

North East Derbyshire District Council

Council

28 November 2022

Appointments to Committees

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: The Assistant Director of Governance and Monitoring Officer

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PURPOSE / SUMMARY

To review the appointments to Committees for the remainder of the 2022/23 Municipal Year following changes to the Political Groups' numbers, in compliance with Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

RECOMMENDATIONS

1. That Council accepts the new allocation of places on Committees contained in the report.
2. That following on from this new allocation of places:
 - (a) The Independent Group nominates two Members in total to serve on the Planning Committee for the remainder of the municipal year.
 - (b) The Independent Group nominates one Member in total to serve on the Licensing and Gambling Acts Committee for the remainder of the municipal year.
 - (c) The Conservative Group removes one Member from the Standards Committee for the remainder of the municipal year.
 - (d) The Independent Group nominates one Member in total to serve on the Standards Committee for the remainder of the municipal year
 - (e) The Conservative Group removes one Member from the Audit and Corporate Governance Scrutiny Committee for the remainder of the municipal year.

- (f) The Independent Group nominates one Member in total to serve on the Audit and Corporate Governance Scrutiny Committee for the remainder of the municipal year.
- (g) The Conservative Group removes one Member from the Communities Scrutiny Committee for the remainder of the municipal year.
- (h) The Independent Group nominates one Member in total to serve on the Communities Scrutiny Committee for the remainder of the municipal year.
- (i) The Conservative Group removes one Member from the Growth Scrutiny Committee for the remainder of the municipal year.
- (j) The Liberal Democrat Group nominates one Member in total to serve on the Growth Scrutiny Committee for the remainder of the municipal year.
- (k) The Conservative Group removes one Member from the Organisation Scrutiny Committee for the remainder of the municipal year.
- (l) The Liberal Democrat Group nominates one Member in total to serve on the Organisation Scrutiny Committee for the remainder of the municipal year.

Approved by the Leader of the Council

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council is required to allocate seats to political groups in accordance with the Political Balance requirements of section 15 of the Local Government and Housing Act 1989. The criteria are listed in paragraph 1.2 in the order in which they must be applied.

If Members wish to agree an alternative to the figures applying under the proportionality rules, this would have to be by a unanimous vote for the alternative at the meeting considering the alternative arrangements. This unanimous vote is required by the legislation and is not optional. An alternative proposal would have to be presented to Members to ensure all Members are aware of the proposed different allocations before voting.

On Behalf of the Solicitor to the Council

Staffing: Yes No
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.

N/A

REPORT DETAILS

1 Background

- 1.1 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the Council as a whole is divided.
- 1.2 The legislation also requires that in appointing members on a politically proportional basis, the Authority should conform with the following principles:

- (a) That not all seats on the body are allocated to the same political group
- (b) That a political group with an overall majority of the seats on the Council gets a majority of seats allocated on all Committees.
- (c) Subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total Council elected membership
- (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the Council as a whole.

1.3 In line with the provisions of the Constitution, the Council is required to comply with the Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 by:

- Deciding the allocation of seats to political groups in accordance with the Political Balance rules;
- Receiving nominations of councillors to serve on each committee and outside body and make the associated appointments;
- Making changes to these allocations, as necessary, to reflect alterations to the composition of the political groups.

2. Details of Proposal or Information

2.1 Appointments to the Council's Committees and Advisory Groups were made at Annual Council on 23 May 2022.

2.2 An election for the vacancy for the Pilsley and Morton Ward then took place in July 2022. The Labour Party candidate, Councillor K Gillott, was elected. The political composition of the Council did not change as a result of this election. The seat had previously been held by a Labour Councillor (A Holmes). This was reflected in the allocation to the Labour Group made at Annual Council on 23 May 2022 and a change was agreed at the last Council Meeting in terms of the Labour Group's representation on Standards Committee.

2.3 The allocation to the Groups as agreed at Annual Council 2022 is set out below:

Group	Seats on Council	Proportionality
Conservative Group	30	56.60%
Labour Group	18	33.96%
Liberal Democrat Group	3	5.66%
Independent Group	2	3.77%
Total seats	53	100.00%

2.4 There are currently 95 places on the Council's various Committees which are allocated on a politically proportional basis. The allocation of places by Group made at Annual Council is set out below:

Group	Places on Committees	Proportionality
Conservative Group	54	56.84%
Labour Group	32	33.68%
Liberal Democrat Group	6	6.32%
Independent Group	3	3.16%
Total Places	95	100.00%

2.4 Four Councillors (Councillors R Hall, M Potts, P Parkin and A Hutchinson) have confirmed that they are no longer members of the Conservative Group on the Council. All four Councillors have stated that they are now members of the Independent Group.

2.5 These Councillors' decisions have reduced the size of the Conservative Group by 7.78%. The Independent Group has now tripled in size and its percentage increased by 8.16%. Although the Conservatives are the largest group they are no longer the Majority Group.

2.6 The new political composition of the Council is:

Group	Seats on Council	Proportionality
Conservative Group	26	49.06%
Labour Group	18	33.96%
Independent Group	6	11.32%
Liberal Democrat Group	3	5.66%
Total seats	53	100.00%

2.7 The allocation of places by Group on Committees was agreed at Annual Council on 23 May 2022 and is set out in **Appendix 1**.

2.8 **Appendix 2** shows the revised figures for allocations to Committees to the Political Groups, the calculations being based on the new percentages. The size of the Committees and the number of seats on each remains the same as at the Annual Council. The change in each political party's number of seats is also shown.

2.9 This takes into account that the principles identified above.

2.10 As a result of rule 3 taking precedence over rule 4 (see paragraph 1.2), it is necessary to ensure that the proportions of the political parties in each Committee are as close as possible to the proportion of the seats on the Council held by that political party. This may result in the proportions of the number of

seats on all committees held by a political party not fitting exactly with the proportion of seats held by the political party on the Council.

2.11 Members have the choice to accept the allocations between the political groups or to **unanimously agree** an alternative allocation. The law requires that no Councillor votes against any arrangements that are not in accordance with the proportionality rules. This is an option for members to consider. The relevant legislation is section 17 of the Local Government and Housing Act 1989 as follows:

17 Exceptions to and extensions of political balance requirements.

(1) Subject to subsection (2) below, sections 15 and 16 above shall not apply in relation to appointments by a relevant authority or committee of a relevant authority to any body in so far as different provision is made by arrangements approved by the authority or committee—

(b) without any member of the authority or committee voting against them.

2.12 The changes that result from the new percentages are shown in the table at Appendix 2. Political Groups will need to propose their memberships of the committees.

2.13 As said above if Members agree an alternative allocation unanimously at the meeting, the alternative will be in place for the last 6 months of the term of office.

3. Reasons for Recommendation

3.1 To ensure political proportionality and an appropriate allocation of places across the Council's Committees is maintained in accordance with legislation.

4 Alternative Options and Reasons for Rejection

4.1 None

DOCUMENT INFORMATION

Appendix No	Title
1	Political Proportionality and Allocation of Places on Committees. 23 May 2022.
2	Political Proportionality and Allocation of Places on Committees. 28 November 2022.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	