



PAPER D

Purpose: For Decision

Committee report

Committee	COUNCIL
Date	15 JANUARY 2020
Title	REVIEW OF POLITICAL PROPORTIONALITY AND ALLOCATION OF SEATS ON COMMITTEES
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. Following changes in the number of seats held by individual groups on the council it is necessary to review the allocation of seats on committees to these groups.
2. This report outlines the legal requirements and guidance of allocating seats to the political groups and makes the appropriate recommendations.
3. It also provides a course of action when vacancies on committees remain unfilled.

BACKGROUND

Proportionality

4. The principles of political balance require that:
 - (i) not all seats on any committee or subcommittee are allocated to the same group;
 - (ii) the majority of seats on committees or sub committees is allocated to a particular group if that group has a majority of seats on the council;
 - (iii) subject to (i) and (ii) above that the number of seats allocated to any group on the total of all committees have the same proportion to the proportion on Full Council;
 - (iv) Subject to (i), (ii) and (iii) above - the number of seats on each committee allocated to each group bears the same proportion to the proportion on Full Council.

5. Under legislation (the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulation 1990) two or more councillors may form and register a group.

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 has to be reserved, with appointments to these seats being made by the council at its discretion.

Places on committees are filled in accordance with the wishes of group leaders as notified to the monitoring officer.

6. As a result of two councillors leaving their political groups, the political composition of the council is now as follows:

Group	Seats	Per cent
Conservatives	25	62.5
Island Independent Group	7	17.5
Labour	0	0.0
1957 Group	2	5.0
Independent Members Group	2	5.0
Liberal Democrat	2	5.0
<i>Independent Network (Cllr Stephens)</i>	1	2.5
<i>Independent (Cllr Perks)</i>	1	2.5
Total	40	100.0%
<i>Seats allocated to members not in a group</i>	2	5.0

7. The method of calculating places on committees is as follows:
 - (i) The total number of seats, with votes, on all the ordinary committees are calculated.
 - (ii) 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.
 - (iii) Apply those proportions 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 should be rounded in the other direction until entitlements balance the available seats.
 - (iv) Apply the proportions to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
 - (v) The seats have to be 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 (ii) above.
 - (vi) Corporate Scrutiny Committee, under local convention, operates on the basis of reverse proportionality and is therefore excluded from the calculations.

(vii) The proposed number of seats by committee is included below (Table 1):

Table 1:

Committee (pre-adjustment) Excludes Cabinet, Corporate Scrutiny, Fire Pension, Health and Wellbeing Board and Pension Board	Seats	Conservatives	Independent Group	The 1957	Independent Members Group	Lib Dem	Not in a group
Appeals Committee (10)	10	6	2	0	1	0	1
Appointments Panel (6)	6	4	1	1	0	0	0
Audit Committee (7)	7	5	1	0	0	1	0
Harbour Committee (7)	7	5	1	0	0	1	0
Licensing Committee (10)	10	6	1	0	1	0	2
Pension Fund Committee (7)	7	5	1	0	0	1	0
Planning Committee (12)	12	7	2	1	1	0	1
Policy and Scrutiny Committee for Health and Social Care (7)	7	4	2	1	0	0	0
Policy and Scrutiny Committee for Children Services, Education and Skills (7)	7	4	2	0	1	0	0
Policy and Scrutiny Committee for Neighbourhoods and Regeneration (7)	7	4	1	1	0	1	0
Totals	80	50	14	4	4	4	4
%	100	60.0%	20.0%	10.0%	10.0%	10.0%	10.0%

Vacancies on committees

8. Throughout 2019 there have been several vacancies across committees which has impacted on the quoracy of the meeting.
9. The vacancies are as follows:

Appeals Committee (ten)

Conservatives

Three vacancies (for over 12 months)

Independent Members Group

One vacancy

Audit Committee (seven)

Conservatives

One vacancy

Island Independents Group

One vacancy (three months)

Independent Members Group

One vacancy (Filled by Lib Dem)

Corporate Scrutiny Committee (eight) Reverse proportionality

Conservatives

One vacancy (over six months)

Licensing Committee (10)

Conservatives

One vacancy (over 12 months)

Pension Fund Committee (seven)

Island Independent Group

One vacancy

Policy and Scrutiny Committee for Health and Social Care (Seven)

Conservatives

One vacancy (over six months)

Policy and Scrutiny Committee for Children's Services, Education and Skills (seven)

Conservatives

One vacancy (over six months)

Policy and Scrutiny Committee for Neighbourhoods and Regeneration (seven)

Conservatives

One vacancy (over six months)

10. Under regulation 15 of the Local Government (Committee and Political Groups) Regulation 1990) the authority or committee on which there is a vacancy has the power, where a political group has failed to express its wishes in relation to the appointment to a seat within the period of three weeks from the date on which notice was given, to make such appointment to that seat as they think fit.
11. Utilising regulation 15 of the act would allow issues around vacancies on committees to be resolved as the local authority or committee could appoint to those vacancies.

STRATEGIC CONTEXT

12. 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.

FINANCIAL/BUDGET IMPLICATIONS

13. There are no direct financial implications arising from this report.

LEGAL IMPLICATIONS

14. Under the Local Government and Housing Act 1989 and subsequent regulations, the council must review the representation of the different political groups on committees when requested to do so by a leader of a political group where changes have occurred in the size of political groups.
15. 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. This report assumes that the council will not want an alternative arrangement to that prescribed by law.

EQUALITY AND DIVERSITY

16. The rules around political proportionality ensure that the council's decision making structure reflects the overall composition of the democratically elected representatives of the Island's voting population.
17. There are no equality and diversity impacts arising from this report.

OPTIONS

18. Option 1

- (i) To accept the calculations relating to the determination of the aggregate number of committee places available to members of the council.
- (ii) To appoint members to serve on those committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government and Housing Act 1989. Appointments by political groups will be undertaken in the normal way with the respective group leaders notifying the monitoring officer of the wishes of each group.
- (iii) To allocate seats to those members not in a political group , Councillor Ian Stephens and Councillor Graham Perks to the following seats:.

Committee	Seats
Appeals Committee	1
Licensing Committee	2
Planning Committee	1

- (iv) To agree that regulation 15 of the Local Government (Committee and Political Groups) Regulations 1990) be utilised and that the authority or committee make appointments to seats which remain vacant three weeks after the group leader has been notified of the vacancy.

19. Option 2

- (i) To reject the proposals and maintain the current committee allocations.
- (ii) To make no formal changes in relation to how vacancies on committees are managed.

RISK MANAGEMENT AND EVALUATION

- 20. The recommendations ensure that the council complies with statutory requirements and its constitution. An effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of the various committees and the implementation of the supporting processes seeks to do this.
- 21. The recommended option ensures the council complies with legislation, meets its corporate governance requirements and responds to changing requirements and demands.
- 22. The recommended option (Option 1):
 - lessens the risk arising from any legal challenge to the decision-making process by way of judicial review or other remedy;
 - reduces the risk of damage to the council's reputation due to a perception of unfairness; and

- helps minimise the risk of committees being unable to make formal decisions 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.

RECOMMENDATION

23. Option 1

- (i) To accept the calculations relating to the determination of the aggregate number of committee places available to members of the council.
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