



REPORT TO: ANNUAL COUNCIL

DATE: 19 MAY 2011

REPORT OF THE: CHIEF EXECUTIVE
JANET WAGGOTT

TITLE OF REPORT: THE ALLOCATION OF SEATS ON COMMITTEES
BETWEEN POLITICAL GROUPS AND THE APPOINTMENT
OF MEMBERS TO COMMITTEES

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to recommend the appointment of Committees for 2011/2012.

2.0 RECOMMENDATION(S)

That Council decides the political composition of the Committees.

The Officer recommendations are as follows:

1. That the Council appoints those Committees indicated at **Annex A**;
2. That the size of the Committees is that specified in **Annex A**;
3. That the Council divides Committee seats between political groups in accordance with the allocation shown at the attached **Annex A**;
4. Membership of the Committees to be that circulated at the meeting ;
5. That the membership of the Licensing Committee be the same Members as appointed to the Committee called the Commissioning Board;
6. That the Annual Meeting of Council elects the Chairmen and Vice-Chairmen of the standing Committees with the exception of the Standards Committee and the Licensing Committee;
7. That Mrs Gill Baker, Mr Ian Hamilton and Mr Colin Langley (Independent Members) be co-opted to the Standards Committee;
8. That Ms Sue Butler, Mr Bernard Cole and Mr Hugh Spencer, (Parish Council representatives) be co-opted to the Standards Committee;

9. That the terms of reference of the Policy & Resources Committee, Licensing Committee, the Commissioning Board, Overview & Scrutiny Committee, Planning Committee and Standards Committee and the Scheme of Officer Delegation are those set out in part 3 of the Council's Constitution;

10. That the Chief Executive be authorised to make consequential amendments to the Constitution arising from the changes referred to above.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To comply with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

4.0 BACKGROUND AND INTRODUCTION

A. Committee for 2011/2012

In accordance with the Council's Constitution, the Council is requested to appoint the Committees as shown in **Annex A**.

B. The Allocation of Seats on Committees between Political Groups and the Appointment of Members to Committees

4.1 Ryedale District Council is to be treated as being divided into different political groups for the purposes of the Local Government and Housing Act 1989, because at least one political group has been constituted in the prescribed way.

4.2 The Local Government & Housing Act 1989 and associated regulations, requires the distribution of seats on committees and sub-committees to be on the basis of political proportionality so far as it is "reasonably practicable" between the political groups of the Council unless every Member of the Council agrees that some other basis of allocation should be used.

4.3 The distribution of committee places between the groups needs to have regard to these rules.

4.4 A political group is any group of two or more Councillors who notify the Chief Executive that it wishes to be considered as a political group. In law it is a "group" only for the purposes of allocating places on Committees. It is a matter for individual groups to decide whether to get together for political purposes such as a coalition.

4.5 In making appointments to Committees the Council must be guided by the following principles:-

- (a) Not all seats on the Committees can be allocated to one political party;
- (b) The majority of seats should be awarded to a group having a majority on the Council;
- (c) Subject to (a) and (b) the total number of places allocated on all Committees must be proportionate to the political strength on the Council as a whole;
- (d) Subject to (c) the places on each Committee must be proportionate to political strength.

4.6 One effect of the rules is that there is no requirement for all political groups to be represented on all Committees unless the figures justify such representation. If the committee size means a smaller group does not get a place, then that is not unlawful. It is a matter for the Council to decide on the size of Committees and the distribution of places between the groups, and for the political groups to determine their

individual membership. It should also be noted that an ungrouped Member receives any seat which is available after seats have been allocated to political groups.

4.7 Political proportionality on committees is achieved in the following two stages:-

4.7.1 the first stage is the allocation of numbers of seats on committees to each political group.

4.7.2 the second stage is the giving effect to such allocations by appointing individual Members.

The political proportionality rules apply to the following committees of the Council with the exception of the Standards Committee:-

Committee	
1.	Policy & Resources Committee
2.	Commissioning Board
3.	Overview & Scrutiny Committee
4.	Planning Committee

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5.0 ISSUES AND ANALYSIS

5.1 The strength of the political groups on the Council of 30 Members is as follows:-

Conservatives
20 (67%)
Liberals
4 (13.33%)
Independents
3 (10%)
Liberal Democrats
2 (6.67%)

5.2 Given the political composition of the Council after the local government elections on 5 May 2011, political proportionality is considered to be achieved with the following Committee sizes:-

Policy & Resources	10
Commissioning Board	11
Overview & Scrutiny	9
Planning Committee	<u>15</u>
	<u>45</u>

The seats on committees which can be allocated between the political groups, therefore, total 45 seats.

