
- 6.2 Cllr Nash is currently appointed as Chair of Peterborough North Area Committee (Area North & West 2), and as Chair of Peterborough West Neighbourhood Committee (Area North & West 3). As she has left the Conservative group and joined PIF, it is proposed that she be replaced as Chair of both of these committees by Cllr Simons.

- 6.3 The Conservatives lose 3 seats and PIF gain 3 seats across the Council's committees. It is not intended to change the allocations to every committee at this stage, but instead to make such changes as are necessary to achieve the appropriate allocation of seats for the period remaining prior to Annual Council in May 2012. It is proposed that the following amendments are made to committee membership:

#### **6.3.1 Planning Review Committee**

10 member committee, currently made up of 6 Conservatives and 2 PIF members, 1 Labour member and 1 Liberal Democrat member. It is proposed that the Conservatives give up a seat on this committee to PIF. (Conservatives lose 1 seat, PIF gain 1 seat).

Change to:

5 Conservatives (Cllrs Allen, Benton, Elsey, Holdich, and Lamb )

3 PIF (Cllrs John Fox, Lane and )

1 Labour ( Cllr Khan)

1 Liberal Democrat (Cllr Sandford)

#### **6.3.2 Audit Committee**

7 member committee, currently made up of 5 Conservatives, 1 PIF member and 1 English Democrats. (Conservatives lose 1 seat, PIF gain 1 seat).

Change to :

4 Conservatives (Cllr C Lamb, *Chair*, Cllr Stokes, Cllr Harper, Cllr Kreling) Cllr Nash is to give up her seat as a Conservative, but retain it as a PIF member.

2 PIF (Cllr Lane and Cllr Nash)

1 English Democrat (Cllr Goldspink)

#### **6.3.3 Creating Opportunities and Tackling Inequalities Scrutiny Committee**

7 member committee, currently made up of 5 Conservatives, 1 PIF, 1 Labour.

Cllr Elsey will give up his seat on this Committee, and it will be taken by Cllr .

(Conservatives lose 1 seat, PIF gain 1 seat)

Change to:

4 Conservative (Cllr S Day, Cllr Benton, Cllr Harper, Cllr Nadeem )

2 PIF (Cllr Saltmarsh and Cllr )

1 Labour (Cllr Shearman)

#### **6.3.4 Scrutiny Committee for Health**

7 member committee, currently made up of 4 Conservatives, 1 PIF, 1 Labour, 1 Liberal Democrat. Committee constitution will remain the same, but Cllr Nash will be replaced on the committee by Cllr Elsey.

## **7. CONSULTATION**

The proposals in this report are the same as have been submitted and approved by Council in previous years other than the amendments made by the respective political groups.

## **8. REASONS FOR RECOMMENDATIONS**

The recommendations are made so that the Council considers and makes the necessary decisions to ensure that its business can be conducted effectively and efficiently according to the legal and constitutional requirements for the remainder of the municipal year 2011/12.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 The Council is obliged to apply the political balance rules as soon as practicable after the formation of the new political group. It has no alternative to applying the political balance rules in the way indicated in the report. There are alternatives to the proposed appointments to places on the committees, but the suggestions set out in the report comply with the statutory requirements in ss15 & 16 of the Local Government and Housing Act 1989. In particular, it is considered unnecessary to revisit allocations to every committee at this stage in the municipal year, because the allocations already made are in accordance with the wishes of the groups as expressed prior to Annual Council. The only changes following the changes in membership of PIF and the Conservative groups are to the entitlements of those groups. In the circumstances there are no changes necessary to the allocations to other groups to give effect to political balance rules. In the time available between the changes in membership being announced and this Council meeting, it would not have been practicable to completely rework the allocations to committees.
- 9.2 An alternative is that the Council could determine all decisions and carry out all functions of the Council. It is advised that this would be unworkable, ineffective and inefficient.
- 9.3 Further, the Council could determine a different committee structure but this is not proposed at this time.

## **10. IMPLICATIONS**

- 10.1 Legal - The proposals in this report comply with all legal requirements.
- 10.2 Financial - There are no new financial implications.

## **11. BACKGROUND DOCUMENTS**

None

## POLITICAL GROUP MEMBERSHIP 2011-12

<b>CONSERVATIVE</b>		
ALLEN Sue	FITZGERALD Wayne	PEACH John
ARCULUS Nick	GOODWIN Janet	RUSH Brian
BENTON Frances	HARPER Chris	SANDERS David
BURTON Colin	HILLER Peter	SERCULA Lucia
CASEY Graham	HOLDICH John	SCOTT Sheila
CERESTE Marco	KRELING Pam	SEATON David
DALTON Matthew	LAMB Diane	SIMONS George
DALTON Samantha	LEE Matthew	STOKES June
DAY David	NAWAZ Gul	THACKER Paula
DAY Sue	NADEEM Mohammed	TODD Marion
DOBBS Ray	NORTH Nigel	WALSH Irene
ELSEY Gavin	OVER David	WINSLADE Pam

<b>PETERBOROUGH INDEPENDENT FORUM</b>	<b>LIBERAL DEMOCRAT</b>	<b>LABOUR</b>	<b>ENGLISH DEMOCRATS</b>
ASH Chris	FOWER Darren	HUSSAIN Zahid	GOLDSPINK Stephen
FLETCHER Michael	SANDFORD Nick	JAMIL Mohammed	
FOX John	TRUEMAN William	MURPHY Ed*	
FOX Judy		KHAN Nazim	
HARRINGTON David		MARTIN Stuart	
LANE Stephen		SHEARMAN John	
MINERS Adrian			
NASH Pat			
SALTMARSH Bella			
SHARP Keith			
SWIFT Charles			

\* Labour &amp; Co-operative Labour