

Committee Name: Council

Committee Date: 24/05/2021

Report Title: REVIEW OF POLITICAL PROPORTIONALITY AND ALLOCATION OF SEATS ON COMMITTEES

Portfolio:	Councillor Kendrick
Report from:	Monitoring officer
Wards:	All wards
OPEN PUBLIC ITEM	

Purpose

To consider the political proportionality and allocation of seats on committees for the civic year 2021-22.

Recommendation:

To:

- 1) review the representation of the different political groups on the council,
- 2) determine the allocation of seats on committees to those political groups; and
- 3) make appointments to those committees in accordance with the wishes of the political groups.

Policy Framework

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report meets all corporate priorities

Report Details

1. The Local Government and Housing Act 1989 requires the Council to review the representation of different political groups on committees and sub-committees at, or as soon as practicable after, the Annual Meeting of the Council; or in the event of a change to the Council's political composition.
2. This report therefore gives notice of changes to the Council's political composition following the recent elections, and approval is sought to the committee sizes [and allocation of committee places], together with the scheme of proportionality for the remainder of 2021/22, arising from those changes.

BACKGROUND

3. The Local Government and Housing Act 1989 requires local authorities to review committee membership and political representation annually and following any change to the political composition of the Council.
4. Following the recent elections, the political composition of the Council is now as follows:

Group	Members	Percentage
Labour Group	26	66.7
Green Group	9	23.1
Liberal Democrat Group	3	7.7
Unallocated	1	2.5
Total	39	100.0

5. The reason for the one unallocated position is due to the deferment of the election in the Sewell ward, which will now take place on 17 June 2021. Once the result of the Sewell ward election is known, the figures in this report will be updated and re-presented to the Council for approval at its next ordinary meeting.
6. By law, seats on committees must be allocated in proportion to the political composition of the Council, so far as is reasonably practicable. In addition, the total number of seats across all of the committees must reflect the overall political balance of the Council.
7. The Council can only decide that it wishes to adopt an arrangement other than a politically proportionate one if no member votes against the resolution at a meeting of the Council.
8. In determining the allocation of seats on ordinary committees, the proportion that each political group forms of the total membership of the Council is applied to the total number of elected member seats on each committee, so far as is reasonably practicable. Fractional entitlements are rounded appropriately to ensure that this process of rounding does not result in advantage to one political group. The aggregate membership of all the ordinary committees must also be in line with the proportions on the Council.

PROPORTIONALITY CALCULATION

9. The rules for the allocation of seats are set out in sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. Section 15(4)-(5) sets out a number of principles and requires the Council to apply them in descending order of priority, so far as reasonably practicable:

10. The principles mentioned above, in relation to the seats on any body which fall to be filled by appointments made by the Council, are:

- (a) that not all the seats on the body are allocated to the same political group;
- (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of the council which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the council as is borne by the number of members of that group to the membership of the council; and
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
- (e) In the case of councillors who are not members of a group, a proportion of seats on committees equal to the proportion of council members who do not belong to a political group are reserved, with appointments to these seats being made by the council at its discretion.

11. The method of calculating places on committees is therefore as follows:

- (a) The total number of seats, with votes, on all the ordinary committees are calculated.
- (b) The proportion that each political group forms of the total membership of the authority is calculated. An appropriate number of seats is reserved for ungrouped members.
- (c) Those proportions are applied to the total number of ordinary committee seats to give the aggregate entitlement of each group. The requirement to apply the proportions "so far as reasonably practicable" can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more. If this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half are rounded in the other direction until entitlements balance the available seats.
- (d) The proportions are applied to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
- (e) The seats are finally adjusted on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement while preserving the principle in (b) above.

12. Cabinet is excluded by law from the calculations under s.9GC Local Government Act 2000. Where the local authority chooses to disregard the rules of political proportionality for a particular committee then that committee is also excluded from the calculations.

13. It is for the Council to establish the number of places in each committee and in so doing it will need to be mindful of the functions of the committee, the number of members it needs for the best possible governance and the

overall availability of members to serve on committees.

14. **Appendix 1** sets out the allocation of places to the Council's committees, calculated in a manner that is consistent with the legislation and on the basis that the rules of political proportionality are applied to all ordinary committees.
15. Places on committees are filled in accordance with the wishes of group leaders as set out in **Appendix 1**.

STRATEGIC CONTEXT

16. Good governance arrangements and effective decision-making processes are essential to the delivery of the Council's services and support meeting the objectives set out in the Council's corporate plan.
17. Approval of the scheme of political proportionality will (unless there are further changes in the meantime) enable the Council to appoint members to committees for the remainder of the municipal year (2019/20) in accordance with the wishes of political groups.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2019-22 and Budget.