5.3 The numerical entitlements have been divided as follows (these being the nearest divisions for mathematical accuracy and having regard to the fact that whole numbers must be attained):-

	Conservative	Independent	Liberal	Lib Dem	Ungrouped Members	Total
Committees	30	5	6	3	1	45

Against this background and on the basis of group constitutions the number of seats recommended to be allocated to each political group is as follows:-

Conservative	30
Liberal	6
Independents	5
Liberal Democrat	3
Ungrouped Member	<u>1</u>
	45

The political proportionality rules do not apply to the Standards Committee or the Licensing Committee. The Standards Board for England recommends that one party does not have the majority of the elected members seats.

Against this background a possible division of seats on the Standards Committee and the Licensing Committee is shown in Part 2 of **Annex A**.

5.4 As a single Member and not a political group, the ungrouped Member is not entitled to two seats. He is entitled to what is left after the groups have their share of seats.

The legal obligation to ensure that there is proportionality in the political composition of committees extends only to proportionate representation of members of political groups and does not require ungrouped single members to be proportionally represented.

5.5 Council is advised that there are alternative options to that recommended. The decision about which option to adopt is a decision for Council.

5.6 Regulation 15 of the Local Government (Committees and Political Groups) Regulations 1990 makes provision for appointments to Committees in circumstances where a political group has failed to express its wishes in relation to the appointment of its members to Committees.

If any political group does not make nominations the procedure is as follows:-

5.6.1 The Annual Council meeting on 19 May 2011 would review the allocation of seats to all political groups;

5.6.2 The next day the proper officer gives the group formal notice of the allocation of seats to that political group;

5.6.3 The group then has three weeks beginning with the date on which notice is received to make nominations;

5.6.4 There would be a vacancy in respect of the Committee seats allocated to the group not making a nomination of a Member for the seat until the next subsequent Council meeting on 18 July 2011;

5.6.5 In the absence of a group making nominations within the three week period mentioned above, Council may make such appointment to that Committee seat as it thinks fit. In that event the political group may not have a seat on the Committee(s).

- 5.7 To avoid the unnecessary use of Officer time the best approach is for all political groups to make nominations before or at the Annual Meeting of Council.
- 5.8 A complete list of nominations received to date of Members to fill ensuing vacancies on the Committees will be circulated at the Annual Meeting of Council.
- 5.9 Consideration needs to be given to the elected membership of the Standards Committee. The Constitution provides for five elected Members. It is recommended that two seats be allocated to the Conservative group and each of the other groups be allocated one seat. Council needs to decide which elected Members should be appointed to the Standards Committee.
- 5.10 The co-option to the Standards Committee of the three independent Members and the Parish Council representatives also needs to be confirmed for the ensuing Municipal year. The Parish representatives have been recommended by the Yorkshire Local Councils Association.
- 5.11 The terms of reference of the Policy and Resources Committee, Commissioning Board, Licensing Committee, Overview & Scrutiny Committee and Standards Committee are those set out in Part 3 of the Council's Constitution.

6.0 FINANCIAL IMPLICATIONS

- 6.1 None

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Background Papers:

Local Government Act 2000.

New Council Constitutions - Guidance Pack Volumes 1 and 2 published by DETR on 27 October 2000 with subsequent amendments.

Background Papers are available for inspection at:
Ryedale House

ANNEX A

DIVISION OF MAIN COMMITTEE SEATS FOR 2011/2012

Part 1. COMMITTEE SEATS

<u>Political Group</u>	Policy & Resources		Commissioning Board (A Committee)		Overview & Scrutiny Committee		Planning Committee		Total (45 Seats)	
Conservative	7	(6.67)	7	(7.33)	6	(6.00)	10	(10.00)	30	(30.00)
Liberal	1	(1.33)	2	(1.46)	1	(1.19)	2	(2.00)	6	(6.0)
Independent	1	(1.00)	1	(1.1)	1	(0.9)	2	(1.5)	5	(4.50)
Lib Dem	0	(0.67)	1	(0.73)	1	(0.59)	1	(1.00)	3	(3.00)
Ungrouped Member	1	(0.33)	0	(0.37)	0	(0.30)	0	(0.53)	1	(1.50)
	10		11		9		15		45	

Part 2. STANDARDS COMMITTEE

	Standards Committee
Conservative	2
Liberal	1
Independent	1
Lib Dem	1
Ungrouped Member	0

LICENSING COMMITTEE

	Licensing Committee
Conservative	7
Liberal	2
Independent	1
Lib Dem	1
Ungrouped Member	0