

**North East Derbyshire District Council**

**Council**

**25 November 2024**

**PROPORTIONALITY OF THE COUNCIL AND APPOINTMENTS TO COMMITTEES**

**Report of the Assistant Director of Governance and Monitoring Officer**

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

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**PURPOSE / SUMMARY**

To report changes to the proportionality of the Council and to consider appointments to Committees.

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**RECOMMENDATIONS**

1. That the changes to the political make-up of the Council be noted and the proportional allocation of committee places as set out in paragraphs 2.1 and 2.2, be agreed.
2. The proposed appointments to Committees as set out in Appendix 1 and as updated at the meeting, be agreed.

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**IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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**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 and alternative to the figures applying under the proportionality rules, this would have to be by an 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.

It has become necessary to review the allocations in the light of recent changes to memberships.

On Behalf of the Solicitor to the Council

Staffing:    Yes             No

Details:

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<p><b>Is the decision a Key Decision?</b>  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:</p> <p><b>NEDDC:</b>  <b>Revenue - £125,000</b> <input type="checkbox"/> <b>Capital - £310,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Significantly Affected</b></p>	None
Equality Impact Assessment (EIA) details:	
<p><b>Stage 1 screening undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not applicable given the subject of the report.
<p><b>Stage 2 full assessment undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable

<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details:
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<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>• <b>A great place that cares for the environment</b></li> <li>• <b>A great place to live well</b></li> <li>• <b>A great place to work</b></li> <li>• <b>A great place to access good public services</b></li> </ul>
All – Good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- 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 and Advisory Groups subject to the proportionality rules.
  - (c) Subject to (a) and (b) that the total number of seats each political group has on all Committees and Advisory Groups 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 will comply with 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 Advisory Group and make the associated appointments.

1.4 Following the Clay Cross North by-election, and the formation of a Group of Independent and Green Councillors the proportionality of the Council needs to be recalculated.

1.5 The Licensing and Gambling Acts Committee is not part of the proportionality calculations. The Licensing Act 2003 (section 6) specifies that a Council must establish a licensing committee of between 10 and 15 members. The Council's current Licensing and Gambling Acts Committee only has seven members, therefore the size of the Committee needs to increase. It is proposed to increase the Committee to 10 members. The Council also has a General Licensing Committee, this is included in the proportionality calculations and whilst there is no requirement to, it generally has the same membership as the Licensing and Gambling Acts Committee. It is therefore proposed to increase both Committees to have 10 members.

## 2. Details of Proposal or Information

2.1 The political balance for the Council as a whole and the specific bodies covered by the political balance requirements are set out below.

Committees (number of places available)	Political Groups			
	Labour Group (27)	Conservative Group (19)	Independents Group (4)	Liberal Democrat Group (3)
Audit Committee (5)	3	2	0	0
Employment and Appeals Committee (4)	3	1	0	0
General Licensing Committee (10)	6	3	1	0
Planning Committee (11)	6	3	1	1
Standards Committee (7)	4	2	1	0
<b>Scrutiny Committees</b>				
Business Scrutiny Committee (9)	5	3	0	1
Communities Scrutiny Committee (9)	5	3	0	1
Environment Scrutiny Committee (9)	5	3	1	0
Services Scrutiny Committee (9)	5	3	0	1

Joint Committees					
Joint Committee	ICT	2	1	0	0

2.2 The proportion of places on the Council by political Group is set out below.

Political Group	% on the Council	Number of Seats on Committees	% of seats on Committees
Labour Group	50.94%	44	57.89%
Conservative Group	35.85%	24	31.58%
Independents Group	7.55%	4	5.26%
Liberal Democrat Group	5.66%	4	5.26%

2.3 The current Committee membership is set out at Appendix 1.

2.4 There are currently vacancies on Audit Committee and Communities Scrutiny Committee following the death of a Councillor earlier in the year.

2.5 There was also a mid-year change of Planning Committee membership following the change of political group of one Councillor, which was agreed by Delegated Decision.

2.6 The increase in size of the General Licensing Committee and the Licensing and Gambling Acts Committee means there are now two Labour Group vacancies and one Independents Group vacancy on each of the two Committees.

### **3 Reasons for Recommendation**

3.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of Section 15 of the Local Government and Housing Act as far as reasonably practicable.

### **4 Alternative Options and Reasons for Rejection**

4.1 None. The Council is required to consider and allocate seats to political groups in accordance with the Political Balance requirements.

## **DOCUMENT INFORMATION**

Appendix No	Title
1	Committee Allocations with vacancies and changes highlighted.

**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)