18. Any financial implications are met from existing budgets.

Legal

19. The annual review of the Council's scheme of political proportionality is a statutory requirement under the Local Government and Housing Act 1989. It is also a requirement to review proportionality following an election or where a change to the political composition of the Council changes.
20. The Council may only choose to depart from political proportionality in appointing members to any of its committees if no member votes against the resolution at the meeting. Every effort has been taken to ensure that proportionality has been applied accurately and in accordance with the statutory formula.
21. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and 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.

Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The rules regarding political proportionality ensure that the Council's decision making

	<p>structure reflects the overall political composition of the democratically elected representatives of the Island's voting population. However, it does not take account of any of the nine protected characteristics in in the Equalities Act 2010</p> <p>The proposals contained in this report are not considered to have an adverse impact on any of the protected characteristics.</p>
Health, Social and Economic Impact	Not applicable
Crime and Disorder	Not applicable
Children and Adults Safeguarding	Not applicable
Environmental Impact	Not applicable

Risk Management

22. The recommendations ensure that the Council complies with its statutory requirements and constitution, meets its corporate governance requirements and responds to changing circumstances.
23. An effective governance system for the Council is essential to enable business to be transacted openly and in a timely manner. The appointment to the various committees and the implementation of the supporting processes seeks to do this.
24. The technical allocation of seats on a committee to a particular group takes no account of the individual performance, skills and experience of any member serving on a committee. Therefore, any movement of individual members between committees should not be seen as a statement of their abilities or contribution to the work of the committee. The need to apply political proportionality in accordance with the requirements of the legislation is the key driver behind for the impact on an individual member.
25. The recommendations in this report:
 - lessen the risk arising from any legal challenge to the decision-making process by way of judicial review or other remedy
 - reduce the risk of damage to the Council's reputation due to a perception of unfairness
 - help minimise the risk of committees being inquorate and the associated issues this raises, such as delays to decision making, the authority being unable to implement decisions in a timely manner and the cost of convening additional meetings.

Other Options Considered

No other options were considered for this report.

Reasons for the decision/recommendation

To allow for a politically balanced committee structure to be put in place for the 2021-22 civic year.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	20/05/2021
Monitoring Officer (or Deputy)	17/05/2021
Relevant Executive Director	20/05/2021

Background papers: None

Appendices: Table of named committee places

Contact Officer:

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Appendix 1

Allocation of Places to Committees for 2021/22 based on Committee Size and Political Proportionality

Proposed size of committees and calculation of seats (Proportionate number of seats on committees based on 39 elected members and current committee size).

	Labour	Green	Lib Dem	Unallocated	Total
Total number of councillors	26	9	3	1	39
Proportion as a whole (%)	66.7	23.1	7.7	2.5	100
Committees					
Scrutiny	9 Cllr Matthew Fulton-McAlister, Cllr Hampton, Cllr Manning, Cllr Oliver, Cllr Viv Thomas, Cllr Giles, Cllr Everett, Cllr Vaughan Thomas, Cllr Stutely	3 Cllr Galvin Cllr Carlo Cllr Osborne	1 Cllr Wright		13
Audit	5 Cllr Driver, Cllr Hampton, Cllr Oliver, Cllr Mike Sands, Cllr Stutely	2 Cllr Price Cllr Haynes	1 Cllr Wright		8

	Labour	Green	Lib Dem	Unallocated	Total
Total number of councillors	26	9	3	1	39
Planning Applications	9 Cllr Button, Cllr Everett, Cllr Maxwell, Cllr Peek, Cllr Mike Sands, Cllr Vaughan Thomas, Cllr Driver, Cllr Stutely, Cllr Giles.	3 Cllr Bogelein Cllr Grahame Cllr Youssef	1 Cllr Lubbock		13
Licensing	9 Cllr Brociek-Coulton, Cllr Erin Fulton-McAlister, Cllr Giles, Cllr Huntley, Cllr Sue Sands, Cllr Stutely, Cllr Button, Cllr Maxwell, Cllr Viv Thomas	3 Cllr Price Cllr Youssef Cllr Schmierer	1 Cllr Ackroyd		13
Standards	4 Cllr Driver, Cllr Sue Sands, Cllr Mike Sands, Cllr Vaughan Thomas.	1 Cllr Grahame	1 Cllr Lubbock		6

	Labour	Green	Lib Dem	Unallocated	Total
Total number of councillors	26	9	3	1	39
Norfolk Joint Museums ¹	2 Cllr Everett, Cllr Huntley	1 Cllr Schmierer	0		3
Norfolk Joint records	2 Cllr Viv Thomas, Cllr Waters	1 Cllr Haynes	0		3
Total number of seats	40	14	5	0	59
Proportion of committee seats (%)	67.8	23.7	8.5	0	100

¹ Chair of Norwich Area Museums committee must also be a member of the Norfolk Joint Museums Committee