

23 May 2018		ITEM: 9
Annual Council		
Allocation of Committee seats and Committee appointments		
Wards and communities affected: None		Key Decision: Not Applicable
Report of: Lyn Carpenter, Chief Executive		
Accountable Assistant Director: David Lawson, Assistant Director of Law and Governance and Monitoring Officer		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is public.		

Executive Summary

This report requests the Council to confirm the calculations relating to the allocation of seats on committees and to appoint the nominations of political groups to committees. The report also requests the Council to appoint the Chairs and Vice-Chairs of certain committees.

1. Recommendation(s)

- 1.1 That the allocation of seats, as set out in Appendix 1, be approved.**
- 1.2 That the nominations of the political groups to seats on committees be approved, as set out in Appendix 2 (to be tabled when nominations are received).**
- 1.3 That the non-voting co-opted members of the Planning Committee, the Standards and Audit Committee, the Health and Well-being Overview and Scrutiny Committee, the Housing Overview and Scrutiny Committee, the Children's Services Overview and Scrutiny Committee and the Corporate Parenting Committee be appointed, as set out in Appendix 2.**
- 1.4 That the Chairs and Vice-Chairs of committees be appointed, as set out in Appendix 3 (to be tabled when nominations are received).**

2. Introduction and Background

- 2.1 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when two or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group.
- 2.2 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the local authority at the annual meeting, or as soon as possible after it, to review the allocation of seats on the committees of the Council between the political groups. The Council may carry out such a review and any other time and may do so if requested by a political group.
- 2.3 The following principles apply to the allocation of seats:
 - (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 seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) That, subject to (a) and (b), 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), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.
- 2.4 Sub-committees, with the exception of the Licensing Sub-Committee, are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is practicable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.
- 2.5 The Local Government and Housing Act 1989 requires that, once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 2.6 Any non-aligned members are to be appointed to available seats on committees by the Council.
- 2.7 The Cabinet, the Health and Wellbeing Board and the Lower Thames Crossing Task Force are not required to be proportional and so are outside of the political balance calculation.
- 2.8 The Leader of the Council appoints the Cabinet and, in accordance with the Terms of Reference, will also make nominations to the 5 places available on the Health and Wellbeing Board, with the latter to be agreed by the Council.

- 2.9 It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report therefore assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political proportionality

- 2.10 The political balance of the Council can be calculated by using the simple formula below (to two decimal places):

$$\frac{\text{No. of Group Members} \times 100}{49}$$

- 2.11 Following the elections in May 2018 the following political balance applies:

Group	Councillors	%
Labour	17	34.69%
Conservative	20	40.82%
Thurrock Independents	12	24.49%
Total	49	100

- 2.12 The calculation to determine the strict entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

- 2.13 Those members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.
- 2.14 The LGA Independent Group has taken the view that in the true spirit of the Act, that morally or democratically, non-aligned councillors are entitled to fair representation. Groups are not entitled to have more than their share and thus they cannot exclude councillors that are not grouped i.e. single party councillors or non-aligned Independent councillors. For example in an authority of 49 councillors with one non-grouped councillor, the council must make 1/49 of the places available.

3. Issues, Options and Analysis of Options

- 3.1 The number of seats on committees that are available to be allocated amongst the political groups represented on the Council is 81.
- 3.2 Each of the political groups (formed when 2 or more councillors notify the Chief Executive, as Proper Officer, of their wish to be treated as a group) are entitled to a certain number of seats on committees. This is based upon their percentage representation on the Council as a whole, as detailed in Table 1 at paragraph 2.11 above.
- 3.3 The calculation to determine the entitlement of political groups to seats on committees is as follows:

$$\frac{\% \text{ from Table 1}}{100} \times \text{Total No. of seats available (81 seats)}$$

- 3.4 After undertaking the above calculation for each of the political groups represented on the Council, the entitlement to seats is as follows:

- Labour 28 seats
- Conservative 33 seats
- Thurrock Ind. 20 seats

- 3.5 Each of the political groups are only entitled to their proportion of seats.
- 3.6 In order to ascertain the number of seats to be allocated to political groups on each committee, the following calculation is required to be undertaken:

$$\frac{\% \text{ from Table 1}}{100} \times \text{No. of committee places available}$$

