

<b>ANNUAL COUNCIL</b>	AGENDA ITEM No. 10
<b>23 MAY 2016</b>	PUBLIC REPORT

Contact Officer(s):	Kim Sawyer, Director of Governance	Tel. 01733 452390
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## **POLITICAL BALANCE, ALLOCATION OF COMMITTEE SEATS AND APPOINTMENTS**

<b>R E C O M M E N D A T I O N S</b>
<b>FROM : Director of Governance</b>
<p>It is recommended that:</p> <ul style="list-style-type: none"> <li>(a) The Council notes the number of seats on committees;</li> <li>(b) The Council decides whether to exempt the Audit Committee and the Planning Review Committee from the political balance seat arrangements;</li> <li>(c) Subject to (b) above, the Council agrees the allocation of seats on those committees subject to the political balance arrangements (<b>Appendix 1 or 1A</b> - Final document to be tabled); and</li> <li>(d) The Council agrees the allocation of seats on those committees not subject to political balance arrangements (<b>Appendix 2 or 2A</b>)</li> </ul>

### **1. PURPOSE AND REASON FOR REPORT**

1.1 This report requests the Council to:

- (a) Confirm the number of seats on committees;
- (b) Approve the allocation of seats on committees in accordance with the statutory requirements concerning political balance; and
- (c) Agree whether the Audit Committee and Planning Review Committee should be exempt from the political balance calculations.

### **2. ALLOCATION OF SEATS TO POLITICAL GROUPS**

2.1 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the City Council at its Annual meeting to review the allocation of seats on its committees between political groups. The section does not apply to the statutory Licensing Committee or Health and Wellbeing Board and so the political balance rules are not applied to these. (**Appendix 2A**)

2.2 Political Groups are allocated seats proportionate to their size, subject to the majority group being first given a majority of seats on the committees.

2.3 The Council can choose to exempt committees from political balance and consideration is given to exempting certain committees in accordance with the previous practice of this Council.

### 3. NUMBER OF SEATS ON COMMITTEES

- 3.1 In order to allocate seats, the Council must first decide the total number of seats on each committee. For the purpose of calculating the entitlement of each political group to seats on committees, it is proposed that the following be included:

Committee	Seats
Growth, Environment and Resources Scrutiny Committee	10
Adults, Communities and Health Scrutiny Committee	10
Children and Education Scrutiny Committee	10
Employment Committee	7
Audit Committee	7
Licensing Committee (Regulatory)	10
Planning and Environmental Protection Committee	10
Planning Review Committee	10
Appeals Committee (Service Issues)	10
<b>TOTAL</b>	<b>84</b>

### 4. REMOVING COMMITTEES FROM POLITICAL BALANCE ARRANGEMENTS

- 4.1 The Council must then decide whether it wishes to remove any committees from the political balance arrangements. In previous years, Audit Committee and the Planning Review Committee have been exempted from political balance seat arrangements. This is to allow at least one seat on each of those committees to be appointed to by the smallest groups. This ensures that there is complete political representation when Members may be hearing complaints under the Code of Conduct or when decisions of the Planning Committee are called in to Council.
- 4.2 In order to exempt these committees from political balance seat arrangements no Councillor can vote against the recommendation. This would reduce the number of seats subject to political balance requirements to 67, as detailed in the table below.

Committee	Seats
Growth, Environment and Resources Scrutiny Committee	10
Adults, Communities and Health Scrutiny Committee	10
Children and Education Scrutiny Committee	10
Employment Committee	7
Licensing Committee (Regulatory)	10
Planning and Environmental Protection Committee	10
Appeals Committee (Service Issues)	10
<b>TOTAL</b>	<b>67</b>

- 4.3 The Council needs to decide whether to remove the Audit Committee and the Planning Review Committee from the political balance calculations.

### 5. POLITICAL PROPORTIONALITY

- 5.1 Once it has decided the number and size of committees, Council needs to decide how many seats each group is to have on its committees. In accordance with the legislation, the following principles should apply to the allocation of seats as far as reasonably practicable:
- (a) That not all the seats on the body to which appointments are being made are allocated to the same political group;

- (b) That the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) Subject to (a) and (b) above, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- (d) Subject to (a) to (c) above, that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

5.2 The political balance of the Council can be calculated using the by following formula.

$$\frac{\text{No of Group Members} \times 100}{60}$$

5.3 Following the elections held on 5 May 2016, the political balance of the Council is as follows:

**Table 1**

Group	Conservative	Labour	Liberal Democrats	Liberal Party	Werrington First	UKIP	Total
Councillors	31	14	7	3	3	2	60
Proportionality %	51.67	23.33	11.67	5.00	5.00	3.33	100.00

