



## Committee report

Committee	<b>COUNCIL</b>
Date	<b>26 FEBRUARY 2020</b>
Title	<b>REVIEW OF POLITICAL PROPORTIONALITY AND ALLOCATION OF SEATS ON COMMITTEES</b>
Report of	<b>MONITORING OFFICER</b>

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### EXECUTIVE SUMMARY

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 over the past year to the council's political composition, and approval is sought to the committee sizes, together with the scheme of proportionality for the remainder of 2019/20, arising from those changes.
3. The paper recommends the council retains its convention of disapplying political proportionality to the allocation of places on the Corporate Scrutiny Committee and allocates places on all other committees based on political proportionality, as set out in Appendix 1.
4. The disapplication of political proportionality for the allocation of places on the Corporate Scrutiny Committee is not possible should any member vote against this recommendation. In which case council could agree to political proportionality being applied to all committees as set out in Appendix 2.

### BACKGROUND

5. 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.
6. Following the resignation of Councillor Stephens from the Island Independent Group, the resignation of Councillor Perks from the

Conservative Group, the election of Councillor Hendry as a Conservative councillor (replacing previous Labour councillor, Julia Baker-Smith), and the election of Councillor Hollis (Conservative) following the resignation of Councillor Whitehouse (Conservative), the political composition of the Council is now as follows:

<b>Group</b>	<b>Members</b>	<b>Percentage</b>
Conservative Group	25	62.5
Island Independent Group	7	17.5
Liberal Democrat Group	2	5.0
Independent Members Group	2	5.0
1957 Group	2	5.0
<i>Island Independent Network (Cllr Stephens)</i>	1	2.5
<i>Independent (Cllr Perks)</i>	1	2.5
<b>Total</b>	<b>40</b>	<b>100.0</b>

7. 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 the committees must reflect the overall political balance of the council.
8. 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.
9. 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.

#### CORPORATE SCRUTINY COMMITTEE

10. In previous years the council has agreed to disregard the rules on political proportionality for the Corporate Scrutiny Committee. This committee is constituted of eight elected members plus one voting parish council co-opted member, with the chairman currently being a member who is not from the majority political group.
11. If the council wishes to continue to disregard the rules of political proportionality for the composition of Corporate Scrutiny Committee, it can only do so if no member votes against the resolution.

#### PROPORTIONALITY CALCULATION

12. 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.

13. 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 total 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 (for example where a political group has x% of the seats on the council it should, so far as is reasonably practical be allocated x% of the total available places on committees); and
  - (d) subject to paragraphs (a) to (c) above, that the number of the seats each body/committee 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 (for example where a political group has x% of the seats on the council it should, so far as is reasonably practical, be allocated x% of the all the places on each individual committee).
  - (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.
14. 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.

15. Cabinet is excluded by law from the calculations. 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. The current allocation of places to particular groups is set out in Appendix 3 for information.
16. Appendix 1 to this report, 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 disregarded for the purposes of the Corporate Scrutiny Committee.
17. Appendix 2 to this report 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 the Corporate Scrutiny Committee. This highlights some of the challenges in allocating places to political groups, as it would be possible for any of three groups (Liberal Democrat, Independent Members Group or the 1957 group), to have one of the eight seats on the committee. In this instance the seat is proposed for the Liberal Democrats on the basis that the Chairman of the committee (appointed by Council) is of that group.
18. Places on committees are filled in accordance with the wishes of group leaders as notified to the monitoring officer.
19. 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. Based on the current 80 places on all committees (excluding Corporate Scrutiny), it is not possible for the council to provide every group with a place on every committee. If this were to be the case then every committee would need to have 20 places, no matter its function and each individual member would need to serve on an average of 5 committees. The total number of committee places would more than double to 200 (see Appendix 4).

## STRATEGIC CONTEXT

20. 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.
21. 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.

## FINANCIAL/BUDGET IMPLICATIONS

22. There are no financial implications arising from the recommendations in this paper.

## LEGAL IMPLICATIONS

23. 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.
24. 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.
25. 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.

## EQUALITY AND DIVERSITY

26. The rules regarding political proportionality ensure that the council's decision making 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 the Equalities Act 2010
27. The proposals contained in this report are not considered to have an adverse impact on any of the protected characteristics.