- 3.7 After applying the above calculation to each of the committees that have been established at Agenda Item 8, the following results can be seen:

(a) 6 member committee – applies to all **Overview & Scrutiny Committees and the Standards & Audit Committee**

- | | | | |
|-------|-------------------|--------|------------------|
| • Lab | 34.69 / 100 x 6 = | 2.08 = | 2 seat(s) |
| • Con | 40.82 / 100 x 6 = | 2.45 = | 2 seat(s) |
| • TI | 24.49 / 100 x 6 = | 1.47 = | 1 seat(s) |

NOTE: A manual adjustment will provide the remaining seat for each of these committees to be allocated to the respective party (see 3.9 below).

(b) 7 member committee – applies to the **General Services Committee**

• Lab	$34.69 / 100 \times 7 =$	2.43	=	2 seat(s)
• Con	$40.82 / 100 \times 7 =$	2.86	=	3 seat(s)
• TI	$24.49 / 100 \times 7 =$	1.71	=	2 seat(s)

(c) 8 member committee – applies to the **Corporate Parenting Committee**

• Lab	$34.69 / 100 \times 8 =$	2.78	=	3 seat(s)
• Con	$40.82 / 100 \times 8 =$	3.27	=	3 seat(s)
• TI	$24.49 / 100 \times 8 =$	1.96	=	2 seat(s)

(d) 9 member committee – applies to the **Planning Committee**

• Lab	$34.69 / 100 \times 9 =$	3.12	=	3 seat(s)
• Con	$40.82 / 100 \times 9 =$	3.67	=	4 seat(s)
• TI	$24.49 / 100 \times 9 =$	2.20	=	2 seat(s)

(e) 15 member committee – applies to the **Licensing Committee**

• Lab	$34.69 / 100 \times 15 =$	5.20	=	5 seat(s)
• Con	$40.82 / 100 \times 15 =$	6.12	=	6 seat(s)
• TI	$24.49 / 100 \times 15 =$	3.67	=	4 seat(s)

3.8 **Appendix 1** shows a rounded allocation of seats to each political group. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular political group matches and does not exceed or fall short of their entitlement.

3.9 From the figures set out in **Appendix 1**, the manual adjustments required are:

- The Conservatives require 3 additional seats across the 6 member committees.
- The Thurrock Independents require 3 additional seats across the 6 member committees.
- Labour require 1 additional seat across the 6 member committees.

3.10 Group Leaders have been consulted in respect of the calculations set out at **Appendix 1**, together with the manual adjustments that are required in order to ensure that seats on committees are correctly allocated to each of the political groups.

3.11 Group Leaders have also been requested to provide nominations to the places on committees to which their respective groups are entitled.

3.12 The nominations of political groups to seats on committees and the nominations for Chair and Vice Chair of committees will be circulated at the meeting.

4. Reasons for Recommendation

- 4.1 The Council is required to make the required appointments to those committees that have been established to facilitate the efficient discharge of its functions, as set out in Agenda Item 8.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation has been undertaken in respect of this report with the leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees and their respective nominations are put before Council for approval.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Appointing members to those committees established at Agenda Item 9, in accordance with the political balance of the Council and associated allocation of seats on committees, will enable the Council to properly discharge its functions.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Management Accountant, Central Services

The cost of servicing these committees will be met through the existing budgets.

7.2 Legal

Implications verified by: **David Lawson**
Monitoring Officer and Assistant Director of Law and Governance

These are set out in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore, attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework. The introduction of essential member training provides the assurance that members of committees will be able to fulfil their obligations with a full understanding of equality and diversity issues. This is fundamental to the Council being able to meet its statutory responsibilities. However, consideration must be given to members not completing the training or not attending, and the steps to be taken in these circumstances, once the member has been appointed.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

9. Appendices to the report

There are the following appendices to this report:

Appendix 1 – Allocation of seats.

Appendix 2 – Nominations of political groups to seats on Committees (to be circulated at the meeting).

Appendix 3 – Appointment of Chairs and Vice-Chairs of Committees (to be circulated at the meeting).

Report Author:

Matthew Boulter

Democratic Services Manager and Deputy Monitoring Officer

Legal and Democratic Services