5.4 The calculation to determine the strict entitlement of political groups to seats on committees is:

$$\frac{\% \text{ from table 1}}{100} \times \text{Total No of seats available (84 or 67) – see above}$$

### **APPLYING THE RULES**

5.5 The majority of seats on each committee has to be allocated to the political group that forms the majority of the authority's membership to comply with the second principle (paragraph 5.1(b)). Under the current structure there are committees of 7 members and 10 members. To ensure compliance with s15 of the Local Government and Housing Act 1989, the majority group has to be allocated:

- (a) 4 of the 7 seats for committees of 7
- (b) 6 of the 10 seats for committees of 10

5.6 Once the seats have been allocated to the majority group, the remainder will need to be shared out proportionately across the committees to ensure that the third principle (paragraph 5.1(c) above) is applied. The fourth principle is then applied to ensure that the seats then allocated are not unfairly weighted. A Group's seat on a Committee will be allocated automatically in terms of whole numbers.

5.7 The allocations of seats between the political groups for each committee are set out in **Appendix 1** based on a total of 84 seats (hybrid model including Audit and Planning Review Committees) and **Appendix 1A** based on a total of 67 seats (hybrid model excluding Audit and Planning Review Committees). The strict allocation will require certain minority groups to give up seats. Minority groups with the same percentage share of seats (Liberal Party and Werrington First) will need to make choices between committees of the same size.

5.8 Discussions are taking place with and between the political whips with the intention to produce a fair distribution of the seats according to a Group's wishes. This will result in either an agreement to be proposed at the meeting or, failing that, a proposal to be debated and determined at the full

Council meeting. A revised copy of **Appendix 1** and **1A** will be circulated once all the adjustments are known.

- 5.9 The agreed totals must then, as far as is reasonably practicable, reflect the aggregate entitlement of the political groups to committee seats. Council will therefore note the difference between this, their entitlement, and the actual distribution of seats their decision gives each political group.

## **6. APPOINTMENTS EXEMPTED FROM POLITICAL BALANCE**

- 6.1 Some Committees are automatically exempt from the internal political balance rules. These Committees are listed in the following paragraphs and summarised in **Appendix 2A**.

- 6.2 **The Licensing Committee (Licensing Act 2003):** The City Council has a Licensing Committee, which is a separate statutory committee pursuant to Section 6 of the Licensing Act 2003. By law the committee must comprise no more than 15 and no less than 10 members. The Committee currently comprises of 10 members of the authority and are the same members as are appointed under the political balance rules to the Licensing Committee (Regulatory), which is an ordinary committee.

- 6.3 **The Health and Wellbeing Board:** The membership of the Health and Well Being Board is prescribed in section 194 of the 2012 Act. Whilst it is an 'ordinary committee', the legislation has removed the political balance requirements of this committee because this is seen as an executive arm of the Council as well as it being required to include voting members from other bodies and, a first for local government, officers of the Council. The 4 elected Members on the Board are to be as determined by the Board's Terms of Reference.

- 6.4 **Cambridgeshire Police and Crime Panel** (3 members – as determined by the political make-up across the Cambridgeshire and Peterborough Authority Areas when taken together) – established by the Police Reform and Social Responsibility Act 2011. There are 13 seats on the Cambridgeshire Police and Crime Panel.

- 6.5 **Cambridgeshire and Peterborough Fire Authority:** There are 17 seats on the Cambridgeshire and Peterborough Fire Authority, 4 of which are allocated to Peterborough City Council representatives and 13 of which are allocated to Cambridgeshire County Council representatives. The seats are allocated on a proportionate basis.

## **7. IMPLICATIONS**

- 7.1 Financial Comments: There are no direct financial consequences.
- 7.2 Legal Comments: These are addressed in the report

## **8. APPENDICES**

- 8.1 **Appendix 1** - Allocations of seats without exemptions  
**Appendix 1A** - Allocations of seats excluding Audit Committee and Planning Review Committee  
**Appendix 2** - Allocation of Seats on Committees not subject to political balance arrangements with exemptions  
**Appendix 2A** - Allocation of Seats on Committee not subject to political balance arrangements excluding Audit Committee and Planning Review Committee

## **9. BACKGROUND DOCUMENTS**

- 9.1 Peterborough City Council's Constitution.