## OPTIONS

28. The options available are:
  - (a) To continue to disregard the rules of political proportionality when appointing members to the Corporate Scrutiny Committee (subject to no member objecting) and confirm the allocation of places as set out in Appendix 1.
  - (b) Accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis for all committees other than the Corporate Scrutiny Committee as set out in Appendix 1.
  - (c) To appoint members to all committees on the basis of political proportionality and accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis as shown in Appendix 2.
  - (d) To suggest amendments to the allocation of places between

political groups provided always that the aggregate number of places across all committees remains politically proportionate.

- (e) To suggest amendments to the allocation of places between political groups which disregard the rules of proportionality subject to no member objecting.

## RISK MANAGEMENT AND EVALUATION

- 29. The recommendations ensure that the council complies with its statutory requirements and constitution, meets its corporate governance requirements and responds to changing circumstances.
- 30. 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.
- 31. 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.
- 32. It is considered impractical for the council to operate with all committees having 20 places on them in order to allow for representation from each political group. It would be a challenge for members to attend all of the meetings they would be required to attend and, perhaps more importantly, have sufficient background and preparation time in order to be fully acquainted with the work of the committees and the services they are associated with. There is also a risk that larger committees are less easy to manage and organise and therefore have less of an overall impact on their purpose and objectives.
- 33. The recommendations in this report:
  - (a) Lessen the risk arising from any legal challenge to the decision-making process by way of judicial review or other remedy
  - (b) Reduce the risk of damage to the council's reputation due to a perception of unfairness
  - (c) 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.

## RECOMMENDATION

34. Option (a) and (b) are recommended and that council agrees to:

(a) To continue to disregard the rules of political proportionality when appointing members to the Corporate Scrutiny Committee (subject to no member objecting) and confirm the allocation of places as set out in Appendix 1.

AND

(b) Accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis for all committees other than the Corporate Scrutiny Committee as set out in Appendix 1.

## APPENDICES

Appendix 1: Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality (except for Corporate Scrutiny).

Appendix 2: Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality (including Corporate Scrutiny).

Appendix 3: Current Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality (except for Corporate Scrutiny).

Appendix 4: Worked Example of How Committee Sizes Would Increase to Accommodate Each Political Group's Representation at Every Committee (Based on Current Arrangements)

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# APPENDIX 1

## Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality Except for Corporate Scrutiny

Proposed size of committees and calculation of seats (Proportionate number of seats on committees based on 40 elected members and current committee size)

Committee	Conser'tve Group	Island Independ't Group	Liberal Democrat Group	Independ't Members Group	1957 Group	Not in a Group	Totals
<b>TOTAL NO. OF COUNCILLORS</b>	<b>25</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>40</b>
Appeals Committee	6	1	0	1	0	2	10
Appointments Panel	4	1	0	0	1	0	6
Audit Committee	5	1	1	0	0	0	7
Licensing Committee	6	2	0	1	0	1	10
Newport Harbour Committee	5	1	1	0	0	0	7
Pension Fund Committee	5	1	1	0	0	0	7
Planning Committee	7	2	0	1	1	1	12
Policy & Scrutiny Committee for Health & Social Care	4	2	0	0	1	0	7
Policy & Scrutiny Committee for Children Services, Education & Skills	4	2	0	1	0	0	7
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	4	1	1	0	1	0	7
<b>TOTAL NO. OF SEATS</b>	<b>50</b>	<b>14</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>80</b>
Proportion (%)	<b>62.5</b>	<b>17.5</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>100</b>

Seat allocations on non-politically proportional bodies

Committee	Conser'tve Group	Island Independ't Group	Liberal Democrat Group	Independ't Members Group	1957 Group	Not in a Group	Totals
Corporate Scrutiny Committee	3	2	1	1	1	0	8



## APPENDIX 2

### Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality Including Corporate Scrutiny

Proposed size of committees and calculation of seats (Proportionate number of seats on committees based on 40 elected members and current committee size)

