



REPORT TO: FULL COUNCIL

DATE: 19 MAY 2022

REPORT OF THE: HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER, ELIZABETH HEATH

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 allocation of seats on Committees to political groups and the appointment of Members to Committees for 2022/2023

2.0 RECOMMENDATIONS

2.1 The Council decides the political composition of the Committees.

2.2 The Officer recommendations are as follows:

- (i) That the Council appoints those Committees indicated at **Annex A**
- (ii) That the size of the Committees is that specific in **Annex A**
- (iii) That the Council divides Committee seats between political groups in accordance with the allocation shown at **Annex A**
- (iv) That the Annual Meeting of Council elects the Chairs and Vice-Chairs of the Standing Committees with the exception of the Licensing Committee
- (v) Membership of the Committees to be that shown at **Annex B** (subject to provision of details from the remaining group at the meeting)
- (vi) That the membership of the Licensing Committee be the same Members as appointed to the Planning Committee
- (vii) That the terms of reference of the Policy & Resources Committee, Licensing Committee, Overview & Scrutiny Committee, Planning Committee and the Scheme of Officer Delegation are those set out in Part 3 of the Council's

Constitution

- (viii) That the Chief Executive in consultation with the Head of Corporate Governance and Monitoring Officer 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 SIGNIFICANT RISKS

- 4.1 There are no significant risks related to the recommendations in this report, which seek to ensure compliance with legal requirements.

5.0 POLICY CONTEXT AND CONSULTATION

A Committees for 2022/23

- 5.1 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

- 5.2 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.

- 5.3 The Local Government and 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 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.

- 5.4 The distribution of Committee places between the groups needs to have regard to these rules.

- 5.5 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.

- 5.6 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

5.7 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.

5.8 Political proportionality on Committees is achieved in the following two stages:

5.8.1 the first stage is the allocation of numbers of seats on Committees to each political group;

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

5.9 If Council adopts **Annex A** the political proportionality rules apply to the following Committees of the Council:

COMMITTEE	
1.	Policy & Resources Committee
2.	Overview & Scrutiny Committee*
3.	Planning Committee

* The Overview and Scrutiny Committee also acts as the District Council's Audit Committee and Corporate Governance Standards Committee

REPORT

6.0 REPORT DETAILS

6.1 The strength of the political groups on the Council of 29 Members is as follows:

Conservative	10	(34.48%)
Liberal	5	(17.24%)
Independent	5	(17.24%)
Ryedale First Independent	2	(6.89%)
Independent for Ryedale	3	(10.34%)
Liberal Democrat and Independent	3	(10.34%)
Independent (ungrouped)	1	(3.45%)

6.2 Given the political composition of the Council, political proportionality is considered to be achieved with the following Committee sizes:

Policy & Resources	10
Overview & Scrutiny	9
Planning	10

Total 29

The seats on Committees which can be allocated between political groups therefore totals 29 seats.

- 6.3 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	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Ind.	Independent (ungrouped)	Total
10	5	5	2	3	3	1	29

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	10
Liberal	5
Independent	5
Ryedale First Independent	2
Independent for Ryedale	3
Liberal Democrat & Independent	3
Independent (ungrouped)	1
	29

- 6.4 Council needs to divide Committee seats between political groups.
- 6.5 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.
- 6.6 The Head of Corporate Governance and Monitoring Officer has discussed political proportionality and Committee membership with all political Group Leaders in advance of the Annual Council meeting to clarify the position of the political groups on those issues as far as is reasonable practicable. Group Leaders are thanked for assisting this process.
- 6.7 In terms of appointment of Members to Committees, Council is requested to note the following constitutional provisions:
1. Each Councillor may only sit on one Committee;
 2. Each political group may have substitutes to cover the absence of Members of the group on the Policy and Resources Committee and the Planning Committee. Most political groups are entitled to two named substitutes;
 3. There are no substitutes on the Overview and Scrutiny Committee or the Licensing Committee;
 4. In relation to choosing substitutes on the Policy and Resources Committee and the Planning Committee, one named substitute for each political group can be drawn from the Overview and Scrutiny Committee, but the substitute cannot scrutinise a decision they were part of, for example on the Policy and Resources Committee.
- 6.8 **Annex C** outlines the procedure should any political group not make nominations of Members to fill Committee seats.

6.9 All members sitting on committees dealing with planning and licensing must be trained to ensure that they can deal with these matters appropriately, having regard to all legal, policy and procedural requirements.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
None.

- b) Legal
This report ensures compliance with the Local Government and Housing Act 1989, and associated regulations.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
None.

Elizabeth Heath

Head of Corporate Governance and Monitoring Officer

Author: Elizabeth Heath, Head of Corporate Governance and Monitoring Officer
Telephone No: 07590 444880
E-Mail Address: elizabeth.heath@ryedale.gov.uk

Background Papers:

None

Background Papers are available for inspection at:

Not applicable

DIVISION OF MAIN COMMITTEE SEATS FOR 2022/2023

PART 1 – COMMITTEE SEATS

Political Group	Policy & Resources	Overview & Scrutiny	Planning Committee	Total (29 seats)
Conservative	4(3.33)	3(3.33)	3(3.33)	10
Liberal	2 (1.66)	1 (1.66)	2(1.66)	5
Independent	1 (1.66)	2 (1.66)	2(1.66)	5
Independent for Ryedale	1 (1)	1 (1)	1 (1)	3
Lib Dem & Independent	1 (1)	1 (1)	1 (1)	3
Ryedale First Independent	1 (1)	0 (1)	1 (1)	2
Ungrouped	0	1(1)	0	1
	10	9	10	29

PART 2 – LICENSING COMMITTEE

	Licensing Committee
Conservative	3
Liberal	2
Independent	2
Independent for Ryedale	1
Liberal Democrat & Independent	1
Ryedale First Independent	1
Ungrouped	0

RYEDALE DISTRICT COUNCIL

APPOINTMENT OF MEMBERS TO COMMITTEES 2022/23

POLICY & RESOURCES COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent
K C Duncan C W Delaney C Docwra S M Graham	J Andrews A Clark	L M Burr	S Arnold	J Frank	D E Keal
Substitutes J R Bailey J Mackenzie	Substitutes C Brackstone M Potter	Substitutes P J Andrews	Substitutes J A Windress	Substitutes E Hope D E Cussons	Substitutes S P Mason

OVERVIEW & SCRUTINY COMMITTEE¹

Conservative	Liberal	Independent	Ungrouped	Independent for Ryedale	Lib Dem & Independent
R King W R F H Oxley N Garbutt Moore	Wass	A R Riby A E Raine	C Goodrick	D E Cussons	T Middleton

¹ In accordance with the Council's Constitution, where a Member of Overview and Scrutiny Committee has acted as a named substitute at any Policy Committee they may not subsequently scrutinise any decision in which they have been involved.

PLANNING COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent
M J T Cleary J Mackenzie J Bailey	C Brackstone M Potter	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason
Substitutes C Docwra S M Graham	Substitutes J Andrews	Substitutes A R Riby	Substitutes S Arnold	Substitutes J Frank D E Cussons	Substitutes D E Keal

LICENSING COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent
M J T Cleary J Mackenzie J Bailey	C Brackstone M Potter	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason

NON-APPOINTMENT OF MEMBERS TO COMMITTEES

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

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.

The Annual Council meeting would review the allocation of seats to all political groups;

The next day, the Proper Officer gives the group formal notice of the allocation of seats to that political group;

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

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 7 July 2022.

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).