Committee	Conser'tve Group	Island Independ't Group	Liberal Democrat Group	Independ't Members Group	1957 Group	Not in a Group	Totals
<b>TOTAL NO. OF COUNCILLORS</b>	<b>25</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>40</b>
Appeals Committee	6	1	0	1	1	1	10
Appointments Panel	4	1	0	0	1	0	6
Audit Committee	5	0	1	0	0	1	7
Licensing Committee	6	2	0	1	0	1	10
Newport Harbour Committee	5	1	1	0	0	0	7
Pension Fund Committee	5	1	1	0	0	0	7
Planning Committee	7	2	1	1	1	0	12
Corporate Scrutiny Committee	5	2	1	0	0	0	8
Policy & Scrutiny Committee for Health & Social Care	4	2	0	0	1	0	7
Policy & Scrutiny Committee for Children Services, Education & Skills	4	2	0	1	0	0	7
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	4	1	0	1	1	0	7
<b>TOTAL NO. OF SEATS</b>	<b>55</b>	<b>15</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>88</b>
Proportion (%)	62.5	17.0	5.7	5.7	5.7	3.4	100



## APPENDIX 3

### Current Allocation of Places to Committees for 2019/20 based on Committee Size and Political Proportionality (except for Corporate Scrutiny)

Current size of committees and calculation of seats Proportionate no. of seats on committees based on 40 elected members

Committee	Conser'tive Group	Island Independ't Group	Liberal Democrat Group	Independ't Members Group	1957 Group	Not in a Group	Totals
<b>TOTAL NO. OF COUNCILLORS</b>	<b>25</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>40</b>
Appeals Committee	7	1	0	1	0	1	10
Appointments Panel	4	1	0	0	1	0	6
Audit Committee	4	1	0	1	0	1	7
Licensing Committee	7	2	0	0	0	1	10
Newport Harbour Committee	4	2	1	0	0	0	7
Pension Fund Committee	4	2	1	0	0	0	7
Planning Committee	7	2	1	1	1	0	12
Policy & Scrutiny Committee for Health & Social Care	4	2	0	0	1	0	7
Policy & Scrutiny Committee for Children Services, Education & Skills	4	2	0	1	0	0	7
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	4	1	1	0	1	0	7
<b>TOTAL NO. OF SEATS</b>	<b>49</b>	<b>16</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>80</b>
Proportion (%)	<b>61.3</b>	<b>20.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>3.7</b>	<b>100</b>

Seat allocations on non-politically proportional bodies

Committee	Conservative Group	Island Independent Group	Liberal Democrat Group	Independent Members Group	1957 Group	Not in a Group	Total
Corporate Scrutiny Committee	3	2	1	1	1	0	8



# APPENDIX 4

## Worked Example of How Committee Sizes Would Increase to Accommodate Each Political Group's Representation at Every Committee (Based on Current Arrangements)

Size of committees and calculation of seats (Proportionate no. of seats on committees based on 40 elected members)

Committee	Conser'tve Group	Island Independ't Group	Liberal Democrat Group	Independ't Members Group	1957 Group	Not in a Group	Totals
<b>TOTAL NO. OF COUNCILLORS</b>	<b>25</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>40</b>
Appeals Committee	12	4	1	1	1	1	20
Appointments Panel	13	3	1	1	1	1	20
Audit Committee	13	3	1	1	1	1	20
Licensing Committee	13	3	1	1	1	1	20
Newport Harbour Committee	12	4	1	1	1	1	20
Pension Fund Committee	13	3	1	1	1	1	20
Planning Committee	13	3	1	1	1	1	20
Policy & Scrutiny Committee for Health & Social Care	12	4	1	1	1	1	20
Policy & Scrutiny Committee for Children Services, Education & Skills	12	4	1	1	1	1	20
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	12	4	1	1	1	1	20
<b>TOTAL NO. OF SEATS</b>	<b>125</b>	<b>35</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>200</b>
Proportion (%)	<b>62.5</b>	<b>17.5</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>100</b>

Seat allocations on non-politically proportional bodies

Committee	Conservative Group	Island Independent Group	Liberal Democrat Group	Independent Members Group	1957 Group	Not in a Group	Total
Corporate Scrutiny Committee	8	5	2	2	2	1	20